

**SECTION 3
CITIZENS AND THE COUNCIL**

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CHAPTER 3.1 - CITIZENS' RIGHTS

3.1.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in [Chapter 3.2](#).

3.1.2 Voting and Petitions

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an Elected Mayor form of political management.

3.1.3 Information

Citizens have the right to:

- a) attend meetings of the Council and its Committees and Sub- Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- b) attend meetings of the Executive, including when Key Decisions are being considered;
- c) find out from the Forward Programme what Key Decisions will be taken by the Executive and when;
- d) see reports and background papers, and any records of decisions made by the Council and the Executive;
- e) inspect the Council's accounts and make their views known to the external auditor;
- f) find out about the Council's services from the information available on the website, and from visiting the Civic Offices.

3.1.4 Participation

Citizens have the right to participate in the Council's question time and contribute (by invitation) to investigations by the Overview and Scrutiny Committees.

The Council's constitutional arrangements will allow for the evolution of arrangements for public consultation and participation. For the time being members of the public may:-

- 3) by writing to the Chief Executive, submit questions to the Council, the Executive, the Licensing and Appeals Committee, the Overview and Scrutiny Committees, the Personnel Board the Standards Committee, the Audit Committee and the Wokingham Borough Wellbeing Board as outlined in the rules of procedure for each meeting;
- b) submit a petition which will be dealt with in accordance with the Council's protocol for the consideration of petitions set out in [Chapter 3.5](#);
- c) request that a small deputation comprising no more than three residents/service users may address the Overview and Scrutiny Committees (whichever is relevant). Arrangements for addressing the Overview and Scrutiny Committees will be at the discretion of the Chairman;

- d) address the Planning Committee in accordance with arrangements set out in Chapter 8.2

3.1.5 Consultation

Local authorities have a statutory obligation to consult on a range of specific issues of local and national interest. Wokingham Borough Council is keen to exceed its statutory obligations and consult effectively with local residents, businesses and other stakeholders on issues which affect them, to ensure they are involved in the planning, implementing and monitoring of the services offered by the Council.

3.1.6 Customer Care

The Council is committed to improving the quality of its services and the ways in which services can be accessed by local residents. "Improving the customer experience when accessing Council services" is one of the Council's priorities. The Council is committed to improving the quality of its services and the ways in which services can be accessed by local residents. The Council set up Customer Services Team in 2009 to act as the first point of contact for all customer enquiries. Customer Services Team aims to answer 80% of calls in 20 seconds and answer written correspondence by email or letter within 3 working days. The Council believes that its focus on the customer is one of its strengths, whilst recognising the need for continuous training and support for staff and elected Members to ensure that the high standards the Council has set are maintained.

3.1.7 Complaints

Citizens have the right to complain to:

- 3) the Council itself under its complaints scheme;
- b) the Ombudsman after using the Council's own complaints scheme;
- c) the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct.

CHAPTER 3.2 – ACCESS TO INFORMATION PROCEDURE RULES

3.2.1 Scope

These rules apply to all meetings of the Council, its Constitutional Committees and Boards and any of the Committees and public meetings of the Executive (together called meetings.)

3.2.2 Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3.2.3 Rights to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

3.2.4 Notices of Meeting

The Council will give at least five clear working days notice (which does not include the day of publication or the day of the meeting) of any meeting by posting details of the meeting at the Civic Offices, Shute End, Wokingham, Berkshire.

3.2.5 Notice of Decision to be taken by the Executive or its Sub Committees

Members of the public have additional rights in relation to being notified about decisions that will be taken at private meetings of the Executive or its sub committees and key decisions that will be taken by the Executive, including decisions taken by individual Executive Members. These rights are set out in Chapter 5.4.9 of the Constitution.

3.2.6 Access to Executive Agendas and Reports Before the Meeting

In relation to Executive meetings, including any sub committees of the Executive, the Council will make copies of the agenda including all reports open to the public for inspection at the designated office at least five clear days before the meeting. Where a meeting is convened at shorter notice a copy of the agenda and associated reports will be available for inspection when the meeting is convened. These rights are set out in Chapter 5.4.9 of the Constitution.

3.2.7 Access to Agenda and Reports Before the Meeting (not applicable to Executive Agenda and Reports)

The Council will make copies of the agenda and such reports that are available open to the public for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors).

