

# **Hodsock Parish Council**

## **Public Participation Policy**

### **Introduction**

Hodsock Parish Council are the elected corporate body who represent the people of the Civil Parish of Hodsock, we are always happy to listen to suggestions, concerns, comments, complements or complaints.

To allocate time for public engagement we include a break in the Council meetings to hold a Public Forum.

We welcome members of the public to addend as observers of our meetings; it is the public's statutory right under the Public Bodies (Admissions to Meetings) Act 1960 and the Local Government Act 1972.

This document provides guidance for members of the public attending our meetings and for Council Members and Employees.

### **1. Rules**

- 1.1. Our meetings shall be open to the press and public to attend unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. A reason shall be given on the Agenda for the public's exclusion. Exclusion reasons may include, but not be limited to:
  - I. Information which is relating to an individual for example Contracts of employment, salaries, financial or personal business affairs of the individual.
  - II. Tenders for Contracts, including any consultations or negotiations, contemplated consultations or negotiations relating to Contractor labour or financial/business affairs of a person.
  - III. Tenders for Land or property rental, including consultations or negotiations regard leases (if between the Council and a person(s) rather than a corporate business body).
  - IV. Information relating to any action taken, or to be taken in connection with crime prevention, crime investigation or crime prosecution.
  - V. Legal professional privilege (any communications between a solicitor and their client)
- 1.2. Once the Chairman has commenced the meeting, all members of the public shall remain silent at all times.
- 1.3. Members of the public are requested to switch their mobile devices to silent for the duration of the meeting
- 1.4. The opportunity for members of the Public to speak, make statements or ask questions at a Parish Council meeting is a privilege, not a right, and may be withdrawn at any time.
- 1.5. The public forum is outside of the Council meeting, to be able to allow time for a public forum to take place; the chairman shall formally adjourn the meeting.
- 1.6. The Public forum shall be limited to a maximum of 15 minutes.
- 1.7. Only one member of the public is allowed to speak at one time.
- 1.8. Members of the public must address the Chairman, not individual Councillors or the Clerk when speaking.
- 1.9. The Public Forum is outside of the Council meeting, therefore debates and decisions cannot be undertaken in this section and matters discussed are not required to be recorded in the Council minute book.
- 1.10. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- 1.11. No individual member of the public shall speak for more than 5 minutes.

- 1.12. A public member question shall not require a response at the meeting by the Council members or the Clerk, nor start a debate on the question. However, at the discretion of the Chairman, the Council may give a response or decide to add the question asked to the next Agenda for debate.
- 1.13. If the subject spoken about by a member of the public is already an agenda item at the Council meeting, it will be debated under the appropriate item.
- 1.14. All statements, questions and any responses potentially given should be fact related and not personal in nature. There should be no personal views about individuals made.
- 1.15. Complaints – formal complaints should not be made during the public forum; they should be submitted in writing in accordance with our Complaints procedure.
- 1.16. Public participation during the public forum is permitted regarding any topic within the remit of the Parish Council. The Clerk can clarify whether the subject is within the Council's remit.
- 1.17. At the end of the 15-minute period the Chairman shall draw the public forum to a close and reconvene the Parish Council meeting
- 1.18. All persons' present will act respectfully towards every other person present and must not act in any manner which demeans, insults, belittles, threatens, intimidates any another person.
- 1.19. All statements, questions, challenges, responses, or criticisms shall be made politely.
- 1.20. The Chairman has the right to say that a question or statement from the public is inappropriate and not acceptable.
- 1.21. During the Council meeting, if a member of the public interrupts the proceedings of the meeting (including audible whispering and sniggering) then the Chairman may ask the person(s) involve being quiet, leave the room, or if necessary, end the meeting early.
- 1.22. Members of the public must not move towards the Councillors, away from the public seating area without consent of the Chairman during the meeting.
- 1.23. Members of the Public have the right to be present but no legal the right to see or hear all that is said, however, we set up the room in a way to be as accommodating as possible to the public.
- 1.24. During the Council meeting, the Chairman may at their discretion, adjourn the meeting to allow a member of the public to speak on the subject, if the Chairman feels that it will be of benefit to the debate. The Chairman shall then reconvene the meeting.
- 1.25. Because members of the public are not allowed to speak during the Council meeting nor can the Council make any immediate decisions on items that are not on the agenda. We would recommend that members of the public either email the Clerk via [hodsockparish@hotmail.co.uk](mailto:hodsockparish@hotmail.co.uk) or contact a Councillor outside of the meeting to ensure that your view is heard, and so, should it be necessary, the matter can be taken forward as an agenda item on the next Council meeting.
- 1.26. The Chairman's decision is final on public participation
- 1.27. The Public forum is best practice and not a legal right, the public cannot dictate to have one and the council may if it feels necessary, not hold one.

