

# **WHIMPLE PARISH COUNCIL PUBLIC PARTICIPATION POLICY**

## **Introduction**

Members of the public have a legal right to attend decision making meetings of Whimple Parish Council (WPC) and its committees, except where they are excluded for specific items which need to be discussed in confidence, for example staffing matters or tenders for contracts.

WPC sets aside time for public participation at each meeting, during which members of the public may make a representation, contribution, suggestion or ask a question.

Councillors with a prejudicial interest in an agenda item may speak during public participation (and then leave the room when the item is considered).

Other than when invited to do so by the Chair, members of the public are not permitted to speak at the meeting as this confuses the roles of councillors, who participate in the meeting, and members of the public who observe it.

Public participation takes place near the start of the meeting immediately after declaration of interests to make everyone aware if a councillor has a prejudicial interest. The time for public participation shall be outlined on the agenda.

If there is a possibility that a large number of people will wish to speak, the Chair will encourage people not to repeat comments made by earlier speakers or ask for a single representative to be appointed.

It is recognised that some members of the public may abuse the opportunity to speak. While the Chair will endeavour to ensure an answer to a question, this may be refused if continuous representations are made or repetitive questions asked.

Neither members nor officials are under any obligation to respond immediately or at all to comments or questions made during public participation, and if appropriate, a written response will be provided. The Chair's decision to allow a question or require an answer to be given will be final.

Members of the public do not have a right to force items onto the council agenda. The public have a legal right to attend council and committee meetings but do not have a right to disrupt them. Members of the public should not heckle or otherwise disrupt and must respect the rulings of the Chair. As per WPC's Standing Orders, if person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any member or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

## **Rules**

A maximum of thirty minutes will be set aside for public participation at a meeting. Each member of the public may speak for no more than three minutes.

The conduct of public participation will be regulated by the Chair having regard to the guidelines set out, but with the right of discretion reserved. An extension of this time limit is at the sole discretion of the Chair.

The Chair's decision on the relevance of a representation or question and on the method of dealing with any issue in connection with this procedure will be final. This includes the Chair's decision to allow a representation or question or require an answer to be given.

Questions must be clear and concise and be relevant to matters for which WPC has powers or duties.

Questions, representations, contributions or suggestions should not:

- Contain offensive expressions or be personal or verbal attacks on any officer or councillor of the Council
- Divulge, or require the answer to divulge confidential or exempt information
- Repeat questions or representations previously asked at earlier meetings unless there has been a material change of circumstances.

No debate will be allowed on any question or the response thereto.

Any person excluded from a meeting will lose the privilege of addressing any meeting for a period of twelve months or until such time as the Council may decide otherwise.

### **Other Ways To Ask Questions**

Members of the public should be aware that rather than bringing questions to the entire Council and other members of the public during public question time, questions may also be addressed, during business hours by the Parish Clerk, or via your East Devon District Council or Devon County Council Ward Member.

These methods of communication are encouraged when more detailed dialogue is required than three minutes allow; the council meeting is not the correct forum for conducting long debates between councillors and members of the public.

## **WHIMPLE PARISH COUNCIL EQUAL OPPORTUNITIES POLICY**

### **LEGAL POSITION**

It is unlawful to discriminate against an individual on the following grounds:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership**
- **Pregnancy and maternity**
- **Race**
- **Religion or belief**
- **Sex**
- **Sexual orientation**

Under the Equality Act 2010 these are known as “protected characteristics”.

### **PURPOSE**

The purpose of this policy is to provide equal opportunities to employees, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken).

We oppose all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimization or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

### **SCOPE**

Officers whether full-time, part-time, fixed term contract, agency workers or temporary officers, will be treated fairly and equally.

Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. Officers will be helped and encouraged to develop their full potential and the talents and resources will be fully utilised to maximise the efficiency of Whimble Parish Council (WPC).

### **OUR COMMITMENT**

Every officer is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. This is further defined in the Staff Handbook adopted by WPC.

The commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from the local community, representing society as a whole.

Breaches of our equal opportunities policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Officers are entitled to complain about discrimination, harassment or victimization through the Grievance Procedure.

This policy is fully supported by all councillors of WPC and adopts the model contract as devised by the employee professional body in the local government sector (the Society of Local Council Clerks).

The policy will be monitored and reviewed annually. Other personnel policies will be reviewed against the values stated in this main Equal Opportunities Policy to ensure that WPC strives to remain an equal opportunities employer.

## **WHIMPLE PARISH COUNCIL STATEMENT ON LEADERSHIP IN PLANNING**

Whimble Parish Council (WPC) is mindful that planning within the village should be positive for the people, the economy and the environment. It actively participates in the planning process in numerous ways as detailed below.

