



OFFICER REPORT TO LOCAL COMMITTEE (WOKING)

LOCAL COMMITTEE PUBLIC ENGAGEMENT PROTOCOL, CIVIL PARKING ENFORCEMENT JOINT MEMBER WORKING GROUP AND MEMBER REPRESENTATION ON EXTERNAL BODIES

7 JULY 2010

KEY ISSUE

The County Council's 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 acts as a local addition to standing orders.

Any task group set up by the local committee needs to have annually agreed terms of reference.

SUMMARY

This report sets out a local protocol to deal with public engagement with the local committee for the year 2010/2011, terms of reference for the Civil Parking Enforcement Joint Member Working Group and notes member representatives on external groups.

OFFICER RECOMMENDATIONS

The local committee (Woking) is asked to agree the following:-

Public Questions:

- (i) that the committee will offer an opportunity for public engagement and informal questions 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 and local businesses, any young person under 18 who lives within the 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;
- (vii) Public speaking on Rights of Way applications that the Committee notes the County Council's standing orders concerning public participation on Rights of Way applications, which also apply to local committees (outlined at Annex 1);

Civil Parking Enforcement Joint Member Working Group:

- (viii) To establish a Civil Parking Enforcement joint member working group, and appoint Geoff Marlow and Liz Bowes as the county council members to the group.
- (iv) To note the following Member representatives:
 1. The Woking Partnership - Ben Carasco with Diana Smith as substitute
 2. Youth Lead – Will Forster
 3. Woking Cycle Forum – Will Forster

1 INTRODUCTION AND BACKGROUND

- 1.1 In the County Council's Constitution, Standing Order 41 states that Local Committees may draft their own protocols for public engagement, to be reviewed annually. The Head of Democratic Services and Head of Legal Services are consulted on the draft before it can be adopted by the Local Committee. This report reminds members of the local protocol that the Local Committee (Woking) adopted in 2009/10, and proposes that similar arrangements are adopted for 2010/11 with the addition of a new extended session for public engagement and questions.
- 1.2 It is recommended that a Civil Parking Enforcement Group is established jointly with the borough council to progress enforcement of on-street parking restrictions. Any such group needs to be set up with terms of reference and agreed by the local committee annually.
- 1.3 The local committee has previously nominated members to be represented on the Woking Partnership, the Woking Cycle Forum and a member to take a lead on youth. The representatives for these groups for 2010/11 are set out in recommendation iv.
- 1.4 To enable members to report progress on the activities in which they are involved on behalf of the local committee it is suggested that update reports are made when relevant.

Written Public Questions

- 1.5 Standing Orders 66.1 to 66.7 relate to written public questions (refer to annex 1). Under current Standing Orders (Standing Order 66.1) any member of the public who is an elector of the area or local business may ask one question relating to a matter within the local committee's terms of reference. In Woking, this has been extended to include any young person under 18 who lives within the area. They can ask one question at the discretion of the Chairman, within the total allowable number which may be asked at the meeting.
- 1.6 Standing Order 66.2 states that the notice for written public questions is seven days. The Committee has agreed previously that members of the public may submit questions up until noon four days before the Committee, in line with the notice period for member questions.
- 1.7 Standing Order 66.6 states that the number of written public questions may not exceed six. The local committee (Woking) has previously agreed to accept up to eight public questions.
- 1.8 Members of the public may ask one brief supplementary question provided it is relevant to the subject of the original. However, the chairman may decline to answer a supplementary, or undertake to supply an answer at a later date.

- 1.9 At present, an informal question time is held before the start of the formal Local Committee meeting. This enables members of the public who wish to ask one or more questions on matters of local interest without prior notice to raise such matters with their local county councillors in public. During 2010/11 an extended public engagement session will be held to allow both members of the public, local businesses and the committee to ask questions on a series of public engagement reports which will be presented after the open public question session at 6.00pm. This will be followed by the formal decision making part of the committee, which members of the public and local businesses are very welcome to attend, but do not have the right to speak except in relation to asking a formal written question or presenting a petition.

Petitions

- 1.10 Standing Orders 65.1 to 65.6 relate to petitions (refer to annex 1). Standing Order 65.1 states that petitions presented require 100 signatures. In previous years the local committee (Woking) has accepted 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.
- 1.11 It is recommended that the committee continues with the additional local variation 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.

Civil Parking Enforcement Joint Member Working Group

- 1.12 It is proposed to establish a Civil Parking Enforcement Task Group. The Task Group shall exist to advise the local committee. It has no formal decision making powers. The Task Group will:
- meet in private;
 - record its actions;
- 1.13 Officers supporting the Task Group will consult the Group and will give due consideration to the group's reasoning and recommendations prior to the officer writing their report to the parent local committee.
- 1.14 The Task Group can, should it so wish, respond to an officer report and submit its own report to the local committee.
- 1.15 The Task Group will contain four appointees, two county and two

borough councillors. The Task Group may also consult with the relevant divisional member.

- 1.16 The Task Group will make recommendations on any issues with regard to waiting and loading restrictions to the local committee.
- 1.17 The Task Group will make recommendations to the local committee on the way forward on Controlled Parking Zones.

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.
- 2.2 Members are also asked to establish a Civil Parking Enforcement Joint Member Working Group and confirm the named representatives.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The local protocol makes the local committee proceedings more accessible and promotes engagement with the public.
- 3.2 The named representatives enable the local committee to be represented on relevant outside bodies, and the Civil Parking Enforcement task group will report back to the local committee to take decisions as necessary.

4 WHAT HAPPENS NEXT

- 4.1 The Local Protocol will be implemented for the year 2010/11. The Local Highways Manager will convene the Civil Parking Enforcement joint member group, and the Local Partnerships Team will write to the Chairman of the Woking Partnership to confirm the name of the representative.

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BACKGROUND PAPERS:	Constitution of the Council

Version No:1 Date: Initials: RB No of annexes: 1

Annex 1

Public question time

- 66.1 At the start of any ordinary meeting of the Cabinet 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 Cabinet's or committee's terms of reference. In addition, a local business may ask one question at an ordinary meeting of a local committee. 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 Cabinet or the 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 Leader, Deputy Leader or appropriate Cabinet 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 Leader, Deputy Leader or Cabinet Member or committee chairman, one supplementary question may be asked by the questioner. The Leader, Deputy Leader or Cabinet 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 to be received will be held over to the following meeting, or dealt with in writing at the chairman's discretion.

Petitions – Extract from Standing Orders Part 4

Petitions

- 65.1 At the start of any ordinary meeting of the Cabinet, a Cabinet Member 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 Cabinet, the Cabinet Member or the committee as appropriate. In addition, a local business may present a petition to an ordinary meeting of a local committee. 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 Cabinet, Cabinet Member 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 Cabinet, Cabinet Member 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 three petitions may be presented at any one meeting of the Cabinet, Cabinet Member or a committee.
- 65.5 The Chief Executive may amalgamate within the first received 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

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.

(Part 4, Standing Orders of the County Council).