

Council Report

Ward(s) affected: All

Report of Director of Finance

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Review of the Public Speaking Procedure Rules including the Petition Scheme

Executive Summary

The Council is asked to consider a number of revisions to the Public Speaking Procedure Rules as set out below:

Public Speaking Procedure Rules Review

Legislation permits members of the public to attend any of the Council's formal committee meetings¹, but it is for each individual local authority to determine its own rules under which the public may participate in those meetings.

This Council's Public Speaking Procedure Rules ('the Rules') sit within Part 4 of the Constitution and set out the procedure for the public to make a statement or ask a question relevant to the Council's functions, powers, or duties at Full Council meetings or to make a statement or ask a question on any item on the public agenda with regard to any other formal committee meetings.

A comparison with other local authorities has drawn attention to the need for improvements to the general clarity and consistency of this Council's Rules. In addition, this report sets out a discussion of some issues on which the Rules are silent which have arisen as follows:

1. Is it necessary for speakers to declare any current or prospective financial or personal interests they may have?
2. Can a registered speaker, who is unable to attend a meeting due to an emergency, or other unforeseen circumstances, appoint someone else to speak on their behalf at the meeting?

¹ Section 100A of the Local Government Act 1972 and Regulation 3 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

3. May a councillor who is in attendance at a meeting of a committee of which he/she is not a member be asked to respond to public questions?

Update of Petition Scheme

The General Data Protection Regulation (GDPR) is an EU law on data protection and privacy for all individuals within the European Union and the European Economic Area and came into effect on 25 May 2018. Under the GDPR, the Council must not retain personal information for any longer than is necessary. Therefore, it is proposed that once a petition or an e-petition has been through the Petition Scheme process and the formal response from the Council is given, then the petition will be destroyed, or if it is an e-petition, the e-signatories shall be erased.

At its meeting on 24 July 2018, the Council approved the establishment of a new Guildford Joint Committee with Surrey County Council (SCC). The Joint Committee will succeed the SCC Guildford Local Committee. The Standing Orders for the new Joint Committee set out separate procedures for dealing with petitions. It is proposed that these procedures be included in the revised Petition Scheme.

It should be noted that the Petition Scheme forms an appendix to the Public Speaking Procedure Rules.

A copy of the proposed draft Public Speaking Procedure Rules and Petition Scheme is attached at **Appendix 1** to this report.

The proposals were also considered by the Corporate Governance and Standards Committee at its meeting on 20 September 2018. The Committee was happy to support the recommendation below.

Recommendation to Council

That the proposed revisions to the Council's Public Speaking Procedure Rules and Petition Scheme, as set out in this report and at **Appendix 1**, be adopted.

Reason for Recommendation:

To improve the general clarity and consistency of the Council's Public Speaking Procedure Rules.

1. Purpose of Report

- 1.1 The Public Speaking Procedure Rules ('the Rules') were last reviewed in 2016 and could benefit from a refresh in order to better set out the procedures for the benefit of councillors, officers and members of the public. In addition, certain queries about public speaking have been raised during the course of council business since the last review about which the Rules are currently silent. This report sets out those queries and proposes new updates to the Rules. A general redraft of the Rules document, including the proposed changes, is set out in **Appendix 1**.
- 1.2 In order to comply with the requirements of the General Data Protection Regulation (GDPR), this report also proposes to amend the Council's Petition Scheme by the adoption of a new process to destroy/erase all petitions/e-

petitions after the Council has made a formal response to the request in the petition.

- 1.3 Furthermore, the report proposes that the Petition Scheme be updated to include the procedure for submitting a petition to the new Guildford Joint Committee so that the public can be better guided and advised.

2. Strategic Priorities

- 2.1 This Council believes in listening to and engaging with our community. We have a commitment to continue to improve levels of engagement, communication and consultation; providing the best opportunities for local people to give their views about the future direction of the borough and the services we provide.

3. Background

Public Speaking Procedure Rules

- 3.1 There is neither legislation nor national guidance to determine rules for public speaking at Council and committee meetings. It is therefore up to councils to adopt their own procedure rules. These Rules should set out the procedure for all committees including Full Council, Executive and the regulatory committees and Sub-Committees.
- 3.2 Since the last review of the Rules in 2016, the following queries have arisen during the course of Council business:
 - 1. Is it necessary for speakers to declare any current or prospective financial or personal interests they may have?**
- 3.3 It is not the general practice for other councils to request a public speaker to declare any interests. In most cases, where a member of the public would take the time to attend and address a committee, they would most likely have a personal interest in the matter under discussion. This would be especially relevant at regulatory meetings where the interest would probably be explicit i.e. that the speaker is a resident of a neighbouring property or an agent for a developer.
 - 2. Should a registered speaker, who is unable to attend due to an emergency or unforeseen circumstances, be permitted to appoint someone else to speak on their behalf at the meeting?**
- 3.4 Other councils are flexible on this matter and some do allow a registered public speaker to nominate a spokesperson if they are unable to attend the meeting themselves for some unforeseeable reason. It is recommended that, should the Council adopt this procedure, it would be expected that the registered speaker will have undertaken every effort to attend in person and sought the chairman's consent to nominate a spokesperson in advance of the meeting.

