

Public Participation in Council Meetings

There is an historic practice of completely closing council meetings, holding the public participation session, and then reopening the meeting again when that session concludes.

SALC's advice reflects the current NALC advice as specified in LTN 5 paras 41 and 42 (extract below):

Public participation

41. When the public attend meetings they have no right to participate in them, unless permission is given. It is good practice for councils to set aside time (e.g. 15 or 20 minutes) at meetings for the public to make statements and ask questions. It is advisable for a council to permit public participation at meetings of the full council (and the meetings of committees) that are likely to be of most interest to the public e.g. a planning committee. Councils are recommended to adopt standing orders to structure public participation sessions and may refer to NALC's model standing orders 3e-h on pages 180 – 181 of 'Local Councils Explained'. Standing orders may confirm that public participation at a meeting is restricted to items of business on the agenda for the meeting. Members of the public who wish to communicate about business which is not included in the agenda for a meeting may communicate with the council in alternative ways e.g. by written correspondence or attending councillors' surgeries.

42. Where a council permits the public to participate at a meeting, this session:
 - is included as an item in the agenda
 - forms part of the council meeting in law;
 - is managed by the Chairman of the meeting;
 - is documented in the minutes of the meeting;
 - may permit a councillor to speak on a matter in which they have an interest which he/she is otherwise not permitted to speak about at the meeting;

It is important that there is clear demarcation both on the agenda and during the proceedings as to when the public session starts and finishes, but actually deeming the meeting to be 'closed' would not be appropriate. As an aside, there is nothing to stop a council inviting a comment from a member of the public during the other parts of the meeting should it be appropriate, although this should be in a controlled manner and normally by invite from the Chairman.

This issue has come to the fore, owing to councils questioning whether the new Public Right to Report (film etc) council meetings extends to the public participation session on the basis that they have, erroneously, considered that session to be outside of the meeting.

Minutes are records of decisions of the meeting (not stories, verbatim records or opinions). Minutes can reflect the background discussions but we would recommend this is generally put (e.g. 'there was discussion about the advantages and disadvantages of x proposal' and does not name specific councillors or individuals (remember Data Protection Act responsibilities to the public). In the public participation section, we recommend brief overview bullet points or summaries are used.

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