3.2.8 Publication and Supply of Copies

The Council will supply, (at a cost) or the public can view on the Council's Web-site (www.wokingham.gov.uk.) 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 Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

3.2.9 Access to Minutes etc. After the Meeting

The Council will make available copies of the following for six years after a meeting:-

- a) the agenda for the meeting; and
- b) the minutes of the meeting or, for all meetings of the Executive, the records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- c) 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;
- d) reports relating to items when the meeting was open to the public.

3.2.10 Background Papers

The Chief Executive 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 [3.2.12.3](#) and [3.2.12.4](#)) and in respect of Executive reports, the advice of a political advisor.

3.2.10.1

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.

3.2.11 Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept, and available to the public, at the Civic Offices, Shute End, Wokingham, Berkshire and on the Council's Web-site (www.wokingham.gov.uk).

3.2.12 Exclusion of Access by the Public to Meetings

3.2.12.1 Confidential Information – Requirement to Exclude Public

The public must be excluded from meetings 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.

3.2.12.2 Exempt Information – Discretion to Exclude Public

The public may be excluded from meetings 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.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

3.2.12.3 Meaning of Confidential Information

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 Court Order.

3.2.12.4 Meaning of Exempt Information

Exempt information means information falling within the following seven categories as specified in Part 1 of Schedule 12A of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 (subject to any conditions):

	Category	Condition
1	Information relating to any individual.	
2	Information which is likely to reveal the identity of an individual.	
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt information if it is required to be registered under: the Companies Act 2011; the Friendly Societies Acts 1974 and 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1997; or the Charities Act 2011.
4	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 or, of office holders under, the authority.	
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6	Information which reveals that the authority proposes: a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment.	
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information which falls within any of paragraphs 1-7 above 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.

3.2.12.5 Exclusion of Access by the Public to Reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with [Rule 3.2.10](#), the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed, and the grounds under which the public interest in maintaining the exemption outweighs the public interest in disclosing it.

CHAPTER 3.3 - FREEDOM OF INFORMATION POLICY

3.3.1 Freedom of Information Act 2000

Wokingham Borough Council notes that the Freedom of Information Act 2000 has now come fully into force. The Council considers that used in a responsible manner the rights to gain access to information conferred by the Act will enable constructive discussions to take place between the Council and its stakeholders. The Council welcomes this, although it also takes note of the provisions of the Act designed to safeguard sensitive information and to discourage vexatious or plainly unreasonable requests for information.

3.3.2 Requests

The Council expects its Officers and others working on its behalf to respond to requests for information within the applicable statutory time limit and otherwise to ensure that the Council complies with the Act's requirements. It expects its Officers to advise and assist all persons wishing to make Freedom of Information requests, in both the letter and the spirit of the Act and the Codes of Practice which have been issued in accordance with the provisions of the Act.

3.3.2.1

Officers and others working on the Council's behalf should therefore deal with requests for information on the basis that the requester has a right to the information held by the Council unless it is clear that a statutory exemption applies and, where appropriate, that the public interest in withholding information outweighs that in disclosing the information.

3.3.3 Procedure

The Council has decided that the formal responsibility for dealing with requests on its behalf is delegated to the Director responsible for the service to which the request for information relates. The Council has also introduced a procedure whereby Customer and Localities will co-ordinate the Council's response to any request which involves more than one Council service, as well as co-ordinating the Freedom of Information system within Wokingham Borough Council, generally.

3.3.4 Complaints

The Council has made available its complaints procedure for cases where there is a dispute between the requester and the Council, or where the Council has failed to respond to a request within the applicable statutory time period. The internal review is undertaken by Legal Services. This complies with the obligation in the Act to resolve disputes locally wherever possible, before resort is made to the Information Commissioner.

3.3.5 Software

The Council has invested in software to enable members of the public to obtain information via its website, thus helping to free Officers' time to enable them to concentrate on their other responsibilities. The software also enables the progress of individual Freedom of Information requests to be tracked. The Council expects its Officers to make maximum possible use of this software.

3.3.6 Document Retention and Management

The Council recognises the importance of efficient and effective information management in enabling the Council to properly carry out its responsibilities.

3.3.7 Approved Publication Scheme

As required by the Act, the Council has published an approved publication scheme. The Council intends to ensure that, from time to time, the scheme is revised, to ensure that the maximum amount of information can be made available in the most efficient manner by use of the scheme rather than by way of responses to individual requests for information.

