

Revised Constitution Wording

Public Participation at County Council, Cabinet and Committees

Meetings of the Council, Cabinet and most Committees are open to the public who may attend and observe.

Members of the public will be treated with respect and courtesy when attending meetings of the County Council. They will be listened to and everyone who has registered will be able to ~~be present~~ speak without interruption or intimidation (within the overall timescales).

It is therefore expected that members of the public listen to the proceedings and respect the views and experiences of other people contributing. For further information please see the Council's [public behaviour protocol](#).]

Members of the public are able to ask a question of the Leader or Cabinet Members at meetings of the full Council or at meetings of the Council's Cabinet. Attendance can be in person or in some circumstances via Teams.

Representations may be made to the Council, Development Management Committee, Scrutiny Committees, the Highways and Traffic Orders Committees or the Public Rights of Way Committee. The representation and the name of the person making the representation will be recorded in the minutes.

At meetings of the Council, it must either be a representation or a question, not both.

To ask a question or make a representation, the individual must live in the area served by the County Council.

The public may also, at any time, deliver or present a petition to the Council or one of its Committees (depending on the subject matter). There are various actions which the Council may take (depending upon the numbers of signatures the petition has) and for further information, please read the Council's Petition Scheme (part 4g).

Any question can be asked provided it is not frivolous, defamatory nor concerns a confidential issue which would be considered in private. The question can be about any matter which relates to the responsibilities of the Council or Cabinet.

The full guidance is available here –

<https://www.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/part-1-can-i-attend-a-meeting/> and covers the following matters.

Part 1 – Attending Meetings

Part 2 - Public Participation, Questions, Representations and Petitions

Part 3 – Submitting Questions to Council or Cabinet

Part 4 - Attendance and time allowed for petitions and / or questions.

Part 5 – Answers to questions and what happens next

Part 6 - Representations to Council

Part 7 - Representations to the Scrutiny Committee Meeting

Part 8 - Presentations to Development Management, Highways and Traffic Orders and Public Rights of Way Committees

Part 9 - Agenda Publication for a meeting

Part 10 – Democratic Services Contact Details

Questions: Council and Cabinet

- ~~1. At any meeting of the County Council or the Cabinet a member of the public who is a resident within the administrative area of the county of Devon may ask the Leader a formal, written, question upon a matter which, in every case, relates to the functions of the Council. In the case of the County Council and the Cabinet the Leader will decide who shall reply to any question for which notice has been given.~~
- ~~2. A person who wishes to attend a meeting for the purpose of paragraph (1) shall give notice in writing to the Chief Executive by 12 noon on the fourth working day before the relevant meeting and include in that notice the text of the question to which they want a reply.~~
- ~~3. Notwithstanding the above, where a question relates to a matter which is included on the agenda for a meeting at which the question is to be put but that agenda or any Officers Report has not been made available before the normal deadline for submission of questions at 2 above then provided written notice of a question is received within 24 hours of that Agenda or Report having been published then the question shall be allowed.~~
- ~~4. No person shall ask more than one question at any meeting of the Council or the Cabinet. If either more than one question is received or a single question contains a number of component questions only the first question shall be accepted.~~
- ~~5. All questions received shall be printed in order of receipt and shall be published just before the meeting together with the answers to those questions. No discussion will take place upon a reply except that a person who has submitted a question is entitled to ask one supplementary question arising from the answer given and to receive a further answer. This must be a question, not a statement.~~
- ~~6. At meetings of the Council answers to questions will be provided prior to consideration of all Framework, Key and other decisions. At meetings of the Cabinet this will take place after consideration of such matters. The time allowed for such answers (and representations – see paragraph 11 below) shall not exceed 30 minutes in total. The order of business may be changed by the Chair at their discretion.~~

- ~~7. If a question is not reached within the overall time limit, the reply will have been published on the agenda page of the meeting on the website.~~
- ~~8. If the questioner is unable to attend the meeting the Chief Executive shall send the questioner the reply which the Leader or Chair would have given.~~
- ~~9. If a question is unsuitable in form, frivolous or derogatory to the dignity of the Council, the Cabinet or the Committee or relates to a matter which should be considered in the absence of the press and public the Leader/Chair shall have the right to rule a question out of order.~~
- ~~10. Questions must be submitted, in writing, and via e-mail is acceptable.~~

~~Representations: Council, Development Management, Highways & Traffic Orders, Public Rights of Way and Scrutiny Committees~~

- ~~11. In addition to the provisions set out at paragraphs 1-10 above, any member of the public may, at any ordinary meeting of the County Council, make oral representations on any matter relating to the functions of the Council; such 'representations' are limited to 3 minutes per person, within the overall time limit for Questions and Oral Representations of 30 minutes (see paragraph 6). Such persons are required to submit in advance an outline of the point(s) they may wish to make, by 12 noon on the fourth working day before the relevant meeting. It is important to note that at meetings of the Council, it must either be an oral representation or a question, not both. Officers may choose to respond to something you have raised, but this is a matter for them, and you should not necessarily expect a response to a representation.~~
- ~~12. At any meeting of the Development Management Committee, an applicant, objector or supporter may make a representation of up to three minutes relating to:
 - a) ——— a planning application to be determined by that Committee;
 - b) ——— any consultation on a proposal by a Government Department; or
 - c) ——— a Review of an Old Minerals Permission application.~~
- ~~13. Any applicant, objector or supporter who wishes to make a presentation to the Development Management Committee must give notice of that intention, in writing, to the Chief Executive by 12 noon on the fourth working day before the relevant meeting of the Committee, indicating the application or proposal upon which they wish to make a presentation.~~
- ~~14. Where, in the case of a planning application or a ROMP application, a number of objectors or supporters wish to make presentations, a~~

