

**Report of Overview and Scrutiny
Constitutional Affairs
Standing Panel
Date of Meeting: 8 August 2005**



Portfolio People First

Subject: Council Meetings - Questions and Motions

Officer contact for further information: I Willett (01992 564243),

Democratic Services Assistant: Zoe Folley (01992 564532)

Recommendations:

- (1) That a report be submitted to the Council recommending that the deadline for submission of written notice of motions and questions by Members of the Council be set at 7 working days prior to the meeting;**
- (2) That questions and motions continue to be excluded from the Agenda for Extraordinary Council meetings;**
- (3) That a report be submitted to the Council recommending that the Council Procedure Rules be amended to require that any adopted motion:
 - (a) stands referred for consideration by the Cabinet if it relates to executive functions; and**
 - (b) is subject to consideration and report back to the Council if it involves questions relating to the Policy or Budget Framework, the Constitution or any other matter requiring Council consent; and****
- (4) That a report be submitted to the Council recommending that existing practices in relation to questions and answers at Council meetings be amended to provide for copies of reply to be circulated to all members of the Council at the Council meeting in order that questions and answers can be taken as read unless the questioner requires the reply to be given orally.**

Report:

1. The Panel inherited a review of motions and questions which was commenced by the former Policy Working Group 3 and which has fallen to us for completion.

Deadlines for Submission of Written Notice of Motions and Questions

2. Different deadlines apply in respect of motions and questions. In respect of motions, members are required to give 7 calendar days' notice in writing. In the case of questions the requirement is 7 working days' notice. We feel that the deadlines must be standardised and we are therefore proposing that the requirement should be to give 7 working days notice in each case.
3. We looked at the desirability of including all motions and questions in the Council Agenda. It was clear that this could only be achieved by bringing forward the deadline for submission of motions to approximately 14 days before the Council meeting. However, we feel that the 7 working day deadline is more appropriate in that this would cater for issues which arise in the immediate run-up to a Council meeting. We accept that in those circumstances some motions and questions might need to be tabled or circulated after the main agenda has been despatched.

Motions Adopted at Full Council Meetings

4. The Constitution is currently silent as to what happens to motions adopted by the Council which relate to Budget or Policy Framework issues, the Constitution or the Cabinet's responsibilities. The Overview and Scrutiny Procedure Rules do set out procedures for dealing with motions which stand referred to that Committee.
5. We recommend that the Constitution should be amended to require any motion relating to executive functions to stand referred to the Cabinet for consideration in order to comply with the Local Government Act 2000. In the case of matters relating to the policy framework etc, such motions should be referred to the Cabinet, to the Overview and Scrutiny Committee or to some other Committee on the understanding they should be subject to a report to the full Council.
6. This change reflects current practice but we feel it would be of assistance to have these requirements set out in the Constitution.

Extraordinary Council Meetings

7. Extraordinary Council Meetings are called to deal with specific issues, usually on grounds of urgency. We were asked to consider whether there should be a standing requirement for such agenda to include motions and questions items as with the Annual Council and ordinary meetings. On balance, we feel that it would be better to exclude motions and questions from Extraordinary Meetings as these would tend to detract from the "single issue" status of such meetings. Extraordinary Council meetings should in our view be called for a specific purpose and once the item had been dealt with the meeting should close.

Questions - Submission of Answers

8. The normal practice has been for paper copies of questions to be tabled at the Council meeting with the answer given orally by the member responding. This answer is subsequently published in the minutes as part of the official record. In view of the length of some answers we feel it would assist Council meetings to table both the question and the full answer so that these may be taken as read. We also propose a proviso so that the member asking the question the right to require the reply to be given orally.

9. This would speed up Council meetings and ensure that members receive details of the reply at an earlier stage.