

## SECTION 2

### MEMBERS OF THE PUBLIC AND THE COUNCIL

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#### **2.1 Rights of members of the public**

The Council welcomes participation by members of the public in its work, and they have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others form part of the Council's own processes. Where members of the public use specific council services they have additional rights not covered in this Constitution.

Whilst the Council will try to provide as much assistance as possible to members of the public, independent legal advice may sometimes be necessary. This can be obtained from the local Citizens' Advice Bureau or independent solicitors.

Members of the public have the right to:

- contact their local councillor about any matters of concern to them;
- attend meetings of the full Council and its decision-making bodies, except where confidential or exempt information is likely to be disclosed, and part of the meeting is therefore held in private (see 2.5.1 below);
- obtain a copy of the Constitution;
- find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- inspect the Council's accounts and make their views known to the external auditor
- see reports and background papers, and any record of decisions made by the Council or any of its decision-making bodies

## 2.2 Public involvement

Members of the public can get involved:

- by voting for councillors in local elections if they are registered to vote
- by petitioning to request a referendum on a mayoral form of Cabinet;
- by suggesting items of business for meetings;
- by taking part in question time and public participation sessions at meetings of the Council and its decision-making bodies (see 2.5 below for more details)
- by contributing to investigations by the Scrutiny Board;
- by responding to consultation.

## 2.3 Comments and complaints

A member of the public may comment about Council services by:

- contacting their local councillor;
- contacting the member of the Cabinet responsible for the service;
- contacting the officer responsible for delivering the service or their Supervisor or Group Manager;
- using the Council's complaints procedure.

A member of the public has the right to complain to:

- the Council using the Council's complaints procedure;
- the Ombudsman, but only after using the Council's own complaints procedure;
- the Monitoring Officer of the Council if they believe they have evidence that a councillor has breached the Council's Code of Conduct.

Information about how to contact any of the above can be obtained from the Council's web-site at [www.mendip.gov.uk](http://www.mendip.gov.uk) , from Customer Services by telephoning the Council or from any Council Information Point.

## 2.4 Obtaining information

Information about the Council can be obtained as follows:

### 2.4.1 Information relating to Council meetings

- ***When meetings of Council bodies will take place:*** a schedule of meetings is available by contacting the Council direct or logging on to the web-site at [www.mendip.gov.uk](http://www.mendip.gov.uk)
- ***Information available prior to a meeting:*** five days before a meeting, the agenda, any report likely to be discussed and background papers to that report will be available for inspection at the offices of the Council. Where an item is added to the agenda less than five days before a meeting, the revised agenda will be open to inspection from the time the item is added. Where reports are prepared after the agenda has been issued, these will be available to the public as soon as they have been sent to councillors.
- ***Confidential and exempt information:*** reports and background papers do not have to be available for public inspection if they contain confidential or exempt information as defined in the Local Government Act 1972, although as far as practicable the non-confidential parts will be made available.
- ***Supply of copies:*** on payment of a charge for postage and any other costs, the Council will supply to members of the public copies of:
  - any agenda and reports which are open to public inspection;
  - any other documents which are open to public inspection.
- ***Information available after a meeting:*** the agenda, reports and the minutes of the meeting will be available for inspection for a period of six years. The background papers will remain open for inspection for a period of four years.

There are some exceptions to the above rights to information, such as those applying to meetings of certain sub-committees of the Standards Committee. Further details about legal rights to information are set out in Section 16 (Access to Information Rules).

## **2.4.2 Information Governance, Freedom of Information and data protection**

The Council's Information Governance Policy is its overarching policy for managing and bringing together all the standards, legal requirements and best practice to manage the information lifecycle. Information Governance ensures that the right information is made available to the right people at the right time, until it reaches the end of its life when it must be disposed of in accordance with the appropriate standard or be retained indefinitely. The Information Governance and its associated policies are set out in Appendix U to the Constitution. The Information Governance Policy is underpinned by a number of legislative requirements (Freedom of Information, Data Protection etc.) The Policy supports the Council in complying with legislation associated with information governance

Members of the public also have rights to obtain information about the Council and its business under the Freedom of Information Act 2000, and to find out what information the Council holds about them under the Data Protection Act 1996. Further information about these rights can be obtained by contacting the Council's Data Protection and Freedom of Information Officer.

## **2.4.3 General Information**

A great deal of information about the Council can be obtained from its web-site at [www.mendip.gov.uk](http://www.mendip.gov.uk). Members of the public are also welcome to contact Customer Services or any Council Information Point for information on specific queries.

## **2.5 Summary of public participation rights at meetings**

Different Council bodies have different rules for public participation at their meetings. These rules are set out in Section 15 of this Constitution (Rules for Conducting Meetings) and the section of this Constitution dealing with the particular Council body. The following is a brief summary of public participation rights at Council meetings.

**2.5.1** All Council meetings will be open to the public wherever possible, subject to any legal restrictions. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (The terms "confidential" and "exempt" are used here as defined in the Local Government Act 1972.)

**2.5.2** Members of the public may ask questions at meetings of the full Council in accordance with the rules set out in Section 4.7 of the Constitution

(which require that questions should normally be submitted in writing to the Chief Executive of the Council at least 3 working days before the meeting.)

- 2.5.3** Members of the public may make representations at any meeting of a Council body which is open to the public in accordance with the rules applying to meetings of that body (which may require a certain period of notice to be given).

*More information about the role of councillors – see Section 3*

*More information on Council meetings – see Sections 4 and 15*

*More information on access to information – see Section 16*