3.3.8 Charges

Whilst the Council recognises the need to comply with its obligations under the Act, it also notes that the cost of replying to complex requests or with a large number of moderately complicated requests, may be considerable. In cases which exceed 18 hours work (approximately £450) the Council may offer the applicant the choice of paying for the work to be carried out or resubmitting the request so that it falls within the appropriate time limit.

3.3.9 Vexatious Requests

In the small number of cases where requests for information are made vexatiously, as contemplated by the Act, the Council will support its Officers and others working on its behalf if they exercise the right to refuse to deal with any request which is vexatious within the meaning of the Act.

3.3.10 Environmental Information Regulations 2004

When the Council receives an Environmental Information Regulations 2004 request it will handle it in the same way as detailed above for Freedom of Information Requests.

The Council recognises that there are different exemptions between the two pieces of legislation and will issue a refusal notice accordingly to the relevant legislation.

CHAPTER 3.4 - DATA PROTECTION POLICY

3.4.1 Data Protection Act

The Council supports the objectives of the Data Protection Act (DPA) and General Data Protection Regulations (GDPR) in ensuring that manual and electronic data held by the Council relating to individuals is properly managed.

3.4.2 Personal Data

The Council intends to ensure continual compliance with its obligations under the Act and GDPR. It expects that personal data will not be processed or disclosed other than in accordance with the data protection principles set out and explained in the Act, and that subject access requests (whereby individuals who are the subject of data held by the Council may request disclosure to them of such data) will be responded to within the statutory response time of a month.

3.4.3 Data Protection Officer

The Council therefore expects that its Officers will co-operate with the Council's Data Protection Officer to ensure that this is done.

3.4.4 Requests

It is the responsibility of Officers to notify the Data Protection Officer's team when a subject access request, is submitted. The Director (or delegated officer) should respond to the request, taking account of advice given by the Data Protection Officer or their team, particularly as to whether or not personal data should be disclosed, or whether, by reason of the nature of the data and the terms of the Act, disclosure must be refused. Responsibility of the Director (or delegated officer) also includes responsibility for seeking consent of any third party when necessary which may be identified in the data. In the event that such consent is refused, the Director (or delegated officer) would be responsible for determining, with advice from the Data Protection Officer (or their team), whether or not disclosure should nevertheless be made on grounds of reasonableness, as contemplated by the Act.

3.4.4.1

The Council expects that cases where a subject access request is unrestricted, meaning that any data held in any part of the Council's organisation is within the scope of the search, the Director (or delegated officer) whose Service the request relates to will immediately forward it to the Data Protection Officer's team. The Council expects that all Officers will thereafter co-operate with the Data Protection Officer and their team in supplying them with any data held by them, so that a decision may be made as to whether or not the data must be disclosed or must wholly or partly be withheld.

3.4.5 Tender or Contract Documentation

The Council also expects that Officers preparing tender or contract documentation will ensure that, before the contract in question has been entered into, terms will have been incorporated ensuring compliance with, in particular the sixth data protection principle (which requires appropriate technical and organisational measures to be taken against unauthorised or unlawful processing, or accidental loss or destruction of, personal data).

3.4.6 Information Sharing Protocols

The Council notes that from time to time particular Council Services handling information, usually of a sensitive nature, have concluded information sharing protocols. The Council welcomes such protocols that are compliant with the requirements of the Act and that have been concluded following appropriate advice from the Data Protection Officer.

CHAPTER 3.5 – PETITION SCHEME - PROTOCOL FOR DEALING WITH PETITIONS

3.5.1 General

Any person who lives, works or studies within the Borough can sign or organise a petition. All petitions must be relevant to some matter in relation to which the Council has powers or duties over or which affects the Borough.

3.5.1.1

Identities of those signing petitions may need to be verified if there are concerns as to their legitimacy and therefore those signing e-petitions need to provide their e-mail address and postcode and on paper petitions their addresses and postcodes.

If a person signing a petition works or studies in the Borough, but does not live there, they must state in which of these capacities they are signing the petition. If they do not do so their signature will not be counted towards the final total.

3.5.1.2

The following petitions will not be accepted:

- a) if it doesn't have the required minimum number of signatories (see [Rule 3.5.1.3](#));
- b) if it is the same or substantially the same as a petition that has been received in the last six months ([Rule 3.5.1.4](#));
- c) any matter relating to a planning decision, including current or proposed planning applications and any matter under statutory consultation;
- d) any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 or the Gambling Act 2005;
- e) any matter relating to an individual or entity in respect of which that individual has a right of recourse or review or right of appeal conferred by or under any enactment ie where a petition is about a matter where there is an automatic right of appeal eg a planning application where there is a right of appeal to the planning inspectorate;
- f) if it is deemed to be vexatious, abusive or inappropriate;
- g) discloses information which is confidential or exempt.

