

OFFICER REPORT TO LOCAL COMMITTEE (WOKING)

Standing Orders: Local Protocol

8 July 2009

KEY ISSUE

The County Council standing orders outline the protocols for Committees, but has agreed Local Committees make their own arrangements for handling matters related to public engagement, 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 public questions, petitions and rights of way matters to the Local Committee for the year 2009/2010.

OFFICER RECOMMENDATIONS

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

Public Questions:

- (i) that the committee will offer an opportunity for public engagement and informal questions for half an hour before each formal local committee meeting commences (subject to annual review);**

- (ii) that written public questions, dealt with as part of the formal agenda, are accepted up to 12.00 noon four working days before the day of the meeting;**
- (iii) 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;**
- (iv) 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:

- (v) 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;**
- (vi) 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;**

Public Speaking on Rights of Way applications:

- (vii) that the Committee notes the changes to the County Council's standing orders concerning public participation on Rights of Way applications, attached at Annex 1.**

1 INTRODUCTION AND BACKGROUND

- 1.1 In the County Council's constitution, Standing Orders 41.1 and 41.2 state that Local Committees shall comply fully 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 This report reminds members of the local protocol that the Local Committee (Woking) adopted in 2008/09 and proposes that similar arrangements are adopted for 2009/10, with the addition of new procedures with reference to Rights of Way (following changes to the County Council's standing orders agreed in April 2009).

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.

Petitions

- 1.8 Standing Orders 65.1 to 65.6 relate to petitions (refer to annex 1).
- 1.9 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 include 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.
- 1.10 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.

Public Rights of Way

- 1.11 At the County Council meeting on 28th April 2009, some changes to the County Council's Standing Orders were agreed. The rules on public speaking at meetings of the planning and regulatory committee (Standing Order 67.1) were extended to local committees (refer to Annex 1). This means that members of the public and their representatives may address the local committee on applications relating to public rights of way being considered.

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.

3 REASONS FOR RECOMMENDATIONS

3.1 The local protocol makes the Local Committee proceedings more accessible and promotes engagement with the public.

LEAD OFFICER: Carolyn Rowe, Area Director
TELEPHONE NUMBER: 01483 518093
E-MAIL: Carolyn.rowe@surreycc.gov.uk
CONTACT OFFICER: Sarah Goodman/Ruth Brown, Local Committee and Partnership Officer
TELEPHONE NUMBER: 01483 518095
E-MAIL: localpartnerships.woking@surreycc.gov.uk
BACKGROUND PAPERS: Constitution of the Council

Version No:1

Date: 17.06.09

Initials: SG

No of annexes: 1

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.”

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 their 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.”

(RIGHTS OF WAY) Public Speaking at Meetings of the Planning and Regulatory Committee

67.1 Members of the public and their representatives may address the Planning and Regulatory Committee on any planning applications and all applications relating to public rights of way being considered by that Committee. **This Standing Order (67.1) also applies to applications relating to public rights of way being considered by Local Committees.**

67.2 Speakers must first register their wish to speak by telephone or in writing to the Committee Manager by 12 noon one working day before a meeting stating on which item(s) they wish to speak.

67.3 Only those people who have previously made written representations in response to a planning application will be entitled to speak.

67.4 Speakers must declare any financial or personal interest they may have in the application.

67.5 Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.

67.6 The time allowed for public speaking will be limited to 15 minutes for objectors and 15 minutes for supporters per item, and to 3 minutes per speaker.

67.7 Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.

67.8 No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.

67.9 Speeches will precede the Committee's formal discussion on each application requiring the Committee's attention.

67.10 The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the Committee.