

GUILDFORD BOROUGH COUNCIL

PUBLIC SPEAKING PROCEDURE RULES

1. CONDUCT EXPECTED OF PUBLIC SPEAKERS AT ANY COUNCIL, EXECUTIVE OR COMMITTEE MEETING

Public speakers will be expected to conduct themselves in an orderly manner and, in making their speeches, they should be mindful of the need to avoid making public statements that could be construed to be defamatory, frivolous or offensive and should refrain from making allegations regarding the conduct of individual councillors or officers.

2. PUBLIC PARTICIPATION AT COUNCIL MEETINGS

- (a) At meetings of the Council up to 30 minutes shall be allocated to receiving questions and statements from members of the public. ~~Public participation at Council meetings shall be limited to 30 minutes.~~

Questions

- (b) Members of the public may ask the Mayor, the Leader, a lead councillor or a chairman of a committee questions relevant to any item on the agenda for the meeting or to the functions, powers, or duties of the Council at ordinary meetings of the Council, subject to the following conditions:
- (i) A member of the public may ask only one question at a meeting.
 - (ii) In relation to each meeting at which a member of the public wishes to ask a question, notice specifying the question must be given in writing by the questioner and received by the Democratic Services Manager not later than twelve noon on the third working day before the day of the meeting. For the avoidance of doubt, this means that if the meeting is held on a Tuesday, written notice of the question would need to be delivered by 12 noon on the Thursday of the previous week.
 - (iii) In cases where there is any doubt as to whether a question is relevant to the functions, powers or duties of the Council, the Council Solicitor and Monitoring Officer shall determine whether they are accepted. The Democratic Services Manager, in consultation with the Mayor, Leader, appropriate lead councillor or chairman and questioner, may re-word any question to bring it into proper form and to secure brevity.
 - (iv) In response to a question, the councillor to whom the question has been put will normally provide and circulate to the questioner and all councillors at the meeting a written answer which, together with the question, shall also be recorded in the minutes.
 - (v) The questioner may, without notice, ask one supplementary question if such a question arises from the answer given. If the questioner is unable to attend the meeting due to unforeseen circumstances then they may, with the Mayor's consent, nominate a spokesperson to ask the supplementary question.

- (vi) Questions, including any supplementary questions, will be asked and answered without discussion.
- (vii) The Mayor, Leader, lead councillor or chairman may decline to answer a question, or nominate another councillor to answer it on their behalf.
- (viii) Any question or response under this Procedure Rule shall not exceed three minutes in length.

Statements

- (c) As an alternative to asking a question, a member of the public may address the Council for a period not exceeding three minutes on matters relevant to any item on the agenda for the meeting or to the functions, powers, or duties of the Council, subject to the following conditions:
 - (i) In relation to each meeting at which a member of the public wishes to speak and following publication of the agenda, notice, including a summary of the subject matter, must be given in writing by the person to the Democratic Services Manager not later than twelve noon one working day before the day of the meeting.
 - (ii) That speakers wishing to use visual aids during their speeches shall submit them to the Democratic Services Manager no later than 12 noon one working day before the meeting
 - ~~(iii) The person addressing the meeting shall be advised to declare any current or prospective financial or personal interest they may have in the subject.~~
 - (iii) if a speaker is unable to attend the meeting due to unforeseen circumstances then, with the consent of the Mayor, they may nominate a spokesperson to speak for them
 - (iv) The Leader, relevant lead councillor or chairman shall be entitled to respond to the statement and this shall not exceed three minutes in length.

Presentation of Petitions

- (d) See Petition Scheme in the Appendix to the Public Speaking Procedure Rules.

3. PUBLIC PARTICIPATION AT EXECUTIVE AND COMMITTEES

Questions

~~Speaking at Meetings~~

- (a) Subject to ~~(cb)~~ below, members of the public may ~~submit a address or~~ question to the Leader/Executive or to the chairman of any committees on any items included on the public agenda, subject to the following conditions ~~and on the basis that this provision shall not apply to sub-committees:~~
 - (i) A member of the public may ask only one question at a meeting.
 - (ii) that, following publication of the agenda for the relevant meeting, notice must be given in writing by the person concerned to the Democratic Services Manager by twelve noon ~~on the third one~~ working day before a

meeting stating on which item~~(s)~~ they wish to ~~ask a question~~~~speak~~. For the avoidance of doubt, this means that if the meeting is held on a Tuesday, written notice of the question would need to be delivered by 12 noon on the Thursday of the previous week.

