

REPORT TO THE COUNCIL

Report of: Constitution and Member Services Standing
Scrutiny Panel

Date: 19 February 2013

Chairman: Councillor M Sartin

1. QUESTIONS – PERIODS OF NOTICE AND RELATED MATTERS

RECOMMENDING:

(1) That the following changes be made in respect of questions under notice by Councillors and the public at Council and Cabinet meetings:

Questions under notice from Councillors at Council Meetings

(a) That Council Procedure Rule 12.3(a) be amended by deleting the words “at least seven days before the meeting” and substituting “at least four working days before the meeting”;

Questions under notice from Members of the Public at Council Meetings

(b) That Council Procedure Rule 11.3 be amended by deleting “no later than midday seven working days before the meeting” and substituting “at least four working days before the meeting”;

Questions under notice from Members of the Public at Cabinet Meetings

(c) That, pursuant to paragraph 2.2(ix) of the Executive Procedure Rules, the deadline for submission of public questions at Cabinet meetings be amended by deleting “by 4.00pm on the day of the Cabinet meeting” and substituting “at least four working days before the Cabinet meeting” ;

(d) That, in future, members of the public be required to provide the full text of their question by the deadline and not merely an indication of the subject matter as at present;

(e) That the current limitation of one questioner per subject at Cabinet meetings be rescinded but that the limit of two questions per member of the public be retained;

All Questions by Members of the Public (Council and Cabinet Meetings)

(f) That, in future, where the member of the public asking a question is not in attendance at the relevant meeting, the question be withdrawn and a reply sent in writing by letter or by email and published in the Council bulletin.

All Questions by the Public or Councillors at Council Meetings

(g) That, in future, written copies of questions and answers be supplied only to the Portfolio Holder and the questioner;

- (h) That the order of questions at Council meetings be amended to the following:**
 - (i) Public questions;**
 - (ii) Questions under notice by Councillors;**
 - (iii) Questions on Portfolio Holder reports by Councillors;**
 - (iv) Questions by Councillors without notice to Portfolio Holders.**
 - (2) That these proposals be reviewed after one year; and**
 - (3) That, the Assistant to the Chief Executive be authorised to make the appropriate amendments to the Council's Constitution.**
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Introduction

1. We were asked by Management Board to review the deadlines for submission of questions by members of the public and Councillors at Council and Cabinet meetings. We were asked to do so because there had been concern that it was becoming increasingly difficult to compile answers for Portfolio Holders at these meetings in the time between the meeting and the deadline for questions being submitted.

Current Provisions

2. Currently the following deadlines apply to questions under notice:
 - (a) Questions by the public at Council meetings – midday seven working days before the date of the meeting;
 - (b) Questions under notice by members of the Council at Council meetings – seven working days before the relevant Council meeting;
 - (c) Public questions at Cabinet meetings – 4.00pm on the day of the Cabinet meeting with stipulations that no more than one questioner per subject is allowable and a provision whereby the full text of a question need not be supplied, merely the subject matter.

Arrangements for Replies

3. Replies are given orally at the meeting concerned. We noted that in the case of Council meetings, a copy of the replies is supplied shortly before the meeting to the questioner and is tabled for all other Councillors attending the meeting. In the case of questions by the public, the replies given orally and then communicated subsequently in writing to the questioner concerned. All questions and replies are recorded in the minutes of the relevant meeting and the same procedure applies at Cabinet meetings.

Deadlines for Submission of Questions

4. Our initial conclusion on the deadlines for questions was that there were inconsistencies which needed to be addressed. For instance, questions by the public

at Cabinet need not be received until 4.00pm on the day of the meeting. In the case of Council meetings, questions under notice by Councillors must be received seven working days before the date of the meeting whilst public questions must be received by midday seven working days before that meeting.

5. It was suggested by Management Board that if the deadline for submission of questions was brought forward to say 14 days in all cases, this would have a number of advantages:
 - (a) it would allow more time for officers to draft replies and consult with Portfolio Holders; and
 - (b) the longer timescale would allow the text of questions to be published in the main agenda for these meetings without using supplementary agendas.
6. Although we could see these as improvements, we felt that fourteen days was too long before a meeting. We took the view that questions, particularly by the public, need to be of current interest and this would be difficult to achieve if public and Councillors were not aware of the business at the meeting until after they submitted their question.
7. We were also unhappy about the deadline set for questions by the public at Cabinet meetings. We felt that 4.00pm on the day of the Cabinet meeting was an impossibly short timetable for Portfolio Holders to receive draft questions, consider the implications of the question and consult officers before giving replies at the meeting. We feel that this deadline may detract from the quality of replies given and might also result in an increased number of written responses in lieu of a reply at the meeting.
8. We feel that four working days before a meeting is preferable to the current arrangements. This is far enough ahead of the meetings to allow proper consultation and drafting of questions and it allows questions to be based on the actual agenda.

Public Questions at Cabinet Meetings

9. In reviewing deadlines for questions, we noted that for Cabinet meetings the public are not required to give the full text of their question by the deadline but merely an indication of the subject matter. Although, officers encourage members of the public to submit full questions when giving notice, we feel that this should become a requirement and are recommending accordingly.
10. Another requirement for questions at Cabinet meetings is that a restriction is applied whereby only one question on one subject matter can be raised. We believe that this is not a helpful provision in the constitution, particularly if a large number of the public are concerned about an issue. We therefore propose that this restriction should be discontinued with reliance placed on the existing limit of no more than two questions per person.

11. Public Questions at Council Meetings

We propose on three points:

(a) Supply of Questions and Answers

We do not feel that it is necessary for copies of questions and answers to be circulated to all members at Council meetings. We think that the full copy of the

question and the reply should be available to the Portfolio Holder concerned and the member of the public/Councillor. Questions and answers would continue to be published in full in the minutes of the meeting.

(b) Order of Questions at Council Meeting

The Constitution is not prescriptive about the order in which these should be taken at Council meetings and our view is that a more logical sequence would be adhered if the order were revised as follows:

- (i) Public questions under notice;
- (ii) Councillors' questions under notice;
- (iii) Questions on Portfolio Holder reports by Councillors; and
- (iv) Questions without notice to Portfolio Holders.

(c) We would point out that the Chairman of the Council still has discretion about the order of business at Council meetings if a different order of questions were appropriate. The provision for asking urgent questions is unchanged.

(d) Absence of Member of the Public Asking Questions

We are proposing that if a member of the public cannot attend a Council or Cabinet meeting to ask their question, the matter should not be dealt with and written reply sent subsequently we think this is preferable to recent practice for questions to be asked by someone else. If another person asks the question, they may find it difficult to ask a supplementary question.

12. Further Review

We hope that the Council will support our recommendations but we are also recommending a further review in one year's time so that the Council has an opportunity to learning from any experience gained.