

## Public Participation at Parish Council Meetings

Members of the public have a legal right to attend meetings of a parish council and its committees, except where they are excluded (by a resolution of the meeting) for specific items which need to be discussed in confidence, for example, staffing matters or tenders for contracts. They have no legal right to speak at meetings of the council or its committees. However as part of its community engagement a good parish council will set aside time for public participation at meetings. A good local council should also adopt paragraph 12(2) of the Model Code of Conduct which permits councillors with a prejudicial interest in an agenda item to speak during public participation (and then leave the room when the item is considered).

It is not a good use of time for members of the public to complain about hedges, street lights, pot-holes and so forth during public participation. A good council will have an easy way for people to contact the clerk about such issues so the participation is best used for issues where a decision will or could be made by the council, or for comments on items already on the agenda. Principal authority councillors have no special rights at local council meetings, but it may be courteous to set aside time for them to report on current issues. It is undesirable to allow members of the public to speak throughout the meeting as this runs the risk of confusing the roles of councillors, who participate in the meeting, and members of the public who observe it. A specific time should be set aside for public participation and standing orders should say that the time will not exceed XX minutes, with individual contributions being limited to YY minutes. If there is a possibility that a large number of people will wish to speak, the chairman could encourage people not to repeat comments made by earlier speakers, or even ask for a single representative to be appointed. Even a large number of people will run out of original things to say quite quickly.

It is up to the council when to allow public participation. A good place is near the start of the meeting immediately after declaration of interests, so that everyone is aware if a member has a prejudicial interest. Comments made during public participation should be (very briefly) minuted; there is certainly no need for a verbatim record. There is no need to minute the names of members of the public who speak but many councils do so.

Libellous, offensive and discriminatory comments should not be minuted as the council is liable for what is in its minutes even if someone else said it. Neither councillors nor the clerk should feel under pressure to respond immediately to comments made during public participation other than those which relate to items on the agenda. A comment could be referred to the clerk to write to, or meet the speaker, or could form the basis for an agenda item at a future meeting. Members of the public do not have a right to force items onto the council agenda but a good council will want to respond to public concern in some way.

The public have a legal right to attend council and committee meetings but they don't have a right to disrupt them. Members of the public should not heckle or otherwise disrupt and should respect the rulings of the chair. The chairman of any meeting has an inherent right to exclude a disorderly person (your standing orders may also have provision for this, but the chairman has an inherent right even if it's not in standing orders). The public have a legal right to be present so excluding one or more of them should be a last resort. Alternatively if there is serious disorder the chairman could adjourn the meeting for a short time to allow people to calm down. If the clerk or chairman knows that a meeting will be very contentious the police could be asked to attend; it is unwise for anyone except a police officer or PCSO to try to exclude someone physically and this could give rise to court action. Disorderly members of the public cannot be excluded from future meetings, nor can they be required to apologise before attending future meetings.

*Little Bromley Parish Council is grateful to the Society of Local Council Clerks for allowing reproduction of this article originally published in The Clerk Magazine in September 2011.*