- (iii) The Democratic Services Manager, in consultation with the chairman may re-word any question to bring it into proper form and to secure brevity.
- (iv) In response to a question, the councillor to whom the question has been put will normally provide and circulate to the questioner and all councillors at the meeting a written answer which, together with the question, shall also be recorded in the minutes;
- (v) The questioner may, without notice, ask one supplementary question if such a question arises from the answer given.
- (vi) If the questioner is unable to attend the meeting due to unforeseen circumstances then, with the consent of the chairman, they may nominate a spokesperson to ask a supplementary question.
- (vii) The Leader, lead councillor or chairman may decline to answer a question. If appropriate, tThe Chairman may nominate the most appropriate councillor or officer present to provide a response to a question, or supplementary question from a member of the public.
- ~~(i) that speakers shall be advised to declare any current or prospective financial or personal interest they may have in the subject;~~
- (viii) Questions, including any supplementary questions, will be asked and answered without discussion.
- (ix) Any question or response under this Procedure Rule shall not exceed three minutes in length.

Statements

- (b) As an alternative to asking a question, a member of the public may address the Executive or any committee¹ for a period not exceeding three minutes on a matter relevant to an item on the public agenda:
 - (i) In relation to each meeting at which a member of the public wishes to speak and following publication of the agenda, notice, including a summary of the subject matter, must be given in writing by the person to the Democratic Services Manager not later than twelve noon one working day before the day of the meeting.
 - (ii) that speakers wishing to use visual aids during their ~~speeches~~statements shall submit them to the Democratic Services Manager no later than 12 noon one working day before the meeting
 - (iii) that ~~speeches~~statements can be up to three minutes duration or longer only at the chairman's discretion and councillors be afforded the opportunity to ask questions of the public speakers;

¹ See paragraph (c) below for public speaking rules applicable to consideration of planning or related applications by the Planning Committee

- (iv) that speakers do not engage in further debate once their speeches statements have been made;
- (v) that there is a maximum of six speakers on any one agenda item, ~~with the exception of the Planning Committee where there is a maximum of two speakers on any agenda item other than planning and related applications;~~
- (vi) if a speaker is unable to attend the meeting due to unforeseen circumstances then, with the consent of the chairman, they may nominate a spokesperson to speak for them
- ~~(vi)(vii)~~ that speakers be taken in the order in which they have registered; and
- ~~(vii)(viii)~~ that speeches statements precede the formal debate on each item by the Executive or committee concerned.

Speaking at Planning Committee Meetings on Planning and Related Applications

- ~~(cb)~~ Any person wishing to address the Planning Committee on any item on the public agenda on a planning or related application may do so, provided that the qualifying number of representations have been received and subject to the following conditions:
 - (i) that, following publication of the agenda for the relevant meeting, notice must be given in writing by the person concerned to the Democratic Services Manager by twelve noon one working day before a meeting stating on which item(s) they wish to speak;
 - ~~(ii) that speakers be advised to declare any current or prospective financial or personal interest they may have in the subject;~~
 - (ii) that a maximum of four persons (two speaking in opposition to and two speaking in support of an application) be permitted with each speaker being entitled to speak, for up to three minutes duration, on any one item;
 - ~~(iii)~~ that speeches precede the Committee's formal debate of each item;
 - ~~(iii)(iv)~~ that speakers do not engage in further debate once their speeches have been made;
 - ~~(v)~~ if a speaker is unable to attend the meeting due to unforeseen circumstances then, with the consent of the chairman, they may nominate a spokesperson to speak for them
 - ~~(viii)~~ that there shall be no public speaking on an application previously deferred by the Committee (e.g. for a site visit) when that application is resubmitted for consideration;
 - ~~(vixi)~~ that speakers shall not use visual aids during their presentations and shall not circulate material to councillors at the meeting.
 - ~~(xii)(vii)~~ that speakers have, in the opinion of the Democratic Services Manager, complied in all respects with such detailed scheme as may be approved by the Council from time to time.

Any person wishing to address the Planning Committee on any item on the public agenda not relating to a planning or related application tree preservation orders or

~~enforcement matters~~ may do so, subject to conditions ~~(i) to (xvii)~~ in paragraph (b) above.

Presentation of Petitions to Leader/Executive and other committees

(ed) See Petition Scheme in the Appendix to the Public Speaking Procedure Rules.

