

Part B – Public Participation

[Section 1 Public Participation](#)

[Section 2 Access to Information Procedure Rules](#)

[Section 3 Petition Scheme](#)

1. Public Participation with Buckinghamshire Council

- 1.1. At Buckinghamshire Council we encourage and actively support people getting involved in our work to serve our area. We want to make it easy for people to get involved and give us their views to help influence and develop what we do and the decisions we take.
- 1.2. We welcome suggestions which will help us improve the way we work and how we involve the public. You can make suggestions on the Council's website.
- 1.3. There are lots of ways you can get involved with the work we do and find out about the decisions we make.

Attendance at Meetings of Council, Cabinet and Committee Meetings

- 1.4. The public are encouraged to attend meetings of the Council to hear the debate. The public are only able to speak at certain meetings but all meetings are open and if you can't make it to the meeting you can usually watch it live on our website.
- 1.5. You can find out when and where we have our meetings on our website. You can also see what we will be covering in our meetings by looking at the agenda and reports for each meeting. We publish these on our website at least five days ahead of the date of the meeting.
- 1.6. There are limited occasions when we need to discuss confidential details. When this happens we exclude press and public from the meeting while these issues are discussed. This is also called a private session. We will only do this when absolutely necessary and where there is legal justification for us to go into private session.

Public Speaking

- 1.7. The public can speak in accordance with set procedures at the following meetings:
 - a. Select Committees:

The Select Committees are open to the public and public involvement in key issues is encouraged. Please see the website for further details.
 - b. Community Boards:

We encourage people to attend Community Board meetings, ask questions and get involved. The rules for public speaking at community boards are set out in a terms of reference document and published on the website.
 - c. Other Meetings:

Special rules apply to speaking at other meetings such as at the Planning Committees or Regulatory Committees. Further details can be found on the sections dealing with those Committees.

Planning Committees, Licensing Committee and the Licensing Sub-Committees

- 1.8. Although special rules apply to speaking it is also possible to write beforehand with views that you want the Committee to consider. There are rules about this which are set out on our website.
 - a. You can find out how you can attend or speak at our planning committees, licensing committee or sub-committees' meetings [here](#).

Cabinet

- 1.9. The Cabinet has developed a Forward Plan. This is found on the Council's website. It indicates the most important decisions (known as "key decisions") which the Cabinet will be taking in the future and when this is likely to be done.
- 1.10. If you are interested in attending a Cabinet meeting when a key decision is discussed, you can subscribe to electronic updates which will let you know when the meeting will take place.
- 1.11. You can also send in your views in writing to democracy@buckinghamshire.gov.uk

Select Committees

- 1.12. The Council has a number of Select Committees which deal with separate parts of the Council work. These committees help the Council to develop new policy by finding out what is needed they also act as a "critical friend" to hold decision makers to account. Select Committees also carry out inquiries and reviews and welcome suggestions from residents as to areas they could investigate. You can get more details via the website or in [Part G](#).

Community Boards

- 1.13. Community Boards will take place in 16 local areas and there will be a Board for each area. The Boards welcome public participation. Although they are formal meetings they have a more relaxed way of working. Details about Community Boards and what they do are available on the Council's website.

Petitions

- 1.14. The Council is pleased to accept petitions dealing with something for which the Council is responsible. There are rules which set out how to make a petition to the Council and what happens when we receive a petition and how we respond as a Council. The Petition Scheme is in [Section 3](#) below and on our website.
- 1.15. Petitions need to clearly show what they are about. Names of everyone who supports the petition must be set out in an identifiable way. Some petitions, for example, those asking for the Council to have a different form of governance, must follow special rules set out in law.

Consultation

1.16. We try to consult as widely and as fairly as possible. Sometimes, with matters such as planning and licensing applications, there are specific statutory consultation processes that the Council must follow. Other than this, we will try to consult on important decisions as widely as possible and give feedback about the outcome of the consultations.