### **Commenting on Planning Applications**

On a twice-monthly basis, WPC considers and comments on planning applications relating to Whimble that have been submitted to the local planning authority, East Devon District Council.

When considering an application, WPC considers such things as the design, location, impact on the street scene and neighbours, biodiversity and environmental impact. Comments are also made relating to district, county, regional and national policy.

### **Liaising with developers**

On large scale development, WPC liaises with developers prior to a formal planning application being submitted. The aim of this is to create better quality development that meets the needs of the Whimble community and ensure that any areas of concern can be addressed to deliver a favourable recommendation at the planning application stage. More information can be found within WPC's Meeting with Developers Protocol.

### **Creating a Neighbourhood Plan**

Whimble's Neighbourhood Plan is in the process of being drafted. Once the Neighbourhood Plan has been adopted it will form part of the statutory development plan for the Whimble area, alongside the East Devon Local Plan and the Devon Waste and Minerals Plans, and carries full weight for guiding planning applications submitted to the Council for determination and the decisions made on these. The Neighbourhood Plan will require regular review and amendment.

### **Clear Communication**

WPC uses the following resources to communicate with the community:

- Council website – [www.whimbleparishcouncil.org](http://www.whimbleparishcouncil.org)
- Facebook
- Whimble News
- WPC Planning and Council Meetings
- Noticeboards
- Consultation opportunities

These channels are used to promote communication and encourage feedback on all aspects of the WPC's work, whether positive or negative. These platforms also provide the community with an opportunity to share their thoughts and ideas on upcoming development plans or projects within the community.

# **WHIMPLE PARISH COUNCIL MEETING WITH DEVELOPERS PROTOCOL**

## **Introduction**

Whimble Parish Council (WPC) acknowledges that developers may wish to present proposals at different planning application stages to seek its views and recognises that discussions play an important role in major developments.

WPC welcomes the desire of developers to consult both the council and the local community more widely. However, WPC is aware of the importance of public perception in planning and the need to avoid any appearance that they are conducting secretive negotiations or colluding with developers. To avoid improper lobbying by a developer or creating a perception that WPC has a predetermined position about a proposed development, it will follow this protocol.

## **Scope**

This document applies to all councillors, committees, employees of WPC, contractual third parties and agents who work and act on behalf of WPC.

This document applies to all developers, landowners, their employees and agents that act on their behalf.

## **Procedure**

The developer must provide information about the proposed development in writing.

If the developer considers that any information provided to WPC is sensitive, this will not require it to be treated as confidential. The developer must identify information that they want to be treated as confidential and explain the reasons in writing. If the developer has a legitimate expectation for confidentiality about the proposed development, WPC will keep a written record of the confidential and non-confidential issues.

Information held by WPC about a proposed development is subject to disclosure under the Data Protection and Freedom of Information legislation.

Communications (including informal and formal meetings) between the developer and WPC (or with individual councillors and/or the Parish Clerk) about a pre-planning application development will not bind WPC to making a particular decision. Any views expressed will be provisional, because not all the relevant information will be available and formal consultations will not have taken place.

Informal meetings and telephone conversations between a developer and individual councillors and/or the Parish Clerk will be documented in writing and are subject to disclosure under Data Protection and Freedom of Information legislation. The Parish Clerk may arrange and attend meetings with councillors and send a follow-up in writing.

Official meetings of the council and its committees are open to the public and developers may attend.

The developer may not speak at any meeting of WPC unless they are invited to address the meeting or do so during public participation. The developer may regard information about the proposed development as either confidential or “sensitive” and therefore not suitable for discussion at a meeting open to the public. However, councillors will consider if there are grounds to exclude the public from the meeting when the proposed development is being discussed and considered. WPC may do this if the matter being considered at the meeting would prejudice the public interest due to its confidentiality or for other special reasons.

The minutes of all council meetings which record decisions made are available on the WPC website or by request to the Parish Clerk.

It is an offence for a developer or their agent to promise or give a financial or other advantage to a council with the expectation of an improper consideration of a planning application. If the developer is an organisation, such as a charity or company, WPC may request sight of the developer’s anti-bribery policy.

### **Context of protocol within existing legislation**

Within existing legislation, a developer must consult with a local authority if the land to be developed is in the local authority's area before the submission of a planning application.

Before the submission of a planning application, a developer is required to liaise with a range of bodies. These are persons whom the developer, after ‘making diligent inquiry’, knows to be the owner, lessee, tenant (whatever the tenancy period) or occupier of the land and a person who (a) is interested in the land, or (b) has power (i) to sell and convey the land, or (ii) to release the land.