Presentation of Petitions on Planning and Related Applications

(ee) Any petition submitted to the Council in respect of a planning or related application shall count as a single representation for the purpose of calculating the qualifying number of representations to facilitate public speaking at Planning Committee meetings referred to in paragraph (cb) of this Procedure Rule.

(ef) A petition in respect of a planning or related application may be presented to the Planning Committee but no public speaking will be triggered by the presentation of the petition.

Invitation to Address Meetings

(fg) In addition to the provisions outlined above, the Leader/Executive or any committee may invite people other than officers and councillors to address them, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector and may invite such people to attend.

4. SUSPENSION AND AMENDMENT OF PUBLIC SPEAKING PROCEDURE RULES

(a) Any motion to amend or revoke (but not to suspend) these Public Speaking Procedure Rules shall when proposed and seconded be referred without discussion to the next meeting of the Council for consideration.

(b) Any of these Public Speaking Procedure Rules may be suspended as regards any business at the meeting where its suspension is moved.

Guildford Borough Council Petition Scheme

Background

Subject to section 3 below, this scheme applies to all petitions submitted to the Council. Any petition that contains fewer than 50 signatures, or does not meet the guidelines within the scheme, will be deemed to be standard correspondence and receive a response within ten working days from the relevant director/service leader setting out what action the director/service leader intends to take in relation to the petition.

[See Section 12 for submitting a petition in relation to Borough Council matters coming within the purview of the Guildford Joint Committee.](#)

1. Petitions

- 1.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies in the Borough may sign or organise a petition and trigger a response. This includes anyone under the age of 18.
- 1.2 All petitions submitted to the Council will receive a written acknowledgement from the Council within ten working days of receipt. This acknowledgement will set out what we plan to do with the petition.
- 1.3 E-petitions must be created, signed and submitted online through the Council's e-petitions facility:
<http://www2.guildford.gov.uk/councilmeetings/mgEPetitionListDisplay.aspx?bcr=1> . The Council will not accept e-petitions hosted by third parties (for example, Change.org), or accept as paper petitions information about e-signatories downloaded from third party e-petition hosts.
- 1.4 Alternatively, paper petitions can be sent to:

Democratic Services Manager
Guildford Borough Council
Millmead House
Millmead
GUILDFORD
Surrey GU2 4BB

2. What are the guidelines for submitting a petition?

- 2.1 Petitions submitted to the Council under this scheme must include:
 - a clear and concise statement covering the subject of the petition which must relate to the functions, powers, or duties of the Council. It should also state what lawful action the petitioners wish the Council to take;
 - the name and address (in a legible format) and signature of any person supporting the petition; and
 - contact details, including name, address, telephone number (and where possible, an email address) of the petition organiser.

2.2 The petition organiser is the person the Council will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.

2.3 If a petition does not follow the guidelines set out above, the Managing Director, in consultation with the lead councillor with responsibility for governance, may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons.

3. What types of petitions are excluded?

3.1 We will not take action on any petition which the Managing Director, in consultation with the lead councillor with responsibility for governance, considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

3.2 This petition scheme does not apply to:

- any petition relating to a planning or licensing application, or
- a statutory petition (for example requesting a referendum on having a directly elected mayor), or
- a petition relating to a matter where there is already an existing recourse to a review or right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.

3.3 In addition, the scheme specifically excludes any petition on the same or similar topic as one that the Council has received and dealt with in the previous six months. The Council will acknowledge receipt of such a petition within 10 working days and include details of its response to the previous petition on the topic. Where the Council is still considering a petition on the same or similar topic, the new petition will be amalgamated with the first received petition.

3.4 Details of petitions affecting particular wards that have been excluded will be sent to the relevant councillors representing those wards.

4. What will the Council do when it receives my petition?

4.1 An acknowledgement will be sent to the petition organiser within ten working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website, except in cases where this would be inappropriate. Where the subject matter of the petition affects particular wards, the councillors representing those wards will be notified of the receipt of the petition.

4.2 We will write to the petition organiser at each stage of the petition's consideration. If the petition needs further investigation, we will tell you the steps we plan to take. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

5. How will the Council respond to my petition?

5.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a meeting of the Council or Executive
- holding an inquiry into the matter
- holding a public meeting
- holding a meeting with petitioners or the petition organiser
- undertaking research into the matter
- writing to the petition organiser setting out the Council's views about the request in the petition
- referring the petition to the Overview and Scrutiny Committee for consideration

5.2 The type of response the Council provides may be dependent on the number of signatories to the petition. The table below summarises the Council's approach:

Number of signatories	Response
fewer than 50	Response from relevant director/service leader (treated as standard correspondence).
50 - 299	Response from relevant lead councillor.
At least 300	Referred to the Leader/ Executive for response.
At least 500	Referred for debate at a meeting of the full Council (see section 6).
At least 500	Senior officer(s) called to provide evidence at a meeting of the Overview and Scrutiny Committee (see section 7), where such action is requested in the petition.