Councillors

- 1.17. The area of Buckinghamshire Council is divided into administrative areas, called wards. Each ward is represented by elected councillors as detailed on the website. If you are registered and eligible to vote you can vote for the people that you want to represent your ward at Buckinghamshire Council during local elections which are normally held every four years unless there is a vacancy or the Government has set a different time (such as 2025 for Buckinghamshire Council's next election). Find out more about elections and how to register to vote [on the website](#). Although they have responsibility for the whole of the Buckinghamshire Council area, your local ward councillors also have a particular responsibility to the residents of their ward.
- 1.18. You can find out who your local councillor is, and how to get in touch with them [here](#).
- 1.19. Your local councillor may hold scheduled sessions where you can meet them face to face to talk about issues which concern you or where you need advice about Council matters. You can find out how to contact your local councillor using the contact details on our website.

Webcasting and Social Media

- 1.20. Members of the public are welcome to come and watch meetings of Buckinghamshire Council in person. Many meetings are also available to view online using the [webcast service](#).
- 1.21. Updates from Buckinghamshire Council can also be found on social media:

[Facebook](#)

[Twitter](#)

[Youtube](#)

Linked In – Buckinghamshire Council

Instagram - @BucksCouncil

Many local councillors have their own social media accounts too.

Budget and Policy Development

- 1.22. Buckinghamshire Council wants to include and involve local people when Councillors come to set the budgets and key policies so that residents can directly influence the decisions the Council make.
- 1.23. When appropriate the Council runs consultations inviting people to [have their say](#). Focus groups and residents or user panels may also be arranged as a way of seeking out views. In addition, Community Boards will publicise proposed changes or consultations with a view to encouraging members of the community to have their say.

2. Access to Information Procedure Rules

Introduction

- 2.1. The Council is committed to the principles of transparency laid down in the Access to Information legislation (including the Freedom of Information Act 2000 and Environmental Information Regulations 2004). In accordance with the legislation, it maintains a Publication Scheme approved by the Information Commissioner which is available on the Council's website. It is committed to:
- a. Promoting a positive attitude to dealing with requests for information.
 - b. Maintaining information in an orderly and efficient fashion and disposing of information that is no longer required.
 - c. Increasing awareness and understanding of the implications of the Act, both amongst its employees and amongst members of the public.

These Procedure Rules make provision for access to information to relevant matters set out in this Constitution. They do not affect any additional rights to information contained elsewhere in this Constitution or the law.

Scope

- 2.2. These Rules apply to all meetings of the Council, Select Committees, Community Boards, Joint Committees, and other Council Committees including the Health and Wellbeing Board and public meetings of the Cabinet (together called meetings) unless otherwise stated.

Rights to Attend Meetings

- 2.3. Members of the public may attend, record, photograph, film and report on all meetings subject only to the exceptions in these Rules.
- 2.4. Members of the public who wish to report or record public meetings are required to comply with any Council guidance on the reporting and recording of meetings which may be issued on practical arrangements. The Council will not permit the recording or reporting of proceedings where the public are not allowed to attend the meeting, or that part of the meeting, by reason of the likely disclosure of exempt or confidential information, and such reporting and recording must be conducted in such a manner as not to disrupt the conduct of the authority's business.
- 2.5. It is recommended that members of the public who wish to record, photograph, film and report on public meetings advise Council officers in advance of the meeting so that all necessary practical arrangement can be made.
- 2.6. In relation to Cabinet Meetings, non-Cabinet Members can attend the meeting as a member of the public. Members of the public are not able to ask questions at Cabinet Meetings however councillors attending as a member of the public will be

allowed to ask questions at the meeting subject to complying with any relevant procedural rules.

Notices of Meeting

- 2.7. The Council will give at least five clear days' notice of any meeting by posting details of the meeting on the Council's website and at principal offices.
- a. Meetings will normally be held in public unless the content of the meeting requires it to be held in private (sometimes called private session),
 - b. If the Cabinet wishes to consider an item in private it will give 28 clear Days' notice of its intention to do so on the Forward Plan unless there are exceptional circumstances,
 - c. After having given 28 clear days' notice of its intention to consider an item in private, a further notice at least 5 clear working days before the meeting that the meeting will proceed in private will be given. This Notice will be given by the Monitoring Officer (the Proper Officer) and will give the Cabinet's reasons for meeting in private, details of the representations received that a private meeting should not take place and contain a statement of the Council's response,
 - d. If it is proposed that the Cabinet consider an item in private and 28 clear days' notice of such a meeting has not been given on the Forward Plan, the agreement of the Chairman of the appropriate Select Committee is required if the public are to be so excluded.