The Monitoring Officer, or his/her representative, will make the decision as to whether a petition is not to be accepted under any of the above criteria. Any petition not accepted under a)-g) above will be acknowledged and an explanation of why it was not accepted provided.

Due to certain restrictions that are imposed on Councils in the period immediately before an election or referendum it may not be possible to deal with a petition and if this is the case the petition organiser will be contacted and an explanation given.

3.5.1.3

In order for a petition to be accepted it will require a minimum number of signatories. If the matter in question is specific to one ward this number will be 10. If it applies to more than one ward then 50 signatories will be required.

3.5.1.4

If a petition on the same or substantially the same matter as has been submitted in the last six months then the petition organiser will be informed that the issue has been discussed. However this will not apply if that petition did not proceed (e.g. lack of signatories).

3.5.2 How to submit a Petition

The Council welcomes paper petitions or e-petitions in accordance with the rules set out in [Rule 3.5.5](#).

An e-petition can be run at the same time as a paper petition, by combining the two before submitting them to the Council. However once a person has been a signatory in one format they cannot sign it in another. Please note that electronic and paper petitions on the same matter should be submitted at the same time.

Once a petition has been submitted no further signatures can be added to that petition.

3.5.2.1

Paper petitions can be submitted:

- a) to an Officer of the Council;
- b) to a Councillor who can either forward it to the appropriate Officer or present it on behalf of the petition organiser to a meeting of the Council;
- c) to a meeting of the Council (for further information please contact the Democratic Services Team on 0118 974 6051 or email democratic.services@wokingham.gov.uk).

3.5.2.2

Petitions submitted to the Council must include:

- a) a clear and concise statement covering the subject of the petition and should state what outcome the petitioner(s) wishes from the Council;
- b) the name, address and contact details of the petition organiser, in order that contact can be made to explain how the petition will be responded to;
- c) the name and address and signature of any person supporting the petition, including an e-mail address and post code and confirmation that they either work or study in the Borough if they are not a resident, as specified in [Rule 3.5.1.1](#);

If a petition does not include the details set out in a-d above the Council may decide not to do anything further with it. In that case a written explanation will be provided.

3.5.3 Action following Receipt of a Petition

An acknowledgement will be sent to the petition organiser within five working days of receipt of a paper petition or the completion date for e-petitions as specified by the petition organiser.

Local ward Members and relevant Executive Members will be kept informed of petitions which are received.

If relevant the appropriate Town / Parish Council will also be informed that a petition has been received that relates to their area.

3.5.4 Responses to Petitions

Once a petition is accepted there are several routes it can follow, which will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- a) taking the action requested in the petition;
- b) debating the petition at a Council meeting;
- c) holding an inquiry into the matter;
- d) undertaking research into the matter;
- e) holding a public meeting;
- f) holding a consultation;
- g) holding a meeting with petitioners;
- h) referring the petition for consideration by one of the Council's Overview and Scrutiny Committees;
- i) calling a referendum;
- j) writing to the petition organiser setting out the Council's views about the request in the petition.

Matters relating to current or proposed planning applications will be referred directly to the Customer and Localities for consideration as part of the representations received relating to the relevant application. Matters under statutory consultation will be referred to the relevant Council department to be included as part of the consultation responses.

3.5.4.1

Once a petition has been submitted and accepted the recipient service department will write to the petition organiser setting out how the petition will be dealt with.

If the petition is to proceed to a Council or Committee meeting then the petition organiser will be informed of the date of the meeting and invited to attend. It is presumed that petitions will be heard at the next available meeting of the relevant body unless the Chairman of that body or the petition organiser can provide reasons for a delay.

3.5.4.2 Debating a Petition at a Council Meeting

If the number of signatories on a petition is more than 1,500 this will trigger a debate at the next available Council meeting, unless it is a petition asking for a senior Council Officer to give evidence at a public meeting in which case it will be dealt with in accordance with [Rule 3.5.4.3](#).

On some occasions, eg where there are a number of petitions already scheduled for debate, it may not be possible to debate every eligible petition at the next Council meeting and therefore a petition would be debated at the following meeting.

The petition organiser may submit in writing a motion on what action they wish the Council to take, at least ten clear working days prior to the Council meeting at which the petition will be debated. The motion will be included in the agenda of the meeting.

