

Public Participation Sessions

Pursuant to the Public Bodies (Admission to Meetings) Act 1960, the public have a statutory right to attend meetings of a parish council and its committees. Importantly they have no right to participate in a meeting, unless permitted to do so by the Council. Permitting the public to contribute at council meetings is an effective mechanism for community engagement.

Normally, a Councillor with a prejudicial interest is not permitted to be present or to participate in any part of a meeting of a council considering or determining a matter in which he has a prejudicial interest as defined by the Model Code of Conduct. He would be expected to leave the meeting room.

However, if a parish council has resolved and evidenced through their Standing Orders that the public are permitted to participate, and the council has adopted paragraph 12(2) of the Model Code of Conduct, a Member with a prejudicial interest in any business being considered, is entitled to make representations, answer questions and give evidence in the same way as the public also enjoy this right. A Member with a prejudicial interest would be expected to leave the room immediately after he has made representations (this could be a mere comment), answered questions and given evidence. The Code of Conduct prohibits a Member with a prejudicial interest in a matter from voting on it, unless he has obtained a dispensation from his local standards committee.

Once a parish council has resolved that public participation sessions will be incorporated in their meetings, Standing Orders are required to regulate the conduct and duration of the sessions. Standing Orders need to limit the time that individuals speak (no more than 5 minutes per person would be sensible). A maximum of 20 or 30 minutes could be allowed for public questions and comments to be raised. In the absence of Standing Orders, a public participation session is unregulated. This could disrupt the meeting from dealing with the business on the agenda and may also cause the meeting to overrun.

Standing Orders should restrict public participation to items of business on the agenda. Parish councils should not make immediate decisions on comments and representations made by the public, but they can be considered when the council formally considers that item of business, debates the matter and then makes a decision on that matter.

No discussion shall take place on any question put or comment made. Where practical, the Chair may respond to the question or indicate that a written response will be made. There may be instances when comments made by the public would be better addressed and considered at a later meeting, or at the meeting of a particular committee, as they may not have all the relevant information to make a valid decision.

Source: Governance Toolkit for Parish & Town Councils (Published jointly by ACSeS [The Association of Council Secretaries and Solicitors], SLCC [The Society of Local Council Clerks], The Standards Board for England, NALC [The National Association of Local Councils]) and LGA [The Local Government Association], 2009