Access to Agenda and Reports Before the Meeting

- 2.8. The Council will make copies of the agenda and reports open to the public available on the Council's website and available for inspection at its designated office at least five clear days before the meeting. Where an urgent item is added after this time, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors, and will ensure that it will be open to inspection from the time the item was added to the supplementary agenda.

Supply of Copies

- 2.9. The Council will supply copies of:
- a. any agenda and reports which are open to public inspection;
 - b. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - c. if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item;

To any person. The Council may charge to supply this information if it would be permitted to do so under its Charging Policy.

Access to Minutes Etc. After the Meeting

- 2.10. Draft minutes of a decision are only confirmed as a correct record of a decision when:
- a. Approved as a correct record at the next convenient meeting of the body (Council, Committees and Sub Committees)
 - b. Signed as a correct record by the Proper Officer (Cabinet and Cabinet Committees)
 - c. Signed by the Cabinet Member who has taken the decision or by an Officer alone.
- 2.11. Where appropriate, the Council will prepare and make available on request, a draft decision notice, as soon as practicable after the decision has been made, but any such draft should not be relied on as a correct record until it has been confirmed as such.
- 2.12. The Council will make available access to copies of the following after a meeting in accordance with its Retention Schedule:
- a. the minutes of the meeting, or, where appropriate, records of decisions taken, together with reasons, for all meetings of the Cabinet excluding any part of the minutes of proceedings when the meeting was not open to the public and which disclose exempt or confidential information;
 - b. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - c. the agenda for the meeting; and
 - d. reports relating to items when the meeting was open to the public provide that such reports do not contain confidential or exempt information or, if they do the information disclosed is no longer confidential or exempt.

Background Papers

- 2.13. The Author of a Report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
- a. disclose any facts or matters on which the report or an important part of the report is based; and
 - b. which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rules 2.17 and 2.20 below)
- 2.14. The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers, except in so far as they disclose exempt or confidential information.

Summary of the Public's Rights

- 2.15. A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at all principal Council offices open to the public. Details of where inspection and copying may take place will be included.

Confidential Information – Exclusion of the Public

- 2.16. The public must be excluded from an item at a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

Meaning of Confidential Information

- 2.17. For the purposes of access to reports, confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order or any enactment.

Exempt Information – Discretion to Exclude Public

- 2.18. The public may be excluded from an item at a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.
- 2.19. Where a decision on an item at a meeting will determine any person's rights or obligations, or adversely affect their possessions, Article 6 of the European Convention on Human Rights establishes a presumption that the discussion of the item will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Meaning of Exempt Information

- 2.20. Subject to paragraph 2.21 below, and to the test of the Public Interest set out in paragraph 2.22 below, information is exempt information where it falls within any of the following categories:
- a. Information relating to an individual.
 - b. Information which is likely to reveal the identity of an individual.
 - c. Information relating to the financial or business affairs of any particular person (including the public authority holding the information), except where the information is required to be registered under certain prescribed statutes detailed in Part 2 of Schedule 12A Local Government Act 1972 from time to time which include the Companies Acts (as defined by s.2 of the Companies Act 2006) and the Charities Act 2011.
 - d. "Financial or business affairs" includes contemplated, as well as past or current activities.

- e. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority. "Labour relations matter" means any matter which may be the subject of a trade dispute, or any dispute about any such matter (i.e. a matter specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.
 - f. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - g. Information which reveals that the Authority proposes: a to give under any enactment a notice, under or by virtue of which requirements are to be imposed on a person; or b to make an order or direction under any enactment.
 - h. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 2.21. Planning permission Information falling within any of the categories in paragraph 2.20 above is not thereby exempt if it relates to proposed development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Public Interest Test

- 2.22. Information falling within any of categories in paragraph 2.20 above, which is prevented from being exempt because either:
- a. it falls within category c., and is required to be registered under the prescribed enactments; or
 - b. paragraph 2.21 applies to it
- is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Freedom of Information Act 2000 and Environmental Information Regulations 2004

- 2.23. In compliance with the Freedom of Information Act 2000, the Council will respond to any requests for information. There is no charge for responding to requests for information other than 'disbursement' costs; however, a charge may be made if it exceeds the Government's advisory fee level or the request is one which comes under the Environmental Information Regulations 2004.