If the petition organiser is not a councillor they must ask a councillor (e.g. a Ward Member or relevant Executive Member) to assist them in producing a valid motion (see Rule 4.2.11) and to propose the motion on their behalf at the Council meeting.

The following process will be followed at the Council Meeting:

- a) the petition organiser(s) will be given five minutes to present the petition (if there is more than one petition organiser then they will share this time);
- b) the petition will then be debated by councillors for a period not exceeding 30 minutes;
- c) the petition organiser(s) will have the right of reply of up to a maximum of three minutes;
- d) the petition motion will then be formally proposed by the councillor and seconded and if no amendments are received a vote will be taken on the proposal;
- e) in accordance with Rule 4.2.13.7 amendments to the motion can be put forward and these will need to be proposed and seconded. Only the proposer, seconder and proposer of the original motion (who has a right of reply) may speak on the amendment. The amendment will then be voted on and if agreed will become the Council's response to the petition.
- f) if the petition motion and any amended motion fall the Mayor will then ask for further motions on how the Council wishes to respond to the Petition which may include;
 - i) taking the action or some of the action the petition requests;
 - ii) not taking the action the petition requests
 - iii) referring the petition to another body for them to consider the matter and take the appropriate action;
- g) once a further motion has been moved and seconded it will be voted on without discussion or amendment;
- h) if the motion falls then the Mayor will ask for a further motion to be put forward;

- i) if the Mayor is of the opinion that a decision on how to respond to the petition cannot be reached then he/she can decide, on behalf of the Council, not to take the action that the petition requests.

The petition organiser will receive written confirmation of this decision.

3.5.4.3 Officer giving Evidence at a Public Council Meeting

If the number of signatories on a petition is more than 750 then the petition organiser can request a senior Council Officer (Head of Paid Service and Second Tier Officers only) to give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees about something for which the Officer is responsible for as part of their role.

The Committee may also consider it appropriate to call the relevant Executive Member in addition to the Council Officer.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by members of the Committee. Following discussion the petition organiser will have a right of reply up to a maximum of three minutes.

Members of the relevant Overview and Scrutiny Committee will ask the questions at the meeting, but the petition organiser will be able to suggest questions to the Chair of the Committee provided they are submitted three working days before the meeting.

3.5.5 Submitting E-Petitions

E-petitions need to comply with the rules set out in [Rule 3.5.1](#) and [Rule 3.5.1.1](#). The petition organiser will need to provide their name, postal address and e-mail address.

Once a petition has been submitted no further signatures can be added to that petition.

When an e-petition is created through the [Council's website](#) it may take up to five working days before it is published online. This is due to having to check that the content of the petition is suitable before it is made available for signature.

If for any reason the petition is rejected the petition organiser will be contacted within five working days with an explanation of the reason for objection. It will then be possible to change and resubmit the petition if so wished. If this is not done within ten working days, a summary of the petition and the reason why it was not accepted will be published under the 'rejected petitions' section of the website.

When an e-petition created through the Council's website has closed for signature it will automatically be submitted to Democratic Services. In the same way as a paper petition an acknowledgement will be sent within five working days.

E-petitions will normally be sent to the relevant Director unless the petition organiser has requested, within ten working days of receipt of the acknowledgement that they wish to present the petition to a meeting of the Council.

A petition acknowledgement and response will be e-mailed to everyone who has signed the e-petition and elected to receive this information.

Those submitting e-petitions created outside of the Council's website should either e-mail a copy of the finalised petition to Democratic Services (democratic.services@wokingham.gov.uk) or print off their completed petition and submit it as a paper copy. The petition must include all the information set out in [Rule 3.5.1.1](#).

3.5.5.1 Signing E-Petitions

Anyone wishing to sign an e-petition will be asked to provide their name, postcode and a valid e-mail address and confirmation that they either work or study in the Borough if they are not a resident. When an e-petition is created through the Council's website the person signing the e-petition will receive an e-mail, containing a link. Once this link has been clicked on to confirm that the e-mail address is valid the name will be added to the petition. People visiting the e-petition will be able to see the names, in list form, of those who have signed it but not their contact details.

3.5.6 If it is felt that a Petition has not been dealt with properly

If the petition organiser feels that their petition has not been dealt with properly they have the right to request the Council's Overview and Scrutiny Management Committee to review the steps that the Council has taken in response to the petition. The petition organiser should provide a short explanation of the reasons why the Council's response was not considered to be adequate.

