



OFFICER REPORT TO LOCAL COMMITTEE (WOKING)

Standing Orders: Local Protocol

23 June 2008

KEY ISSUE

The County Council standing orders outline the protocols for Committees, but has agreed Local Committees make their own arrangements provided that these are set out in an approved protocol that is, in effect, a local addition to standing orders.

SUMMARY

As in previous years and in conjunction with the Standing Orders of the County Council, this report asks Members to agree a local protocol to deal with questions and petitions to the Local Committee for the year 2008/2009.

OFFICER RECOMMENDATIONS

The Local Committee (Woking) is asked to agree the arrangements set out in this report for handling questions from the public and petitions and, specifically:

Public Questions:

- (i) that written public questions are accepted up to 12.00 noon four working days before the day of the meeting**
- (ii) that the Committee may accept up to eight written public questions, and that the Chairman may use his/her discretion to regard a single question that has been divided into a number of sub-questions as several different questions within the allowable total number that may be asked at the meeting**

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- (iii) that in addition to the electorate, any young person under 18 who lives within the Woking Borough area may ask one question at the discretion of the Chairman, within the total allowable number which may be asked at the meeting**

Petitions:

- (iv) that the Committee accepts a petition containing 50 or more signatures, although in exceptional circumstances the Chairman may use his/her discretion to accept petitions with fewer signatures in cases where it would not be appropriate to get 50 signatures, for example where a proposed scheme affects fewer than 50 properties.**
- (v) that Members of the Committee be allowed, at the discretion of the chairman, to briefly clarify points with petitioners when petitions are presented. If the petition refers to an item on the agenda then Members discussion on the item needs to take place at the relevant part of the agenda.**

1 INTRODUCTION AND BACKGROUND

- 1.1 Standing Orders 40.1 and 40.2 state that Local Committees comply with the Standing Orders (parts 2 and 3) except:

‘where they draw up local protocols allowing them discretion to make minor variations to working practices which may only relate to arrangements for public engagement, including arrangements for the presentation of petitions, public question time etc. and monitoring service performance locally.’

Any local protocols shall be drawn up by the Area Director in consultation with the Democratic Services Lead Manager, and approved by the Local Committee.

- 1.2 On 12 June 2007 the County Council made some amendments to Standing Orders. Two of these amendments affect Local Committees. The first is in relation to the deadline for Member questions which used to be 12 noon two working days before the meeting. Standing Order 47.2 now states that the deadline for submission for Members’ questions to Executive and Committees is 12 noon four working days before the meeting. The second amendment is in relation to supplementary questions from members of the public, this is outlined below in point 1.7.

Written Public Questions

- 1.3 Standing Orders 66.1 to 66.7 relate to written public questions (refer to annex 1)
- 1.4 Under current Standing Orders (Standing Order 66.1) any member of the public who is an elector of the area may ask one question relating to a matter within the Local Committee’s terms of reference. It is recommended that this is extended to also include any young person under 18 who lives within the Woking Borough area to ask one question at the discretion of the Chairman, within the total allowable number which may be asked at the meeting.
- 1.5 Standing Order 66.2 states that the notice for written public questions is 7 days. At the Local Committee (Woking) meeting in June 2007 it was agreed to bring the deadline for public questions into line with the deadline for member questions, that is 12 noon 4 working days before the Committee.
- 1.6 Standing Order 66.6 states that the number of written public questions may not exceed six. As was agreed in June 2006, it is recommended that the Committee accept up to eight public questions and the

Chairman may use his/her discretion to regard a single question that has been divided into a number of sub-questions as several different questions within the allowable total number that may be asked at the meeting.

- 1.7 An amendment to Standing order 66.5 was made at the County Council meeting on 12th June 2007 stating that members of the public asking questions at Executive and committees be able to ask one supplementary question. This formalises the Surrey County Council Local Committee (Woking) Local Protocol in place since June 2006.

Written Member Questions

- 1.8 The Local Committee has agreed to Surrey County Council Standing Orders that written Member questions be submitted 4 working days ahead of the Local Committee meeting.

Petitions

- 1.9 Standing Orders 65.1 to 65.6 relate to petitions (refer to annex 2).
- 1.10 Standing Order 65.1 states that petitions presented require 100 signatures. It was agreed in October 2004 that the Local Committee (Woking) would accept a minimum of 50 signatures. However, in exceptional circumstances, the Chairman may use his/her discretion to accept petitions with fewer signatures. Such circumstances would be those where it would not be appropriate to collect 50 signatures, for example if the issue related to a scheme where fewer than 50 houses would be affected. It is recommended that this be continued.
- 1.11 It is recommended that an additional local variation be added which allows Members of the Committee, at the discretion of the chairman, to briefly clarify points with petitioners when petitions are presented. If the petition refers to an item on the agenda then Member's discussion on the item needs to take place at the relevant part of the agenda.

2 CONCLUSION AND RECOMMENDATIONS

- 2.1 The Council has amended Standing Orders to allow Local Committees to vary procedural rules to make their proceedings more accessible and to promote engagement with the public. Within the scope referred to under paragraph 1.1, the report proposes that the current practice of the Local Committee (Woking) is continued.

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Annex 1**Public Questions – Extract from Standing Orders**

“66.1 At the start of any ordinary meeting of the Executive or any Committee, any member of the public who is an elector of the Surrey County Council area may ask one question relating to a matter within the Executive’s or Committee’s terms of reference. Questions will not be allowed on matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985 or on planning applications. Questions should relate to general policy and not to detail”

“66.2 Notice must be given in writing or by e:mail to the Chief Executive at least 7 days before the meeting”

“66.3 The Chief Executive may, having consulted the questioner, reword any question received to bring it into proper form and to secure reasonable brevity. Copies will be circulated to Members of the Executive or Committee as appropriate.”

“66.4 Questions will be taken in the order in which they are received by the Chief Executive and directed to the appropriate Executive Member or Committee Chairman. Questions will be asked and answered without discussion. Any Member may decline to answer a question, provide a written reply or nominate another Member to answer it on his/her behalf.”

“66.5 Following the initial reply by the executive member or committee chairman, one supplementary question may be asked by the questioner. The Executive Member or committee chairman may decline to answer a supplementary question.

“66.6 The number of questions which may be asked at any one meeting may not exceed six and the Chairman may exercise his/her discretion to regard a single question which has been divided into a number of sub-questions as several different questions within the allowable total number which may be asked at the meeting. The Chairman may also disallow questions which are repetitious.”

“66.7 Questions which are received after the first six will be held over to the following meeting or dealt with in writing at the Chairman’s discretion.”

Annex 2**Petitions – Extract from Standing Orders**

“65.1 At the start of any ordinary meeting of the Executive or a committee, any member of the public who is an elector of the Surrey County Council area may present a petition, containing 100 or more signatures, relating to a matter within the terms of reference of the Executive or the committee as appropriate. The presentation of a petition on the following business will not be allowed:

- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act, 1985; and
- (b) planning applications.”

65.2 A spokesman for the petitioners may address the Executive or the Committee on the petition for no more than 3 minutes but thereafter may not speak further. The petition may be referred without discussion to the next appropriate meeting of the Executive or Committee at the discretion of the Chairman.”

“65.3 Notice must be given in writing to the Chief Executive at least 14 days before the meeting.”

“65.4 No more than 3 petitions may be presented at any one meeting of the Executive or a committee.”

“65.5 The Chief Executive may amalgamate within the first petition, other petitions of like effect on the same subject.”

“65.6 The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed.”