5.3 If we can do what a petition asks for, the acknowledgement to the organiser may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to be referred to the Leader/Executive or to trigger a debate at a meeting of the full Council, or for a senior officer to give evidence at a meeting of the Overview and Scrutiny Committee, then the acknowledgment will confirm this and inform the organiser when and where the relevant meeting will take place.

5.4 Where the petition is referred to the relevant lead councillor for a response, the petition organiser will be invited to make a written statement in support of the petition.

5.5 Where the petition is referred to the Leader/Executive, the full Council or to the Overview and Scrutiny Committee, the petition organiser (or any person authorised by him/her) will, if they so wish, be given a period not exceeding five minutes to present the petition at the meeting and the petition will then be discussed by councillors. Councillors will also be afforded the opportunity to ask questions of the petition organiser. The petition organiser (or any person authorised by the petition organiser) will be granted a right of reply for a further period not exceeding five minutes at the end of the debate and before a final decision or vote is taken.

5.6 In presenting their petition, the petition organiser (or any person authorised by him/her) shall be permitted to use visual aids, subject to submission of such visual aids to the Democratic Services Manager by no later than 12 noon one working day before the meeting at which the petition is presented.

5.7 We will contact the petition organiser before the meeting to establish whether they wish to formally present the petition at the meeting in the manner described above.

5.8 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

6. Full Council debates

- 6.1 If a petition contains 500 signatures or more, it will automatically be referred to the full Council for debate unless it is a petition asking for a senior council officer to give evidence at a meeting of the Council's Overview and Scrutiny Committee (see section 7 below).
- 6.2 The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 6.3 The Council will decide how to respond to the petition at the meeting. They may decide to support the action the petition requests, or not. A motion suggesting a formal response to the petition shall be proposed and seconded at the meeting and dealt with under the normal rules of debate, provided that any such motion must respond explicitly to the request in the petition i.e. that part of the petition which asks the Council to take some form of action. Alternatively, the Council may refer the matter to the Leader/ Executive or the Overview and Scrutiny Committee for further consideration. The petition organiser will receive written confirmation of this decision.

7. Petitions asking senior officers to provide evidence

- 7.1 A petition may ask for a senior council officer to give evidence at a meeting of the Council's Overview and Scrutiny Committee about something for which the officer is responsible as part of their job, for example, it may ask a senior council officer to explain progress on an issue, or to explain the advice given to councillors to enable them to make a particular decision.
- 7.2 If the petition requests such action and contains at least 500 signatures, the relevant senior officer will give evidence at a public meeting of the Overview and Scrutiny Committee.
- 7.3 For the purpose of this scheme, *senior officer* is defined as one of the following:
- the Managing Director,
 - any director, or
 - any service leader
- 7.4 Details of the names of these officers are set out in Part 7 of this Constitution. Petition organisers should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant lead councillor to attend the meeting.
- 7.5 Committee members will ask the questions at this meeting, but petition organisers will be able to suggest questions to the chairman of the committee by contacting the Democratic Services Manager up to seven working days before the meeting although the chairman will have discretion to accept any such questions received after this deadline.

8. E-petitions

- 8.1 The Council welcomes e-petitions which are created and submitted through our website <http://www2.guildford.gov.uk/councilmeetings/mqEPetitionListDisplay.aspx?bcr=1> E-petitions will follow the same guidelines as paper petitions set out above.

- 8.2 E-petition organisers will need to provide us with their name, postal address and email address. They will also need to decide how long they would like their e-petition to be open for signatures, up to a maximum of 12 months.
- 8.3 When an e-petition is created, it may take five working days before it is published online. This is because we have to check that the content of the e-petition is suitable before it is made available for signature.
- 8.4 If the Managing Director, in consultation with the lead councillor with responsibility for governance, feels we cannot publish the e-petition for some reason, we will contact the e-petition organiser within this time to explain. The e-petition organiser will be able to change and resubmit their e-petition if they wish. If they do not do this within ten working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 8.5 When an e-petition has closed for signature, it will automatically be submitted to the Committee Services team. In the same way as a paper petition, the e-petition organiser will receive an acknowledgement within ten working days.
- 8.6 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on our website.

