

# Council's Scheme for Public Questions<sup>1</sup>

The purpose of this Scheme for Public Questions is to provide guidance to Members, Officers, and the public on how questions at Full Council meetings will be dealt with. It is intended to be read alongside, and to be complementary to, Council Procedure Rule 12 (Public Question Time) as set out in the Hart District Council Constitution. If there is any conflict between the two, then Council Procedure Rule 12 shall take precedence.

## General

Members of the public can ask specific questions of the Leader, Members of the Cabinet or any Chairman of a Committee at ordinary meetings of the Full Council<sup>0</sup> and questions can be asked by anyone who lives, works or studies in Hart District. Questions should be clear and concise (no more than 100 words including any context or subdivided parts) and should be framed to elicit information rather than to make a statement. The Chairman of Council, in consultation with the Chief Executive may refer a question to Officers for a direct written response if they consider the question can be most appropriately handled in that way. This may happen where, for example, it is felt that the question requires an in depth technical answer, or is unreasonably excessive because of its length or its number of parts.

The time allowed for each question shall be 2 minutes. The time allowed for each answer shall be 2 minutes. The total time allowed for both questions and answers shall be 20 minutes. This limit may be extended at the discretion of the Chairman.

## What should Questions be about?

The purpose of Public Questions is for members of the public to seek information. Questions should be about something within the Council's responsibilities, or something the Council is able to influence. They should not be defamatory or offensive, or require the Council to disclose confidential information. If the question is substantially the same as one that has been put to the Council during the previous six months, it will not be answered again. Questions that take the form of a statement and not a genuine enquiry are unlikely to be accepted as being suitable for the purposes of Public Questions. In addition, questions should not be about:

- i) Planning applications/decisions - if you wish to influence a decision on a planning application you need to write directly to the planning officer dealing with the particular planning application that you are interested in. The Planning Officer will then make sure that your views are incorporated into any report that is prepared before any final decision is made on the application.
- ii) Alcohol, gambling or sex establishment licensing applications/decisions - there are strict rules about what can influence licensing decisions. The law only gives 28 days for residents and business in the vicinity of the premises to make representations on a licensing application. **NOTE** This is an absolute limit. If you don't object within this 28 day period you have lost the legal right to make any objection.

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<sup>1</sup> This Scheme only applies to Public Question time at Full Council. It does not apply to Cabinet, Overview & Scrutiny Committee, Planning Committee, or Licensing Committee where separate arrangements may have been adopted.

- iii) Any matter that is the subject of active legal or enforcement proceedings or an appeal to a tribunal (Housing Benefits Appeal Service for example) or to a Government Minister (a planning appeal for example) or an investigation by the Local Government Ombudsman.
- iv) There are separate procedures to follow if you want to make a complaint about a Councillor or a Council employee - please write to the Council's Monitoring Officer.
- v) Freedom of Information (FOI) request – there is a formal way to make an FOI request.

In the six-week period before an election or referendum the Council may need to deal with Public Questions differently to avoid taking any action that can otherwise be perceived as being advantageous to any candidates or parties in the forthcoming elections or referendum.

### **Order of questions**

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions or, if there is more than one questioner, the Chairman may, at his discretion, adjust the order of questions to enable all questioners to have their first question heard before moving on to allow second or subsequent questions.

### **Notice of questions**

A question may only be asked if notice has first been given in writing to the Chief Executive (email to [committeeservices@hart.gov.uk](mailto:committeeservices@hart.gov.uk)) no later than midday five clear<sup>2</sup> days before the day of the. Each question must give the name and address of the questioner.

### **Scope of questions**

The Chief Executive may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility or which affects the District
- b) is substantially the same as a question which has been put at a meeting of the Council in the past six months
- c) is defamatory, frivolous, vexatious, or offensive
- d) requires the disclosure of confidential or exempt information.

The Chairman may also rule that a question should not be answered if it is felt that the preparation of the answer would require the expenditure of a disproportionate amount of time, money or effort.

### **Record of questions**

Copies of the questions accepted will be circulated to all Councillors and will be made available to the public attending the meeting. Only the specific question and answer will be published in the minutes after the meeting. Background or supporting material will not be recorded or published.

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<sup>2</sup> Clear days excludes the day the question is received and the day of the meeting.

### **Asking the question at the meeting**

The Chairman will invite the questioner to put his question. If a questioner who has submitted a written question is unable to be present, he may ask the Chairman to put the question on his behalf.

### **Time Limits**

The time allowed for each question is 2 minutes and the time allowed to answer the question is also 2 minutes.

### **Supplementary question**

A questioner who has attended the Council meeting to pose their question may also then put one supplementary question to the Councillor who has replied to his original question. The supplementary question must arise directly out of the original question or the reply. It must not be a statement. It should also not repeat the original question. The time allowed for each supplementary question and its answer is 2 minute each.

### **Written answers**

Any question that cannot be dealt with during Public Question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer within 10 working days but there will no opportunity to ask a supplementary question. All answers will be circulated to members of the Council.

### **How to contact Committee Services**

Email: [committeeservices@hart.gov.uk](mailto:committeeservices@hart.gov.uk)

Tel: 01252 774141

Write: Committee Services, Hart District Council, Harlington Way, Fleet, GU51 4AE