## 2. Public, Council Members & Employees Guidance

- 2.1. Legally, no business can be dealt with unless it is on the agenda and part of the Council Meeting, therefore, Public Forum is outside of the meeting and Council Members should resist the temptation to enter into debate with a member of the Public during such periods because this may cause an improper debate of the Council.
- 2.2. **Ideally, In the first instance**, a member of the public during the public forum, drawing attention to a situation (which requires remedying and is outside the remit of the Parish Council) will have contacted the appropriate body as per the folowing Appendix A schedule A

2.3. However, should a member of the public not have any success reporting the matter to the appropriate body the Parish Council can contact the appropriate body on their behalf, or should the member of the public advise that it is a repeat problem, which requires escalation as they have had no response from the relevant body, a Councillor or the Clerk shall note down the details of the problem and inform the relevant body. Please note to be able to report the problem for you we will need:

- I. The Exact Location/Address of the problem
  - II. A description of the problem
  - III. Your name
  - IV. Ideally, your phone number (so that the person attending the problem can clarify any problems locating the site and let you know the work is complete)
- If the matter relates to the Highways Authority/Notts CC it will be escalated via the County Councillor, if it relates to Bassetlaw District Council it will be escalated through the District Councillor.

2.4. Members of the public are recommended to make the most of their public forum time by preparing notes beforehand.

2.5. Appendix B – Provides an indicative list of powers and functions to help you appreciate the wide range of activities covered by Acts of Parliament surrounding Parish Councils. It is a useful reference when you need to know if the Parish Council has permission to act but note, no list can be totally comprehensive.

2.6. The Appendix B a **Power** is not a requirement of a Parish Council, but how it has certain powers to act if the Council deems it necessary, relevant and has the funds to enable it to do so. Whereas a **Duty** is something it must do.

### 3. Relationships with Existing Policies

3.1. This policy has been drawn up within the context of:

- I. Hodsock Parish Council Standing Orders
- II. Hodsock Parish Council Complaints Procedure

### 4. Other methods to ask questions

4.1. Members of the public may also ask questions by addressing them in writing via the Clerk by email to [hodsockparish@hotmail.co.uk](mailto:hodsockparish@hotmail.co.uk) or by a letter in the post, or alternatively;

4.2. By approaching one of the parish councillors outside of the meeting.

### 5. County Councillors, District Councillors & Local Constabulary

5.1. County and District Councillors and a representative of the local constabulary, who are not also Parish Councillors, who have been invited to attend, may be allowed to speak at the Council Meeting.

## Appendix A – Appropriate Body Schedule

Situation or Problem	Who is Responsible	How to Contact
Abandoned Vehicles	Bassetlaw District Council	On-line form at <a href="http://www.bassetlaw.gov.uk">www.bassetlaw.gov.uk</a> or Phone 01909 533 219 or 01777 713 764

