

PART 2

Articles of the Constitution

Article 3 – Members of the Public and the Council

3.1 RIGHTS OF MEMBERS OF THE PUBLIC

Members of the public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in [Part 4E](#) of this Constitution:

3.1.1 Referendum

Members of the public on the electoral roll for the Borough have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.

No more than one referendum can, however, be held in any five year period and Cheltenham last held a referendum on the 28th June 2001.

3.1.2 Information

Members of the public have the right:

- (a) to attend meetings of the Council and its committees except where confidential or exempt information is likely to be discussed and that part of the meeting is therefore held in private;
- (b) to attend meetings of the Cabinet *except as in (a) above*;
- (c) to find out from the Forward Plan what Key Decisions will be taken by the Cabinet and when;
- (d) to see agendas, reports and background papers and the minutes and other records of decisions made by the Council, the Cabinet and all other Committees and sub-Committees except where the law permits or requires the withholding of such information;
- (e) to inspect the Authority's accounts and make their views known to the external auditor;
- (f) to disclosure of information under the Freedom of Information Act 2000, subject to certain exemptions and exceptions.

3.1.3 Public Participation

Questions

Subject to the relevant rules of procedure set out in [Part 4](#) of the Constitution members of the public may ask questions at Council Meetings, Cabinet Meetings and Committee Meetings and, when invited, to assist investigations by Overview and Scrutiny Committees. The public may, in certain circumstances and in accordance with the rules of procedure in [Part 4](#) also participate at the Planning Committee.

Petitions

Any person who lives, works or studies in the district may petition the Council or the Cabinet about any matter which causes concern to them and affects the Borough.

Whenever the Council receives a petition, the Mayor shall determine to whom the petition is to be passed. Whenever the Cabinet receives a petition, the Leader shall determine to whom the petition is to be passed. That person or body shall ensure that a detailed response is sent to the organiser or presenter of the petition.

Details of the petition scheme are set out in [Appendix H](#).

3.1.4 Complaints

The Authority operates an internal complaints procedure. Complaints may be made to:

- (a) the Local Ombudsman, normally after first using the Authority's own complaints scheme;
- (b) the Council's Standards Committee about an alleged breach of the Members' Code of Conduct.
- (c) the Information Commissioner about the Council's handling of a Freedom of Information Act Request.
- (d) the Information Commissioner about the Council's handling of a Personal Data Protection Request.
- (e) Council has responsibility for Personal Data.

3.2 RESPONSIBILITIES OF MEMBERS OF THE PUBLIC

Members of the public must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Authority, Councillors or Employees.

Members of the public must not create a disturbance when attending any Meeting.