

Report to the Constitution and Member Services Standing Scrutiny Panel



Date of meeting: 4 December 2012

Report of: Assistant to the Chief Executive

Subject: Questions – Periods of Notice

Responsible Officer: I Willett (01992 564243)
Assistant to the Chief Executive

Committee Secretary: Mark Jenkins (01992 564607)
Democratic Services Officer

Recommendations:

- (1) That consideration be given to the following changes in respect of questions under notice by the public and Councillors at Council and Cabinet meetings:
 - (a) **Questions under notice from Councillors at Council meetings** – extend notice period to 14 days before the date of the Council meeting in question;
 - (b) **Questions under notice from members of the public at Council meetings** – extend deadline to 14 days before the relevant Council meeting;
 - (c) **Questions under notice from members of the public at Cabinet meetings** – extend deadline for submission of questions to 14 days before the relevant Cabinet meeting;
- (2) To consider applying the same deadlines for the submission of motions at Council meetings; and
- (3) That, subject to consideration of the proposed changes set out in (1) and (2) above, a report be submitted to the Overview and Scrutiny Committee and the Council seeking adoption of these proposals and the necessary amendments to the Constitution; and

Report:

Introduction

- 1 The Management Board has requested that consideration be given to amending the deadlines for submission of questions by members of the public and Councillors at Council and Cabinet meetings. This request has been made because over the last year it has become increasingly difficult to compile answers for Portfolio Holders at these meetings in the time available.

Current Provisions

2. The following deadlines apply to questions under notice:

(a) Council Procedure Rules (Paragraph 11.3)

The deadline for public questions is currently at **midday** seven working days before the relevant Council meeting.

(b) Council Procedure Rules (Paragraph 12.3)

The deadline for submission of questions by members of the Council under notice is seven working days before the relevant Council meeting.

(c) Executive Procedure Rules (Paragraph 2.2(9))

The current deadline for submission of public questions is 4.00 p.m. on the day of the Cabinet meeting. (NB There is no requirement for the questioner to provide the full text of a question, merely to provide the subject matter. However, in practice, the public are encouraged to give the full text.)

Replies

3. Replies are given orally at the meeting concerned. In the case of Council meetings, a copy of the reply is supplied shortly before the meeting to the questioner and is tabled for all other Councillors at the meeting. In the case of public questions, the reply is given orally and then communicated subsequently in writing to the questioner(s). All questions and replies are recorded in the minutes of the relevant meeting. The same procedure is largely used at Cabinet meetings.

Deadlines

4. The Panel may like to consider whether it would be easier if all deadlines were the same. Management Board suggest that if the deadline is brought forward to 14 days in all cases so as to allow more time for drafting of replies and consultation between relevant officers and Portfolio Holders. The text of questions could then also be reproduced in the agenda rather than using yellow supplementary papers.

History

5. The procedure for questions was reviewed in 2005 and 2008. In 2005 the key features arising from that review were that questions (and also motions) should continue to be excluded from the agenda for Extraordinary Council meetings and that the deadline should be set at seven working days prior to a meeting of the Council. The review also introduced the procedure for supplying copies of the replies to all members at Council meetings. This was in order that questions and answers can be taken as read unless the questioner required the reply to be given orally. Since that review, the Council has introduced webcasting of Council and Cabinet meetings which have resulted in a change in this practice, whereby both questions and answers are read out with an eye to the webcast.
6. The 2008 review resulted from a motion moved by the then Leader and Deputy Leader of the Council in connection with Cabinet meetings. This motion was adopted and introduced public questions for Cabinet meetings and required the latter to set aside up to 15 minutes at the beginning of each meeting to answer any questions by the public. The motion also required that prior notice should be given by 4.00 p.m. on

the day of the Cabinet meeting and applied limits of two questions per person and to the number of individual persons (or representatives of other bodies) asking questions to one per subject. The motion also excluded from the scheme any person listed as a persistent or unreasonable complainant.

7. The 2005 review also sought to standardise the deadlines for motions and questions at Council meetings. It may therefore be appropriate to apply the 14 day deadline to motions under notice at Council meetings for the sake of consistency.

Reason for Decision

The reason for the decision proposed is threefold:

- (a) to standardise deadlines for questions and motions;
- (b) to allow officers and Portfolio Holders more time to draft, consult on and finalise answers to questions; and
- (c) to allow all motions and questions to be published on agenda for Cabinet and Council meetings without the need for supplementary agenda.

Consultation Undertaken:

None. Other than a Management Board discussion.

Resource Implications:

None.

Community Plan/BVPP Reference:

None.

Relevant Statutory Powers:

Local Government Act 1972
Local Government Act 2000
Localism Act 2011

Background Papers:

None.

Environmental/Human Rights Act/Crime and Disorder Act Implications:

None.

Key Decision Reference:

|None.