Crime, non-urgent suspicious persons, vehicles and activity, disorderly persons	Nottinghamshire Police	Phone 101
Crime, in progress	Nottinghamshire Police	Phone 999
Dangerous Dogs	Nottinghamshire Police	Phone 101
Dog Fouling	Bassetlaw District Council	On-line form at <a href="http://www.bassetlaw.gov.uk">www.bassetlaw.gov.uk</a> or Phone 01909 533 219 or 01777 713 764
Drainage Channels, Dykes, Drains etc	Trent Valley Drainage Board	Email <a href="mailto:enquiries@lmdb.co.uk">enquiries@lmdb.co.uk</a> or phone 01507 328 095
Drain Ownership Query - If you are unclear as to who has responsibility for drains and sewers in your area	Bassetlaw District Council	Online- Environmental Health Form at <a href="http://www.bassetlaw.gov.uk">www.bassetlaw.gov.uk</a> or phone 01909 533 219 01777 713 764
Hedges - Overgrown or dangerous	Nottinghamshire County Council	On-line form at <a href="http://www.nottinghamshire.gov.uk/">www.nottinghamshire.gov.uk/</a> Transport/roads Or Phone 0300 123 5000
Fly Tipping	Bassetlaw District Council	On-line form at <a href="http://www.bassetlaw.gov.uk">www.bassetlaw.gov.uk</a> or phone 01909 534 501
Lorries through the village	Nottinghamshire County Council	Phone 0300 500 80 80
Lost Dogs Reporting	Bassetlaw District Council	Phone Dog Warden 01909 533219 or 01777 713764
Noise Complaint (barking dogs, loud music, rowdy parties)	Bassetlaw District Council	On-line form at <a href="http://www.bassetlaw.gov.uk">www.bassetlaw.gov.uk</a> or Phone 01909 533 219
Potholes	Nottinghamshire County Council	On-line form at <a href="http://www.nottinghamshire.gov.uk/">www.nottinghamshire.gov.uk/</a> Transport/roads Or Phone 0300 123 5000
Power Cut	Western Power Distribution	Phone 0800 6783 105
Road or Pavement Problem	Nottinghamshire County Council	On-line form at <a href="http://www.nottinghamshire.gov.uk/">www.nottinghamshire.gov.uk/</a> Transport/roads Or Phone 0300 123 5000
Road, highway or Pavement Obstruction including Dead Animals, spillage or debris	Nottinghamshire County Council	On-line form at <a href="http://www.nottinghamshire.gov.uk/">www.nottinghamshire.gov.uk/</a> Transport/roads Or Phone 0300 123 5000
Sewer Flooding, Blocked Sewer	Severn Trent Water	On-line at <a href="http://www.stwater.co.uk">www.stwater.co.uk</a> or Phone 0800 783 4444
Sewage Pump Station problem or adoption	Severn Trent Water	Phone 0800 783 4444
Street Lights	Nottinghamshire County Council	On-line form at <a href="http://www.nottinghamshire.gov.uk/">www.nottinghamshire.gov.uk/</a> Transport/roads Or Phone 0300 123 5000

<p>Street Signs/Furniture Damage to:</p> <ul style="list-style-type: none"> <li>• bus shelter damage</li> <li>• bus pole damage</li> <li>• bus stop electronic display damage</li> <li>• fencing damage</li> <li>• guard rail damage</li> <li>• safety fence damage</li> <li>• street furniture damage</li> <li>• street/road sign damage</li> <li>• traffic light damage</li> <li>• traffic light fault</li> <li>• temporary sign issue</li> <li>• cycle sign damaged or missing</li> </ul>	Nottinghamshire County Council	<p>On-line form at <a href="http://www.nottinghamshire.gov.uk/">www.nottinghamshire.gov.uk/</a></p> <p>Transport/roads</p> <p>Or Phone 0300 123 5000</p>
Trees - Overgrown or dangerous	Nottinghamshire County Council	<p>On-line form at <a href="http://www.nottinghamshire.gov.uk/">www.nottinghamshire.gov.uk/</a></p> <p>Transport/roads</p> <p>Or Phone 0300 123 5000</p>
Vegetation - Overgrown or dangerous	Nottinghamshire County Council	<p>On-line form at <a href="http://www.nottinghamshire.gov.uk/">www.nottinghamshire.gov.uk/</a></p> <p>Transport/roads Or Phone 0300 123 5000</p>
Water – Report an outdoor leak, water supply pressure or water quality problem	Anglian Water	<p>On-line at <a href="http://www.anglianwater.co.uk">www.anglianwater.co.uk</a> Phone 0800 771 881</p>

## Appendix B – List of Parish Council Legal Powers and Duties

Function	Powers & Duties	Statutory Provisions
Allotments	Power to provide allotments. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	Small Holding & Allotments Act 1908, s.23
Baths (public)	Power to provide public swimming baths	Public Health Act 1936, s.221
Boating Pools/Lakes	Provision of boating pools	Public Health Act 1961, s.54
Burial grounds, cemeteries and crematoria	Power to provide, acquire and maintain or contribute towards expenses of cemeteries	Local Government Act 1972, s.214 (6)
Places of public recreation	Power to provide, maintain, encourage the use of facilities & acquire and maintain land for recreation or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them.  Power to provide gymnasiums, playing fields and holiday camps	Public Health Act 1875, s.164 Local Government Act 1972 s14 ss27; Public Health Acts Amendments Acts 1890 s44; Open Spaces Act 1906 ss9 & 10; Local Government (Miscellaneous Provisions) Act 1976 s19; Commons Act 1899

