

Report to the Council



Date of meeting: 22 April 2014

Report of: Constitution and Members Services Standing Scrutiny Panel

Chairman: Councillor J Phillip

Recommending:

(1) That the following changes be made to the procedure for dealing with questions without notice by members of the Council to the Leader of the Council, Cabinet members and the Chairman of the Overview and Scrutiny Committee:

(a) the existing time limit for such questions be increased from 20 to 30 minutes with the first 15 minutes giving priority to questions regarding written Portfolio Holder reports and priority during the second 15 minutes to questions on other matters; and

(b) a new provision be added to the Council Procedure Rules that no supplementary questions be permitted in respect of questions without notice;

(c) the following provisions of a Council Protocol approved in 2007 in respect of questions without notice being incorporated in the new revised Procedure Rules covering the following:

(i) the Chairman's discretion to extend the period for questions without notice by up to an additional ten minutes; and

(ii) Chairman to ensure that questions from all political groups and independent members are put;

(2) That the draft revisions to the Council Procedure Rules set out in the Appendix 2 to this report and shown in bold text (underlined) be approved and published as part of the Constitution.

1. Introduction

1.1 We were asked by the Committee, at its meeting on 26 November 2013, to review the contents of a “Pick” request form which proposed a review of the procedure for dealing with members’ questions without notice at Council meetings. The proposer was the Chairman of this Panel and the supporter was the current Chairman of Council.

1.2 The public interest justification on the Pick Form for this review was as follows:

“The current system of questions without notice at full Council leads to a sense of disorganisation. The juxtaposition of questions on reports and questions on other matters leads to many occurrences of questions being identified by the Chairman only to find that their questions are for the other Section. This gives a bad impression to members of the public, present and watching on webcasts.”

2. Review of Practices Adopted at Other Essex Local Authorities

2.1 At our meeting on 18 March 2014, we received a schedule showing a summary of the arrangements for member questions operated at other Essex authorities. As might be expected, we found that practices varied somewhat but all had some kind of arrangements for questioning the Leader and Cabinet members and, in some cases, Committee Chairmen. Some Councils have a system whereby all questions had to have a period of notice, whilst others have the same practice as EFDC of allowing questions without notice.

2.2 We took note of the concerns expressed on the “Pick” form regarding confusion which can arise between questions without notice on any subject and questions on the written reports which are submitted to each Council meeting by Cabinet members and the Chairman of the Overview and Scrutiny Committee. The evidence given by the current Chairman was helpful to us and confirmed for us that this issue needed to be clarified.

3. Council Procedure Rules – Current Provisions

3.1 Currently, 20 minutes is allocated at each Council meeting for questions without notice. These questions fall into two categories:

- (a) questions on circulated written reports by Portfolio Holders and the Chairman of Overview and Scrutiny Committee;
- (b) open questions to Portfolio Holders and the Chairman of Overview and Scrutiny Committee.

3.2 Currently the Constitution is silent as to how the 20 minutes is to be utilised. In practice, successive Chairmen of the Council have tended to divide the 20 minute session into two parts: the first part dealing with questions on written reports, and the second part with open questions on any subject. The “Pick” form has drawn attention to the confusion at Council meetings between the two ten minute periods. Sometimes questions are asked in the first ten minutes which should be dealt with in the second. This can create an unfortunate impression for members of the public of a certain disorganisation in how this part of Council meetings are run.

- 3.3 We were supplied with a copy of a protocol on this subject agreed by the Council in April 2007 but never formally adopted as part of the Council Procedure Rules. This protocol (shown in Appendix 1) provides a degree of flexibility in managing the 20 minutes and also for extending the period if appropriate. It also refers to safeguards for ensuring that questions raised by members from all political groups and independent members will be dealt with in the time available. The protocol also advises the Chairman of Council to deal with the questions in the order in which they are raised.

4. Our Proposals

4.1 Time Allocated for Questions without Notice

We agreed with the Proposer and Seconder of the "Pick" review that the distinction between the two types of questions in managing the 20 minutes period should be discontinued as it caused confusion. The Overview & Scrutiny Committee did not accept this recommendation and preferred that the division into 2 slots should continue, feeling that this remains easier to manage from the Chair. Thus there is proposed to be two 15 minute slots with priority given to questions on portfolio holder reports in the first 15 minutes and to other questions in the second period.

- 4.2 The Committee supported our recommendation that the current 20 minutes should be increased to 30 minutes. Although this does not always happen, some Council meetings are such that there is pressure on time due to the number of questions which members wish to ask. We feel that increasing the time allocation to 30 minutes would make life easier and have included these changes in Rule 12.8(a).

4.2 Supplementary Questions

We are also recommending another change relating to supplementary questions. We have noted from the Constitution that there is nothing that either permits or disallows supplementary questions in respect of those asked without notice. We think there is a need for clarity on this point and propose that supplementary questions should not be allowed. If supplementary questions were allowed, there is a risk of creating further time pressure with fewer Councillors being able to raise questions in the first place. We therefore propose that supplementary questions should not be allowed and have included this in Rule 12.10 in Appendix 2.

4.3 Dealing with Overview & Scrutiny (OS) Questions

Questions without notice can be asked of the Leader of Council, Cabinet members and the Chairman of the Overview and Scrutiny Committee. At present, the report of the latter is submitted with the item for OS business. We recommend that this should be clarified in the Council Procedure Rules as this is not currently shown. We have shown this in a new Rule 12.09 in Appendix 2. The same time limit will apply to that part of the meeting.

4.4 Formalising the 2007 Protocol

Finally, we feel that the remaining provisions of the 2007 Protocol should be adopted in the Constitution. This covers matters such as the Chairman's discretion to extend the 30 minute period by up to a further 10 minutes if needed and to ensure that questions from all political groups and independent members are dealt with in the order in which they are put and, so far as is possible, dealt with at the Council meeting. These have been incorporated in Rule 12.08.

5. Constitutional Changes

- 5.1 Appendix 2 to this report shows amended Council Procedure Rules reflecting our recommendations in this report. These changes are shown in bold type (underlined). Subject to these being adopted by the Committee, we recommend that these be referred to the next Council meeting for approval and publication as part of the Constitution.
- 5.2 We would emphasise that the procedures for dealing with members' questions under notice are unchanged and recommend as set out at the commencement of this report.