~~representative shall be nominated by them to present the views of all the objectors or supporters. In such cases the identity of the spokesperson must also be made known to the Chief Executive prior to the start of the meeting. If necessary, the Chief Executive will draw the attention of objectors or supporters to the need to nominate a single spokesperson.~~

~~15. Presentations will be strictly limited to three minutes and will be made only after a short introduction of the report by the relevant Director, Head of Service or Chief Planner. Applicants, objectors or supporters may not participate in the debate or ask questions of officers or Members.~~

~~16. If, for any reason, an application is to be considered by the Committee on more than one occasion then any person who wishes to make a presentation may do so only once. On the rare occasion that an application comes to the Committee again with changes from the original proposals, participants may speak but limit the scope of their comments to those changes. This procedure shall not apply where the Committee is considering a report of a site visit upon an application previously considered by the Committee.~~

~~17. Where presentations are to be made by both an applicant and an objector on a particular application, they will be taken in that order, but if one decides not to participate the other will not be precluded from making a presentation.~~

~~18. At any meeting of a Highways & Traffic Orders Committee an objector or supporter may make a presentation of up to three minutes relating to any traffic regulation proposal to be considered by that Committee, at the meeting at which it is to be considered.~~

~~19. Any objector or supporter who wishes to make a presentation to a Highways & Traffic Orders Committee must give notice of that intention, in writing, to the Chief Executive by 12 noon on the fourth working day before the relevant meeting of the Committee, indicating the proposal upon which they wish to make a presentation.~~

~~20. In relation to Highways and Traffic Orders Committees, any member of the District Council or a Town or Parish Councillor for the area covered by the HATOC who is not a member of the Committee, may attend and speak to any item on the Agenda with the consent of the Committee, having given 24 hours' notice.~~

~~21. Where a number of objectors or supporters wish to make representations, a representative shall be nominated by them to present the views of all the objectors or supporters. In such cases the identity of the spokesperson must also be made known to the Chief Executive prior to the start of the meeting. If necessary, the Chief Executive will draw the attention of objectors or supporters to the need to nominate a single spokesperson.~~

- ~~22. Presentations will be strictly limited to three minutes and will be made only after a short introduction of the report by the relevant Director or Head of Service. Objectors or supporters may not participate in the debate or ask questions of officers or Members.~~
- ~~23. Where presentations are to be made by both an objector and a supporter on a particular proposal, they will be taken in that order, but if one decides not to participate the other will not be precluded from making a presentation.~~
- ~~24. At any meeting of the Public Rights of Way Committee an objector or supporter may make a presentation of up to three minutes relating to any Order relating to a proposal for a public path order to be considered by that Committee, at the meeting at which it is to be considered.~~
- ~~25. Any objector or supporter who wishes to make a presentation to the Public Rights of Way Committee must give notice of that intention, in writing, to the Chief Executive by 12 noon on the fourth working day before the relevant meeting of the Committee, indicating the proposal upon which they wish to make a presentation.~~
- ~~26. Where a number of objectors or supporters wish to make presentations, a representative shall be nominated by them to present the views of all the objectors or supporters. In such cases the identity of the spokesperson must also be made known to the Chief Executive prior to the start of the meeting. If necessary, the Chief Executive will draw the attention of objectors or supporters to the need to nominate a single spokesperson.~~
- ~~27. Presentations will be strictly limited to three minutes and will be made only after a short introduction of the report by the relevant Officer. Objectors or supporters may not participate in the debate or ask questions of officers or Members.~~
- ~~28. Where presentations are to be made by both an objector and a supporter on a particular proposal, they will be taken in that order, but if one decides not to participate the other will not be precluded from making a presentation.~~
- ~~29. At any meeting of a Scrutiny Committee, any resident (of the administrative county) of Devon may speak on any substantive matter listed on the Agenda of any Scrutiny Committee (i.e. other than matters for information or administrative business). Any person wishing so to do must register, in writing (by letter or email), by 12 noon on the fourth working day before the relevant Scrutiny Committee – giving an outline of the point(s) they wish to raise. If more than one person wishes to make the same point or make similar representations, those persons may be asked to agree a spokesperson to make a single presentation. Any representation shall be limited to 3 minutes per person, within an overall time limit of 15 minutes. All representations will be taken together at the~~

~~beginning of the relevant Scrutiny Committee, immediately after consideration of any urgent business. If there are more than 5 persons wishing to speak the Chair may reduce the amount of time for each person. Representations should be concise and must not be defamatory or offensive. No writing or photographic material may be circulated around a meeting during any presentation. Direct, specific, questions to Members or Officers will not be accepted but, in making any representation, a person may pose a general suggestion that they would wish the Committee to have regard to in the course of its subsequent deliberations. There will be no detailed answers to any points raised, although Officers or Members may choose to respond for points of clarification. The Committee may take into consideration the points that you raise in their questioning of the subject at the appropriate point in the meeting.~~

~~30. The representation and the name of the person making the representation will be recorded in the minutes.~~

General

~~31. As set out at Article 3 of this Constitution, and at any of those meetings, the Leader or Chair may also receive petitions from members of the public before responding to any questions received which will be dealt with in accordance with the Council's Petition Scheme (Part 4 of the Constitution).~~

~~32. Detailed advice for the public on the operation of these schemes is set out on the Council's website at: <https://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/part-1-can-i-attend-a-meeting/>~~