Mortuaries and post-mortem rooms	Power to provide & maintain	Public Health Act 1936, s.198
Charities	Duties (various) in respect of parochial charities & Duty to receive accounts of all local parochial charities	Charities Act 2011, ss.298-303 Charities Act 1960 s32
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers as to maintenance	Local Government Act 1972 S215
Commons and common pastures	Powers in relation to Inclosure, regulation, management and provision of common pasture	In closure Act 1845; Small Holdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community Centres, Village Halls and public buildings	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives & Power to acquire, provide and furnish community buildings for public meetings and assemblies	Local Government (Miscellaneous Provisions) Act 1976 s.19  Local Government Act 1972, s.133
Crime prevention	Power to spend money on crime detection and prevention measures	Local Government and Rating Act 1997, s.31
Employment	Power to employ persons to carry out Council functions	Local Government Act 1972 ss101, 111 & 112
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Environment	Power to issue fixed penalty notices for litter, graffiti and offences under dog control orders	Clean Neighbourhoods and Environment Act 2005, s.19, s.30, Part 6
Flyposting & Graffiti	Power to take enforcement action against those that flypost or graffiti	Cleaner Neighbourhoods & Environment Act 2005
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to repair and maintain public footpaths and bridle-ways.	Highways Act 1980, ss.43, 50
Highways	Power to provide parking places for vehicles, bicycles and motor-cycles.	Road Traffic Regulation Act 1984, ss.57, 63
Highways	Power to provide roadside seats	Parish Councils Act 1957, s.1
Highways	Power to provide certain traffic signs and other notices	Road Traffic Regulation Act 1984, s.72
Highways	Power to plant trees and shrubs and to maintain roadside verges	Highways Act 1980, s.96
Honorary titles	Power to admit to be honorary freemen/ freewomen of the	Local Government Act 1972, s.249

	council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area	
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	Power to acquire by agreement, to appropriate, to dispose of land and to accept gifts of land	Local Government Act 1972, ss.124, 126, 127, 139
Litter	Provision of bins	Litter Act 1983, ss.5, 6
Lotteries	Powers to run and promote a lottery	Gambling Act 2005, s.252, 258
Markets	Power to establish or acquire by agreement markets within the council's area and provide a market place and market buildings	Food Act 1984, s.50
Neighbourhood planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order.	Localism Act 2011, Schedule 9; Town and Country Planning Act 1990, ss.61E-61Q, Schedule 4B; Planning and Compulsory Purchase Act 2004, s.38A
Newsletters	Provision of information relating to matters affecting local government. To to develop the spirit of Best Value this power may be used for parish newsletters	Local Government Act 1972 S142
Open spaces	Power to acquire and maintain land for open spaces	Open Spaces Act 1906, ss.9 and 10
Parish Documents/Records	Powers to direct as to their custody & provide proper depositories for all the specified papers belonging to the parish	Local Government Act 1972 S226 & S227
Precept	Power to raise money through the precept	Local Government Act 1972 s150
Public Toilets	Power to provide & maintain	Public Health Act 1936, s.87
Publicise Functions	Power to to publicise council and local authority functions	Local Government Act 1972 s142
Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss.87-108

Subscriptions	The right to pay reasonable subscriptions annually or otherwise to any association of local authorities formed to consult upon matters of common interest or relating to local Govt, this applies to NALC membership and SLCC membership.	Local Government Act 1972 s143
Town and Country Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to encourage tourism to the council's area	Local Government Act 1972, s.144
Traffic Calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30
Transport	powers to spend money on community transport schemes and Power to conduct surveys to establish the transport needs of the community, the use of and need for roads and the management and control of traffic	Local Government and Rating Act 1997, s.26-29
Training	Powers to spend on train Councillors and employees	Local Government Act 1972 s175
Water	Power to utilise a well or spring for obtaining water	Public Health Act 1936 S125
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s.1

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