

Appendix 8 – Public Participation Protocol

PART A – Rules applying to all meetings

General

1. These rules apply to all physical, remote and hybrid meetings unless otherwise stated in this protocol. The Monitoring Officer and the Head of Democratic Governance will review this protocol every six months to ensure it remains fit for purpose. Any changes to this protocol will be reported to the Audit & Governance Committee and ultimately Full Council for the purposes of updating the Council's Constitution.
2. Residents are encouraged to participate in the Council's decision making process by sharing their views in a number of ways.

Making representations in response to the Forward Plan

3. You can find out about forthcoming Executive and Executive Member business by looking at the Council's Executive Forward Plan which is published on the Council's website. You can make representations on any forthcoming Executive business by sending your views in writing to the report author either by email or post up to 3 weeks before the decision is due to be taken – residents views received after that time may not be addressed in the report but may be addressed at the meeting. The public can contact the Council regarding this through HaveYourSay, or can contact the author of the report.
4. The report author's contact details can be found on each individual Forward Plan item.

Participating at a public meeting

5. All meetings are open to the public except when exempt or confidential information is being discussed. Agendas for meetings can be found on the Council's website, at least five working days before the meeting.

6. Dates, times and agendas for meetings are available via the calendar of council meetings on the Council website, at local libraries and on the West Offices notice board, usually five days before the meeting. You can also contact Democratic Services by emailing democratic.services@york.gov.uk or telephoning York (01904) 551088 to find out when a meeting is taking place or to request an agenda.
7. Physical Council meetings take place at West Offices, although meetings of the Full Council are held at The Guildhall unless alternative details are published in the notice of meeting.
8. Remote meetings take place on a video conferencing platform.
9. Meetings take place at West Offices (or Guildhall (or alternative venue detailed within the notice/summons) for Full Council) and on a video conferencing platform.
10. Council meetings are usually live webcast and retained on YouTube which you can find out more about at <https://www.youtube.com/user/cityofyorkcouncil>
In some instances the meeting will be recorded and not live webcast. In these circumstances, the recording of the meeting will be uploaded to the YouTube page as soon as practically possible after the meeting.
11. You can participate in a meeting by attending and listening to councillors debate and make decisions or by registering to speak.

How do I do this and what are the rules?

12. Any member of the public living or working in the City of York Council area, or any appointed representative of any organisation operating within the council's area, may participate or register to speak. Anyone wishing to speak should register no later than 5pm two working days before the meeting takes place. You can register on the Council's website at <https://www.york.gov.uk/form/SpeakAtCouncilMeetings>.

13. Only the Lord Mayor chairing Full Council, or the Councillor chairing the meeting, has the authority to accept a late registration to speak at a meeting.
14. With the exception of Licensing Sub Committee Hearings, and Planning Committee meetings (see Part B, paragraph 27), there is a maximum period of 30 minutes at each meeting to listen to public speakers. Each person registered to speak is allocated a maximum time of 3 minutes and there will be a maximum of 10 registered public speakers at each meeting, registered on a first come first served basis.
15. Councillors will listen to each speaker but will not usually make any comments or seek to debate any issues raised at this stage other than occasionally to ask questions of clarification.
16. A registered speaker at an Ordinary Council meeting may speak about an item on the published agenda for that meeting or issues which fall within the remit of that committee. A registered speaker at an Extraordinary Council meeting may only speak about the substantive item on the published agenda for that meeting. There will be no public participation rights in respect of Extraordinary Council Meetings dealing with staffing matters, and requests to speak at such meetings will be declined.
17. In exercising their public participation rights a member of the public is entitled to express views positive or negative about the Council but must not:
 - Say anything which is defamatory or discriminatory;
 - Make any personal attack on an Officer and / or Member;
 - Disclose confidential information or exempt information including personal information.

Written representations from Members of the Public and those registered to speak at meetings

18. The following rules apply to all meetings of the Council except for Licensing Sub Committee Hearings, and Planning Committee meetings which are set out in Part B.
19. If you are unable to be present or speak at the meeting at which you have registered to speak a written representation may be submitted for consideration at the meeting. The statement must be sent to Democratic Services using the contact details on the published agenda for the relevant officer or, alternatively by emailing democratic.services@york.gov.uk no later than 5pm two working days before the meeting at which it is to be raised takes place. Your name and address must be included along with the name of any group or organisation you are representing. Any written representations received will be published along with the agenda for the relevant meeting. If within the 2 day period of the meeting taking place you are unexpectedly unable to attend or speak at the meeting, you may submit your written representation to Democratic Services and the Chair will exercise their discretion as to whether to accept your representation.
20. Written representations shall be circulated to Members prior to the commencement of the meeting. No discussion shall be allowed upon written representations. Written representations may not be read out on your behalf.
21. If all or part of the written representation is defamatory, discriminatory or relates to confidential information or exempt information including personal information, the Chair, in consultation with the Monitoring Officer, shall have the right to redact those parts of the written representation prior to circulation to Members and publication with the agenda or rule the written representation out of order in which case it shall not be circulated to Members and shall not be published with the agenda.

City of York Councillors wish to speak at a meeting of which they are not a Member

22. City of York Councillors who wish to speak at a meeting of which they are not a Member may participate in meetings in any of the ways described in these rules. The rules in relation to public participation will apply to such City of York Councillors as they would to any member of the public.

PART B – Rules applying to specific meetings**General**

23. The rules in Part A of this public participation protocol apply to all physical, remote and hybrid meetings other than for the specific exceptions set out in this Part B. Only exceptions to the rules in Part A are set out in Part B. For all other matters the rules remain the same as those in Part A.