9. How do I 'sign' an e-petition?

- 9.1 All the e-petitions currently available for signature may be viewed on the Council's website
<http://www2.guildford.gov.uk/councilmeetings/mgEPetitionListDisplay.aspx?bcr=1>
- 9.2 Anyone who signs an e-petition will be asked to provide their name, postcode and a valid email address. When this information has been submitted an email will be sent to the email address provided. This email will include a link which the signatory must click on in order to confirm that the email address is valid. Once this step is complete the signatory's 'signature' will be added to the e-petition. ~~People visiting the e-petition will be able to see the signatory's name in the list of those who have signed it but their contact details will not be visible.~~

10. What happens to my petition or e-petition following a formal response by the Council?

- 10.1 Following a period of 21 days after the Council has responded formally, a paper petition will be destroyed, and all e-signatories on an e-petition will be erased, unless during that period, the petition organiser requests a review under section 11 below.

~~10.11.~~ **What can I do if I feel my petition has not been dealt with properly?**

- ~~110.1~~ If a petition organiser feels that we have not dealt with their petition properly, they have the right to request that the steps that the Council has taken in response to the petition is reviewed by the Council's Overview and Scrutiny Committee. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

11.2 The petition organiser must exercise this right within 21 days of receipt of the Council's formal response to the petition.

101.23 The Council will endeavour to consider the review at the next available meeting of the Overview and Scrutiny Committee although, on some occasions, this may not be possible and the review will then take place at the following meeting or at a special meeting. The petition organiser shall be invited to attend that meeting. The procedure for conducting the review at the meeting shall be as follows:

- (a) The petition organiser (or any person authorised by them) shall be invited to address the Committee for no more than five minutes in respect of their request for review.
- (b) Councillors to ask the petition organiser any questions relevant to the review arising from their statement to the Committee.
- (c) The Committee to review the steps taken by the Council in responding to the petition and to consider whether the Council has dealt with the petition adequately. Dependent on whether the formal response to the petition was given by:
 - a director or service leader,
 - a lead councillor, or
 - full Council

this may include asking the relevant director/service leader or relevant lead councillor to attend and answer questions from the Committee.

- (d) Prior to making a decision on the review, the petition organiser (or any person authorised by them) shall have a right of reply on the debate, for which they will be given five minutes.
- (e) The Committee to formally determine the review – deciding either that the Council has dealt with the petition adequately or that it has not. If the latter, the Committee must then decide one of the following options:
 - (i) to investigate the matter further;
 - (ii) to make recommendations to the Leader/Executive; or
 - (iii) to arrange for the matter to be considered at a meeting of full Council.

110.34 The question as to whether implementation of any decisions pertinent to a petition under review by overview and scrutiny should be deferred pending completion of the review process shall be dealt with by the Managing Director on a case-by-case basis including, where necessary, convening special meetings of the Overview and Scrutiny Committee and/or full Council for this purpose.

101.45 Once the Committee has completed its review the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website. Following the review, if the petition was a paper petition, it will be destroyed and, if an e-petition, all e-signatories will be erased.

12. PRESENTING PETITIONS TO THE GUILDFORD JOINT COMMITTEE

12.1.4. Any member of the public who lives, works or studies in the Guildford Borough area may present a petition, containing 30 or more signatures or at the Chairman's

discretion, relating to a matter within the terms of reference of the Joint Committee. The presentation of a petition on the following business will not be allowed:

(a) matters which are “confidential” or “exempt” under Part VA of the Local Government Act 1972;

(b) planning applications; and

(c) matters in relation to a public rights of way under consideration by the Joint Committee.

12.4.2. A spokesperson for the petitioners may address the Joint Committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman’s discretion. The petition may be referred to the next appropriate meeting of the Joint Committee or to the SCC Cabinet, Cabinet Member, GBC Executive or relevant committee of either SCC or GBC at the discretion of the Chairman.

12.4.3. Notice must be given in writing to the Community Partnerships Team at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through SCC’s or GBC’s e-petitions website as long as the minimum number of signatures has been reached 14 days before the meeting.

12.4.4. No more than three petitions may be presented at any one meeting of the Joint Committee unless agreed otherwise by the Chairman.

12.4.5. The Community Partnerships Team may amalgamate within the first received petition other petitions of like effect on the same subject.

12.4.6. The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman’s discretion.

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