3. May a councillor who is in attendance at a meeting of which he/she is not a member be asked to respond to public questions?

- 3.5 General discussion with other Democratic Services Officers supported the view that when deciding who is best to respond to a question from a member of the public, the Chairman should have discretion to invite a response from the person(s) they consider most appropriate and who is in attendance in their official capacity – officer or councillor. Usually, questions are submitted in advance so a response can be prepared. If any officer or councillor is unprepared for a particular question and feels unable to answer it, they could agree to provide a written response directly to the person after the meeting.

Petition Scheme

- 3.6 The Petition Scheme currently provides that if a petition organiser feels that the Council has 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 Overview and Scrutiny Committee. There is currently no time limit in which this right can be exercised. Officers are proposing that a 21 day time limit be introduced.
- 3.7 Under the General Data Protection Regulation (GDPR), the Council may not retain personal information for any longer than is necessary². Therefore, it is proposed that following the 21 day period referred to above, and where there is no request for a review, then the petition, if it is a paper petition, will be destroyed. If it is an e-petition, the details of all e-signatories will be erased. If there is a request for a review, the petition will be destroyed once the Overview and Scrutiny Committee has carried out the review.
- 3.8 On 24 July 2018, the Council approved the establishment of a new Joint Committee with Surrey County Council (SCC). The Guildford Joint Committee succeeds the SCC Guildford Local Committee. The Standing Orders for the new Guildford Joint Committee set out separate procedures for dealing with petitions in relation to matters that fall within its purview. It is proposed that the arrangements for dealing with petitions at the Joint Committee be included in the Petition Scheme.
- 3.9 The amendments proposed to the Rules can be found at **Appendix 1** to this report.
- 3.10 It is also the intention to redraft and refresh the relevant Council webpages in accordance with the proposals made in this report.

4. Consultations

- 4.1 The Lead Councillor for Infrastructure and Governance and the Deputy Lead Councillor for Governance have been consulted and support the proposals in this report.

² GDPR Principle (e)

- 4.2 The proposals in this report were also considered by the Corporate Governance and Standards Committee at its meeting on 20 September 2018. The Committee was happy to support the proposed changes.

5. Equality and Diversity Implications

- 5.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.
- 5.2 The Council has a statutory duty under section 149 of the Equality Act 2010 which provides that a public authority must, in exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.3 This Council will make equal provision in terms of access to public speaking as it would offer equal access to any other Council service.
- 5.4 This Council will expect and require any members of the public and organisational representatives participating at meetings to respect and comply with the aims and statutory requirements of the Public Sector Equality Duty (Equality Act 2010) as set out in the Council's Equality Scheme (2018). The Council will not accept any contributions at committee or requests to take action via a petition that would cause adverse impact on equality or potential unlawful discrimination.

6 Financial Implications

- 6.1 There are no financial implications arising from this report.

7 Legal Implications

- 7.1 There are no legal implications arising from this report.
- 7.2 The Public Speaking Procedure Rules, including the Petition Scheme, sit within the Council's Constitution.

8 Human Resource Implications

- 8.1 There are no Human Resource implications arising from this report.

9 Summary of Options

- 9.1 The options open to the Council are as follows:

1. To agree to make the amendments proposed in **Appendix 1** to this report, or such variations as the Council may deem appropriate.
2. To agree that the existing Rules are fit for purpose, require no update and clearly set out the Council's procedure for public speaking at Council and committee meetings.

10 Conclusion

- 10.1 This report sets out a routine review of the Public Speaking Procedure Rules and makes recommendations for the clarification of a number matters that have arisen since the last review in 2016.

11 Background Papers

- Guildford Joint Committee Constitution, Standing Orders, para 14.1
- Equality Scheme, Guildford Borough Council, as agreed by the Executive 20 February 2018.

12 Appendices

Appendix 1: Draft Public Speaking Procedure Rules and Appendix draft Petition Scheme (2018), Guildford Borough Council showing proposed amendments