Exclusion of Access by the Public to Reports

- 2.24. The Monitoring Officer may exclude access by the public to a report which, in his or her opinion, relates to an item during which, in accordance with Rules 2.16 or 2.18, the meeting is likely not to be open to the public; or, as the case may be, was

not open to the public. Such reports will be marked “Not for Publication”, together with the category of information likely to be disclosed. Before the Public are excluded in accordance with this provision, the Council must have complied with the Notice provisions in Rule 2.7 above and Notice of the proposal to meet in private will have been given by the Council’s Proper Officer.

Rights of Access to Information by Councillors

- 2.25. Where a Committee has resolved to exclude the public from a meeting or part of a meeting on the grounds that exempt or confidential information is being considered, Members who are not Members of that Committee will generally also be excluded from that meeting or part of the meeting. However, a Member may attend the meeting and/or inspect any exempt or confidential documents relating to the business of the Committee if he/she can demonstrate a “need to know”.
- 2.26. A Member’s “need to know” arises when he/she requires the information in order to carry out properly his/her duties as a Member. It may apply to information about matters affecting his/her electoral division or matters which relate to a Council body or informal working group to which he/she belongs. It does not arise where a Member would simply like to know what is in a document or what may be said at a meeting. It also does not enable a Member to “rove through” a large number of files in search of information (sometimes known as “fishing for information”). Whether a need to know arises in a particular case will be a matter of fact and degree, to be decided in the light of all the circumstances of the request.
- 2.27. It is a general presumption that all reports, including those containing confidential or exempt information, will be available to Select Committees where they are relevant to that business to be conducted by that Committee. This presumption may be dis-applied in exceptional circumstances.
- 2.28. In the event of a dispute, the Monitoring Officer will determine whether a Member has demonstrated a “need to know”. The test that will be applied is whether it is reasonable to refuse access given all the circumstances. For example, if a Member is motivated by improper or ulterior reasons, it would be appropriate to refuse access.

3. Petition Scheme

- 3.1. Buckinghamshire Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. Councils have discretion on how petitions are approached locally. This is Buckinghamshire Council's Petition Scheme.

What is a Petition?

- 3.2. The Council treats as a petition any communication which is identified as being a petition or if it seems to us that it is intended to be a petition and has a minimum of 10 signatories of people who live, work or study in the Buckinghamshire Council area.

The Role of Councillors

- 3.3. Before considering whether or not to submit a petition to the Council the petition organiser may want to discuss their issue with one of their [local councillors](#). Their Local Councillor will be able to advise whether the matter is one for the Council and also whether a petition is the best form of engagement with the Council on the matter which has been raised.
- 3.4. When a petition is received by the Council which relates to a local matter (particularly affecting a specific ward), the Council will notify each relevant local Councillor.

How Do I Submit a Petition?

- 3.5. You can submit a petition by post, by hand, e-mail or through the e-petition scheme if available.
- 3.6. Petitions can be sent to:

The Petitions Officer, Monitoring Officer, Buckinghamshire Council, Walton Street, Aylesbury HP20 1UA

Or emailed to democratic services at democracy@buckinghamshire.gov.uk

Or by hand at any of our offices

Or be set up as an e-petition via the website

The Council welcomes e-petitions which are created and submitted through the e-petitions section of our website. E-petitions must follow the same guidelines as paper petitions. All e-petitions will run for **28 days** (unless the Petitions Officer agrees an alternative timescale) to ensure that the Council's decision making process is not delayed. The petition will need to be checked before it is published on line and if the Council is unable to publish it, an officer will contact the Petition Organiser to explain why.

