

# **Report to the Constitution and Member Services Standing Scrutiny Panel**



**Date of meeting:** 18 March 2014

**Report of:** Assistant to the Chief Executive

**Subject:** Review of Questions Without Notice at Council Meetings

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## **Recommendations:**

- (1) To receive a brief presentation of the "PICK" form proposal (Appendix 1) by the Chairman of this Panel (Proposer) and Councillor M Sartin (Supporter);
- (2) To consider the following background information:
  - (a) origin of the current procedure (see report);
  - (b) extracts from the Constitution (Appendix 2);
  - (c) summary of practices in respect of other Essex councils (Appendix 3);
  - (d) original reports to the Council dated 6 June 2006 (Appendix 4) and protocol agreed on 24 April 2007 (Appendix 5); and
  - (e) feedback from other Councillors in response to an item in the Council Bulletin;and
- (3) To consider any further information required and how this review should be taken forward.

## **Report:**

### **Introduction**

1. The attached "PICK" form, proposes a review of the procedure for dealing with questions without notice at Council meetings. The proposer is the Chairman of this Panel and the supporter is Councillor M Sartin, the current Chairman of Council.
2. This form was referred to the Panel for consideration and a report by the Overview and Scrutiny Committee at its meeting on 26 November 2013.

## History

3. Appendices 4 and 5 are two reports on this subject dating from June 2006 and April 2007. The current system for questions without notice (shown in Appendix 2) derives from the original review in 2006 of all aspects of Council meetings. Proposals for questions without notice formed part of that review. In April 2007, in response to a request by the Council, a protocol was prepared advising on progress on how the open question session was to be handled at Council meetings.

4. The Panel should note that the subject of this review is therefore only questions without notice. Questions under notice both by the public and Councillors have been reviewed by this Panel in the recent past with a view to standardising deadlines for submission of questions and how these are to be dealt with.

## Practices adopted in other Councils

5. Appendix 3 shows a summary of the practices adopted in other Essex authorities plus neighbouring London Boroughs drawn from their Constitutions as published on their websites. These are submitted for comparison purposes. A number of themes emerged from these comparisons:

- (a) EFDC seems to be unusual in having a completely open session for questioning of Cabinet members;
- (b) most other Councils do admit questions from members to Portfolio Holders but these are under a notice system so that these are known in advance and, in some cases, published in the Council agenda;
- (c) time limits for question time seem to be fairly common and vary between 20 minutes and 80 minutes;
- (d) written reports by Portfolio Holders are referred to by various Councils but it is not always clear whether these are Cabinet reports forming normal Council business or separate progress report on which there is open questioning of the kind adopted by this Council.

## Current System

6. At present, 20 minutes is allocated at each Council meeting for:

- (a) questions on circulated written reports by Portfolio Holders; and
- (b) open questions to Portfolio Holders.

7. The protocol agreed in April 2007 (Appendix 5) provides for a degree of flexibility in managing those 20 minutes and extending that period if appropriate. The central point made in the "PICK" form is that "...The current system of questions without notice 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 Chair only to find that their questions are for another section".

7. Currently the 20 minute session at Council meetings is divided into two parts: 10 minutes to ask questions on Portfolio Holders' written reports followed by 10 minutes of unscripted questions to Portfolio Holders. The Chairman of the Council has some discretion to extend the time available in the light of the number of questions to be asked and also to vary the period allocated between the two kinds of question.

## **Consultation with Members**

8. An item was published in the Council Bulletin seeking views from members of the Council on the current arrangements. There have been no responses.

## **Next Steps**

10. Any changes to the organisation of question time may require re-wording of the Council's Constitution and the existing protocol. The Panel may wish to consider recommending changes before the start of the new Council year at the April Council meeting.