The latest version of the National Planning Policy Framework (NPPF), published in December 2023, encourages developers to liaise with the local planning authority (and others but with NO specific reference to Town/Parish councils) before the submission of a planning application.

Below are extracts from the NPPF:

#### ***‘Pre-application engagement and front loading’:***

*39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.*

*40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are*

*not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.*

*41. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.*

*42. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.'*

There are circumstances when a developer may consult with a town/parish council before the developer has submitted a planning application to the local planning authority and the town/parish council is asked by the planning authority to make representations about the application.

A developer may also want to consult with a town/parish council if a proposed development relates to the development or submission of proposals within a Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO). Town/Parish Councils are required to advertise its proposals for a NPO or a NDO with its local community and to consult with certain bodies to ascertain their views on the proposals before these are submitted to the planning authority. In the periods when such proposals are being developed and before such proposals are submitted to the local planning authority, it is anticipated that developers in the private or public sector may wish to disclose or discuss a proposed development so that this may be accounted for in the proposals for a NDP or NDO order to be submitted.

The Localism Act 2011 restricts the impact of the acts of, or verbal or written statements or views expressed by members prior to a decision that might suggest pre-determination. A decision-maker (i.e. a member) is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because:

- a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and
- b) the matter was relevant to the decision.



# **WHIMPLE PARISH COUNCIL MEMORIAL BENCH POLICY**

## **Introduction**

1. Whimple Parish Council ('the Council') receives occasional requests from the public to donate/install memorial benches and plaques. The Council can only consider applications for benches to be installed on land in the Council's ownership. Some locations in the village are owned and managed by East Devon District Council, who must be contacted directly, should an individual wish to place a bench on their land.
2. There is no legislative requirement for the provision of public memorial benches, although it is accepted that they provide a useful and valued public amenity as well as a place to sit and reflect on those loved ones who have been lost.

## **Procedure to apply to purchase a bench to be sited on Council land**

3. All applications for memorial benches should be completed on an official application form in the format attached hereto. They must be signed by the applicant, giving extended family details where possible, as an additional means of contacting the donor or their family, should this be necessary at a future date.
4. Requests will be accommodated where possible, but it may be necessary to offer alternative locations, if space is not available at the preferred site.
5. Any applicant will be required to meet the cost of purchasing a bench along with delivery fees and an installation fee to include the cost of any materials (eg. Cement or in some cases the creation of a base). Furthermore, the applicant will be required to source the bench (and seek consent from the Council as to the style and design of the bench prior to placing the order).
6. Once installed, basic maintenance of the bench will become the responsibility of the Council, i.e. annual painting and minor repairs. If major repairs are required, the applicant will be contacted and notified of costs and asked to meet/contribute towards the cost if repairs are viable.
7. Whilst the Council will endeavour to maintain and repair wherever possible to prolong the life of each bench if, in the view of the Council's maintenance officer, repairs are not viable and a bench is no longer safe for use, then the applicant (and, if unavailable, other family members detailed on the application form) will be contacted and asked whether they would like to supply a replacement bench. Any replacement benches will be subject to the same terms as set out at paragraphs 6 and 7 above.
8. When a bench is no longer capable of repair, whilst the Council will use reasonable endeavours to contact the applicant in the first instance and thereafter alternative contacts provided on the application form, if this is not possible, then the Council, in its absolute discretion, may remove and dispose of the bench as it sees fit.

9. The Council cannot guarantee the long-term safety or security of benches and is not responsible for any replacement bench resulting from damage and vandalism or deterioration with age. In the unlikely event that a memorial bench is stolen, the Council shall not be responsible for providing a replacement.
  
10. No additional mementoes such as vases, statues, flowers, wreaths, shrubs, trees and other planted vegetation, shall be permitted on or around the bench.

## Application for a Memorial Bench

Date of Application	
Applicant's Full Name	
Applicant's Address	
Applicant's Contact Telephone Numbers	Landline  Mobile
Applicant's Email	
Alternative Contact Name  (by submitting alternative contact details, the applicant hereby gives the Council permission to contact this person or persons and consents to them making a decision as regards replacement or disposal of bench to which this application relates	
Alternative Contact's Address	
Alternative Contact's Telephone Numbers	Landline  Mobile
Alternative Contact's Email	
Details of bench – please attach specification, size and photograph of proposed bench with this application form	

<p>Details of memorial plaque to be affixed to bench – please supply details of proposed wording for memorial plaque for approval</p>	
<p>Preferred location of bench?</p>	
<p>Second choice of location for bench?</p>	

**I have read and accept the terms and conditions regarding memorial benches installed on Whimple Parish Council land**

**Signed:**

**Print:**

**Date:**