Remote Meetings

24. Where public meetings are held remotely or in hybrid form, the provisions for Public Participation will be in accordance with the Council's Procedure Rules and Guidance for Remote Meetings contained in Appendix 23 of the Constitution. Anyone wishing to register to speak at a remote meeting will do so no later than 5pm two working days before the meeting takes place.

Meetings of Council chaired by the Lord Mayor

25. Public participation at all meetings of Full council will occur in accordance with the Council Procedure Rules at Appendix 3 of this constitution.

Planning Committee meetings

26. The public participation rules applicable to the Planning Committee are set out in Article 13 of this Constitution.

Licensing Committee meetings

27. The rules on public participation at Licensing Committee meetings are as set out in Part A.

General Licensing Sub-Committee and Taxi Licensing Sub-Committee hearings

28. The rules on public participation at General Licensing Sub-Committee and Taxi Licensing Sub-Committee hearings is set out in Annex 1 to this document.

**ANNEX 1 – GENERAL LICENSING SUB – COMMITTEE AND
TAXI LICENSING SUB COMMITTEE
PROCEDURE FOR LICENSING HEARINGS**

1. The procedure adopted at licensing hearings is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
2. The Council's licensing hearings procedure is based on regulations made under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Sub-Committee Members have a duty to view all evidence presented before them impartially. No matter how strong local opinion may be, Sub-Committee Members can only make decisions in the context of the licensing objectives as set out in legislation as follows:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
3. The licensing hearing will be in public session and this involves the publication of all paperwork relevant to the hearing on the Council's website. This includes letters of representation either in support or objection. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted. The Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.
4. In view of the requirement to hold hearings within specified timescales (usually 20 working days from the last date for representations), the Council is unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Council will consider applications to hold hearings at a later date.
5. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination

or disposal of any Appeal. The live stream of the Hearing will be recorded and the recording placed on the Council's website.

Representations at Licensing Hearings

6. The Applicant is permitted to speak at the hearing. Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. The Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
7. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.
8. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
9. The Sub-Committee may take into account any documentary evidence or other information in support of the application or representations either before the hearing or, with the consent of all other parties, at the hearing. For remote meetings the procedure set out in paragraphs 14 to 18 below will be followed.
10. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.
11. The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the

application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

12. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
13. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

Procedure prior to the Hearing - remote and hybrid meetings

14. Where the meeting is held remotely or in hybrid form the Sub-Committee will use a video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee using a secure video-conferencing platform. This video-conferencing platform will also be used for decision making in private.
15. All paperwork relevant to the hearing will be published online on the Council's website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

16. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
17. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
18. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
19. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

Procedure prior to the Hearing – Physical Meetings

20. The Members sitting on the Sub-Committee will have a briefing prior to the hearing, usually in the meeting room where the hearing is to take place. They will only be accompanied by the Democratic Services Officer and the Council's Legal Advisor. During the briefing, attention will only be drawn to the nature of the application and the premises or person to which it relates and any procedural matters.
21. At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until called into the meeting room. Please arrive 15 minutes before the advertised start time.

Procedure at the Hearing

22. The Chair introduces the Sub-Committee Members and Officers and welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.

23. The Chair will outline the procedure to be followed.

24. The Chair will proceed with the order of business on the agenda.

Licensing Officer

25. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.

26. The Chair will invite all parties (who have registered to speak) and/or their representative to ask questions of the Licensing Officer [maximum 5 minutes each party] in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

The Application

27. The Chair will invite the Applicant and/or their representative to address the Sub-Committee, present information in support of the application and call any witnesses to support their application, one witness at a time [*maximum 15 minutes*].

28. The Chair will invite the Representors (who have registered to speak) and/or their representative to ask questions of the Applicant and/or their representative in the following order [*maximum 5 minutes each party*]

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Sub-Committee Members [each in turn]

29. The Applicant and each of their witnesses may be questioned by:

- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

30. The Chair will invite the Representors (who have registered to speak) and/or their representatives to address the Sub-Committee, present information and call any witnesses in support of their representation *[maximum 15 minutes each party]* in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]

31. After each presentation the Chair will invite questions from the Applicant and Representors (who have registered to speak) *[maximum 5 minutes per party]* in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

32. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Cross-examination

33. Cross-examination of another party is not normally permitted. However, the Sub-Committee will consider any application for permission to cross examine another party should any party wish to make such an application.

Summaries

34. The Chair will invite the Applicant and Representors (who have registered to speak) or their representative to summarise their case *[maximum 5 minutes each party]* in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Applicant

35. The Chair will provide the Sub-Committee members with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

36. The Sub-Committee's legal adviser may seek points of clarification from the Applicant, Representors or their representative.

Determination

37. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and the Sub-Committee will consider the evidence. Where the meeting is being held remotely or in hybrid form the Sub-Committee will withdraw to consider their decision in a separate private on line meeting.

38. The Legal Adviser and Democratic Services Officer will remain present during the decision making process. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

39. Unless expressly stated by the Sub-Committee in the hearing, the Sub-Committee will not invite the parties back into the committee room or return to the public online meeting to announce their decision. The Sub-Committee will provide an outline of their decision in writing to the Applicant and Representors on the day of the hearing concluding,

unless further time is required to deliberate. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

40. In the event that the Sub-Committee do return to the public online meeting to announce their decision, the Sub-Committee will only announce an outline of their decision. There can be no further questions or statements from any party. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.