

PART 8.9 PROTOCOL FOR PUBLIC QUESTIONS AT COMMITTEES AND SUB-COMMITTEES OF BRIGHTON AND HOVE CITY COUNCIL

1. A period of not more than fifteen minutes shall be allowed at each ordinary meeting of any Committee or Sub-Committee (see note 1 below), but not any Joint Committee, for questions submitted by any member of the public who either lives or works in the area of the authority.
2. References below to “Committee” include “Sub-Committee”
3. A list of the questions of which notice has been given shall be circulated to Members of the relevant Committee at, or before, the meeting at which they are to be asked.
4. A public question shall be put at a meeting of the relevant Committee provided that:-
 - (a) a copy of the question has been delivered to the office of the Chief Executive by not later than 12 noon on the second working day after publication of the agenda of the meeting at which it is to be asked;
 - (b) the name and address of the questioner is indicated on the question;
 - (c) the questioner is present at the time when the question is put;
 - (d) the questioner is not presenting a petition or deputation on the same, or substantially the same, issue at the same meeting.
5. A question shall not exceed 100 words in length. The Chief Executive, after consultation with the questioner, may summarise a question to comply with this requirement.
6. The Chief Executive or Chair may reject a public question if, following consultation with the Monitoring Officer, it is in their opinion:
 - defamatory, frivolous or vexatious;
 - the same, or substantially the same, as a petition, deputation or public question which has been put at a meeting of a Committee or a Sub-Committee in the past six months;
 - requires the disclosure of confidential or exempt information;
 - from a member of staff on matters affecting them as employees;
 - or
 - otherwise inappropriate.

The Chief Executive may also reject a public question where they determine, following consultation with the Monitoring Officer, that the meeting to which the question has been addressed is not the appropriate forum.

If the Chief Executive or Chair rejects a public question, petition or deputation, then their decision is final.

7. If the Chair considers that it would be more appropriate to do so, a question received for submission to a Committee may instead be referred to a different Committee (but not Joint Committee) for answer.
8. If the Chair considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of a Committee although due notice of the question has not been given, and if the Chair is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, they may permit the question to be asked.
9. Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.
10. Any question shall be notified to the relevant Member of the Committee as determined by the Chair and shall be put to such Member (see note 4 below) at the Committee meeting by the questioner.
11. The question will be answered without discussion. The questioner may ask one relevant supplementary question which shall be put and answered without discussion. The Member to whom a question, or supplementary question, has been put may decline to answer it. (See notes 2 & 3 below.)
12. An answer may take the form of:-
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer given to the member of the public submitting the question and circulated to the Committee.
13. No questioner may submit more than one question for answer at the same meeting.
14. Any question properly submitted but not dealt with at the relevant Committee meeting shall be answered in writing to the questioner as soon as reasonably practicable after the meeting.

Notes:

1. Public questions are not permitted under this Protocol at meetings of the Licensing Panel or the Standards Panel.

2. The Council's Procedure Rules in Part 3.2 of the Constitution govern public questions to meetings of the full Council.
3. It will not normally be appropriate for a Chair to answer questions under this Protocol about:-
 - (a) matters which are subject to quasi-judicial processes such as particular applications for planning permission, licences, registration, consents or other permissions, or
 - (b) matters for which there are other processes under the Council's Constitution, such as individual complaints or cases, personnel or disciplinary matters, ethical matters or allegations of fraud.
4. There is a separate Protocol under which it may be possible to make representations about particular applications for planning permission. This is the "Protocol for Public Representations at Planning Committee" in Part 8 of the Council's Constitution.
5. Questions will usually be answered by the Chair or Deputy Chair or person presiding at the meeting.

Any queries regarding this Protocol may be directed to the Head of Democratic Services on 01273 291006