

Council

Wednesday, 16th September,
2020
at 2.00 pm

AMENDED REPORT – MEMBERS’ QUESTIONS TO COUNCIL

This meeting is open to the public

Members

Contacts

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MEMBERS' ROOM DOCUMENTS

Agendas and papers are now available via the Council's website

10 REVISIONS TO THE CONSTITUTION - MEMBERS' QUESTIONS AT COUNCIL
(Pages 1 - 4)

Amended report of the Leader of the Council detailing the review of the Council's Constitution in respect of Members formally tabled questions before Council.

Tuesday, 8 September 2020

SERVICE DIRECTOR, LEGAL AND BUSINESS
OPERATIONS

DECISION-MAKER:		FULL COUNCIL	
SUBJECT:		REVISIONS TO THE CONSTITUTION – MEMBERS’ QUESTIONS AT COUNCIL	
DATE OF DECISION:		16 TH SEPTEMBER 2020	
REPORT OF:		LEADER OF THE COUNCIL, CLLR CHRISTOPHER HAMMOND	
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>At the Annual Council meeting on 20th May 2020 the Council resolved to urgently review the Constitution in respect of Members formally tabled questions before Council. The report was tabled at the July Council meeting but deferred without debate for further consideration. This report details the original discussions by the Members Task and Finish Group since then and its recommendations. In addition the Group met will meet virtually on 8th September and <u>the outcome of that meeting is included in the report</u>subject to that it is intended a revised report be published prior to Council.</p>			
RECOMMENDATIONS:			
	(i)	The Council resolves to amend the Constitution’s Council Procedure Rules in relation to Members Questions as detailed in the report.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To accord with Members’ wishes on how they would like to consider Members Questions at Council		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	Leave the process and Constitution as adopted currently. This would not accord with members wishes on how they wish to transact business at Council.		
DETAIL (Including consultation carried out)			
3.	At the Annual Council meeting on 20 th May 2020 the Council resolved to urgently review the Constitution in respect of Members’ formally tabled questions before Council. This report details the discussions by the Task and Finish Group since and its recommendations.		

4.	<p>By way of background Council last considered this matter and amended the Council Procedure Rules (CPR) in 2016. The current relevant part in contained in CPR 11 is as below:</p> <p><i>“Questions to the Mayor, Cabinet Members or Chairs</i> <i>Subject to Rule 11.4, a Member of the Council may ask:</i></p> <ul style="list-style-type: none"> <i>i. the Mayor;</i> <i>ii. Cabinet Members; or</i> <i>iii. the Chair of any committee or sub-committee</i> <p><i>a question on any matter related to their role, responsibilities and/or office, subject to no minor issues being raised unless they have first been addressed to the appropriate officer, followed by the relevant Cabinet Member if the response was unsatisfactory and then only to Full Council if the Cabinet Member’s response remains unsatisfactory. If a question relates to a major project or significant policy concern, that may be submitted direct to Council.</i></p> <p><i>Notice of questions</i> <i>A Member may only ask a question under Rule 11.1, 11.2 or 11.3 if:</i></p> <ul style="list-style-type: none"> <i>a. the question is given in writing to the Director of Legal & Governance by noon eight Clear Days before the meeting. The Director of Legal & Governance will acknowledge receipt of such questions; or</i> <i>b. if the question relates to urgent matters, they have the consent of the Mayor and the content of the question is given to the Service Director: Legal & Business Operations prior to the commencement of the meeting. The Mayor must seek the advice of the Service Director: Legal & Business Operations before deciding whether to permit the Question to be asked.</i> <i>c. for the Annual General Meeting in May each year, the question is given in writing to the Service Director: Legal & Business Operations by noon six Clear Days before the meeting. Service Director: Legal & Business Operations will acknowledge receipt of such questions;”</i>
5.	<p>Members Questions are seen as one of the core public opportunities given to members in order to hold the Administration to account. In addition, there are questions to the Executive following the Leader’s statement on Executive Business at Council, the opportunity to table questions to committee chairs and, of course, the separately the comprehensive statutory scrutiny function. However, formally tabled Questions form an integral and important part of full Council business and are transparent and public. They have been used extensively by members over the years and prior to 2016 given the volume had become somewhat unwieldy to manage by officers who are required to provide comprehensive draft answers for the relevant Cabinet Member. Accordingly the criteria above was introduced to refine the process and ensure a graduated procedure was applied in order that only significant matters were tabled at Council rather than operational ones.</p>
6.	<p>Accordingly, since then members and officers agree that the current criteria and process has not always been harmonious and has on occasions caused conflicting opinions with the Monitoring Officer ultimately ruling out some questions in accordance with the criteria. It is the view of all involved that this causes unnecessary conflict at times and as a result a revision of the process is required to ensure a more appropriate process is found.</p>
7.	<p>At the AGM Council resolved that the Monitoring Officer (MO) convene a small members task and finish group and make recommendations to July</p>

	Council. Accordingly, two members from each political group have met virtually with the Monitoring Officer and Deputy Chief Executive and reached an agreed set of recommendations which can now be presented to Council as below for consideration.
8.	Most importantly perhaps it was felt that there was a need for the Mayor to be the final arbiter on any “disputed” questions tabled. Accordingly, it is proposed the <u>Monitoring Officer</u> will now consult the Mayor in such circumstances. <u>If the Mayor is of the view that a Question should not be tabled they will contact the tabler and/or Group Leader before striking out any Question. To assist the process a pro forma will be put on the intranet page that members will be expected to complete. This will identify and detail the Question to be tabled, identify the criteria and that the tabling member has complied with it or if the matter is significant enough to go straight to full Council the justification for it.</u>
9.	It was not felt that the criteria as above needed to be revised if members abided by it and ensured that only significant matters were tabled as Questions. <u>Members would be fully expected to ensure the primary Question meets the criteria even if the substance of the issue would be more fully debated in any supplementary Question.</u>
10.	Further, the task and finish group agreed that comprehensive written answers were not generally required and would recommend that no more than two sentences would be sufficient in the future with the Cabinet Member expending further verbally at the meeting. As a result the current deadline for tabling Questions <u>esh</u> ould be reduced from eight (8) working days to five (5).
11.	Lastly, the following core order of business is proposed for future meetings save that it may require linked items, not least when the public make deputations or there are petitions and/or Motions, to be heard together. The order of business on any agenda is ultimately up to the Mayor to decide. <ul style="list-style-type: none"> • Apologies • Announcements • Deputations • Executive Business including questions on the executive report • Any officer report that needs to be bought • Motions • Council Questions
12.	If the proposals are adopted naturally Council can keep under review and revise as appropriate.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
13.	None
<u>Property/Other</u>	
14.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
15.	Local Government Act 2000
<u>Other Legal Implications:</u>	

16.	None
RISK MANAGEMENT IMPLICATIONS	
17.	None
POLICY FRAMEWORK IMPLICATIONS	
18.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	None

Documents In Members' Rooms

1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	Constitution