How We Will Deal with a Petition

- 3.7. All petitions submitted to Buckinghamshire Council will receive an acknowledgement from the Council within 3 clear working days of receipt.
- 3.8. If the petition is not valid it will be returned to the Petition Organiser with an explanation within 10 clear working days of receipt.
- 3.9. If the petition is valid the Petition Organiser will then be informed of how the petition will be handled within 20 clear working days of acknowledgement
- 3.10. If the Petition Organiser is submitting the petition in response to a Council consultation or on a specific matter, it is important to identify the matter which it relates to, so that the Council can ensure that the petition is considered along with the original matter. See below for further guidance.
- 3.11. Please be aware any petition submitted to the Council will be publicly available and may form part of an agenda and published on the Council's website

What Makes a Petition Valid?

- 3.12. A petition must include:-
 - a. what it is about – it must relate to a responsibility of the Council (this must be on each page of the petition)
 - b. What the petitioner wants the Council to do (this must be on each page of the petition)
 - c. name of everyone who supports the petition must be set out in an identifiable way
 - d. For paper petitions the signature of each petitioner
 - e. The name and contact details of the “petition organiser” or someone the petition organiser would like any correspondence about the petition to be sent. This can be either a postal or an email address

The Petition Organiser may include the addresses of petitioners, which may be useful to the Council, for example, in assessing the degree of local support or opposition to a particular matter, but this is not essential.

- 3.13. The Monitoring Officer may reject a petition if in their view:
 - a. It is not relevant to Council functions
 - b. It does not qualify under the scheme or does not comply with the above rules
 - c. It is vexatious, abusive or otherwise inappropriate
 - d. It is a duplicate or repeat petition
 - e. It is a petition qualifying under another enactment
 - f. It is excluded because for example:
 - i. It relates to a planning decision and/or ancillary applications and decisions and/or follow on decisions;

- ii It relates to a licensing decision;
- iii It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

3.14. In the period immediately before an election or referendum the Council may need to deal with the petition differently – if this is the case the Petition Officer will explain the reasons and discuss the revised timescale which will apply. Political impartiality must be maintained during the pre-election (purdah) period. If the petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In this case, the Petitions Officer will write to the Petition Organiser to explain the reasons.

Different Types of Petition

3.15. There are different types of petitions which are submitted for various reasons:-

- a. Consultation - Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal. The petition will be taken into account either by the appropriate body, officer, or the Cabinet Member taking the decision.
- b. Council-wide - the Petition will be presented at full Council. The Council will not debate the petition. The relevant Local Councillor will be allowed 3 minutes to present the petition at the meeting. Except with the consent of the Chairman only one person may speak to present a petition. At any one meeting, no councillor may present more than two petitions unless approved at the time of receipt by the Monitoring Officer in consultation with the Chairman. The full Council may refer the petition to the relevant Cabinet Member for consideration. The Cabinet Member may provide an immediate verbal response to the petition, or refer it to a relevant Committee, Community Board or the Cabinet for further consideration. Presentations at Committees may be made by the relevant councillor or the petition organiser. The relevant councillor or the petition organiser will be allowed **3 minutes** to present the petition unless otherwise agreed by the Chairman.
- c. Petitions on Local issues will normally be presented to and dealt with by the Community Boards (please see the website for more information). A report will be written giving an officer response to the petition which will be considered by the Community Board. (If there is a deadline to respond to the petition before the meeting the petition could be considered by the officer, Local and Cabinet Member). If the Board does not agree with the officer response they can decide to refer the issue to the relevant Cabinet Member for reconsideration with an explanation of their reasoning. If there is a petition relating to a local issue which is currently being consulted upon the Petitions Officer may consider that the best route for this petition is via the Council or Consultation route as explained above to be taken into account by the decision taker rather than being submitted to the Community Board.

The Petitions Website

- 3.16. The Council maintains a petitions website.
- 3.17. As soon as it is decided who the petition will be considered by within the Council, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the Petition Organiser. Once the petition has been considered, the Council's decision will be notified to the Petition Organiser and put on the website.
- 3.18. Petitions are presented on the petitions website in the order in which they are received. All petitions are kept on the website for two years from the date of receipt. Signatories names will be retained and published on e-petitions only.
- 3.19. **What can the Petition Organiser do if they feel their petition has not been dealt with properly?**

- a. Contact their local councillor; or
- b. Go through the Council's complaints procedure;

The Petitions Officer (Monitoring Officer)
Buckinghamshire Council
Walton Street
Aylesbury
Buckinghamshire
HP20 1UA