The relevant Committee will consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. The petition organiser will be advised of the date of the meeting and invited to attend. If the Committee determine that the petition has not been dealt with adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Executive and arranging for the matter to be considered at a meeting of Council.

Once the appeal has been considered the petition organiser, whether or not they attended the meeting, will be informed of the results within five working days. The results of the review will also be published on the Council's website.

CHAPTER 3.6 – FILMING AND RECORDING PROTOCOL

3.6.1 Introduction

Wokingham Borough Council is committed to openness and transparency in how it takes decisions on behalf of local residents.

In accordance with the Openness of Local Government Bodies Regulations 2014 members of the press and public will be permitted to take photographs or audio / visually record any meeting arranged by the Council and open to the public.

The purpose of this protocol is to provide guidance to those taking photographs or audio / visual recording at such meetings.

The press and public will also be permitted to use social media eg tweeting and blogging to report the proceedings of all such meetings that are open to the public. No restrictions will be placed on anyone at the meeting using Twitter, blogs, Facebook provided that the Chairman does not consider their actions are disrupting the proceedings of the meeting.

For the purposes of this Protocol “Chairman” means the chair of the meeting, if one has been appointed, or the responsible Wokingham Borough Council Member / Officer.

3.6.2 Exemptions

Although the Council welcomes the photographing and audio / visual recording of any of its meetings that are open to the public the proceedings of that meeting must not be disrupted by the use of media tools and must not inhibit community involvement in the proceedings.

Photography and audio / visual recording will not be permitted at any meeting where the public have been excluded as permitted by law i.e. when confidential or exempt information is due to be discussed.

3.6.3 Obligations

In order not to disrupt proceedings any member of the press / media or the public wishing to photograph and/or audio / visually record a meeting must adhere to the following:

- a) Any photography or audio / visual recording must take place from a fixed position in the meeting room approved by the Chairman;
- b) The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed with the Chairman;
- c) If the Chairman feels the photography / audio / visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached the operator of the equipment will be required to stop;
- d) Oral reporting or commentary is not permitted during a meeting;
- e) Any request made by the Chairman in respecting a member of the public’s right to privacy should be complied with;

- f) People seated in the public gallery / seating area should not be photographed / filmed / recorded;
- g) Use must not be made of an image if consent is refused;
- h) Photographs / audio / visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

3.6.4 Rights of Attendees at Meetings

If a request has been received to take photographs or audio / visually record a particular meeting, notices to this effect will be displayed in the relevant meeting room. The Chairman will also make an announcement that the meeting will be photographed / recorded or filmed.

The Council will, on occasions, audio record meetings for minuting purposes only. The relevant Chairman will not make an announcement to this effect and these recordings will not be supplied to anyone outside the Council.

The Council wishes to respect the privacy of members of the public who are attending their meetings. Therefore if you are taking photographs or audio / visually recording a meeting you are asked not to film those people seated in the public gallery / seating area. If you ask a question, present a petition or make a representation, then you are likely to be filmed and you will be deemed to have given your consent to this.

If you do not wish to be photographed / filmed or recorded please inform the Democratic Services Officer in attendance at the meeting or the Chairman of the relevant Committee.

3.6.5 Prior to the Meeting

We kindly ask anyone wishing to use large equipment to take photographs or audio / visually record meetings, to contact Democratic Services in advance of the meeting at: democratic.services@wokingham.gov.uk. This is in order that we can assist in finding an appropriate location, which does not impede access to / from the meeting room or block the view of any attendee, and provide any "reasonable facilities".

Taking into account the venue and expected public attendance / participation the Chairman of the relevant committee will rule on whether facilities requested are "reasonable".

3.6.6 At the Meeting

Large equipment must be set up before the meeting starts. The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed with the Chairman. This will be communicated to all relevant parties.

If the Chairman feels the photography / audio / visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached the operator of the equipment will be required to stop.

Disruptive behaviour is any action or activity which disrupts the conduct of meetings or impedes other members of the public from being able to see, hear or film etc the proceedings. Examples of types of disruptive behaviour are:

- Moving to areas outside the area designated for the public without the consent of the Chairman;
- Excessive noise in recording or setting up or re-siting equipment during the debate/discussion;
- Intrusive lighting and use of flash photography; and
- Asking for people to repeat statements for the purposes of recording.

If someone refuses to stop when requested to do so the Chairman will ask the person to leave the meeting. If the person refuses to leave then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed.

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