

DECISION-MAKER:	GOVERNANCE COMMITTEE COUNCIL		
SUBJECT:	MEMBERS QUESTIONS AT COUNCIL		
DATE OF DECISION:	14 th NOVEMBER 2016 16 th NOVEMBER 2016		
REPORT OF:	LEADER OR THE COUNCIL		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
In view of the consistently high number of formally tabled Questions at Council and the significant reduction in officer resource to administer and answer them, at the request of the Leader of the Council, a review has been undertaken to seek options on streamlining/reducing the process.			
RECOMMENDATIONS:			
	(i)	That Governance Committee consider the review options and recommend to Council accordingly	
	(ii)	That Council resolves to revise the Council Procedure Rules (paragraph 11) in the Constitution as appropriate	
REASONS FOR REPORT RECOMMENDATIONS			
1.	As detailed in the Brief Summary above the Leader of the Council has requested a review in light of the volume of Questions regularly tabled.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	To leave the Constitution as it currently stands.		
DETAIL (Including consultation carried out)			
3.	<p>The principle of permitting questions at Council by members is a long established one going back to the Widdicombe Report in 1986. Four detailed principles emerged:-</p> <ul style="list-style-type: none"> * there should be a reasonable time limit; 30 minutes was suggested * questions should be addressed to the Leader, Cabinet Member or Chairman * a reply should be given unless there is good reason to the contrary 		

* a right to at least one supplementary question

Currently the Constitution states as follows:-

QUESTIONS BY MEMBERS

11.1 On reports of the business of the Executive

Subject to Rule 11.4, a Member of the Council may ask the Leader or Cabinet Member any question on notice during the Report of the Executive when that item of business is under consideration by the Council.

11.2 Questions to the Mayor or Chairs

Subject to Rule 11.4, a Member of the Council may ask:

i. the Mayor;

ii. the Chair of any committee or sub-committee

a question on any matter related to their role, responsibilities and/or office.

11.3 Questions on notice at committees and sub-committees

Subject to Rule 11.4, a Member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that committee or sub-committee.

11.4 Notice of questions

A Member may only ask a question under Rule 11.1, 11.2 or 11.3 if:

a. the question is given in writing to the Service Director: Legal & Governance by 12:00 noon on the Thursday of the week preceding the Council meeting (of if the Council meeting is held on a day other than a Wednesday, by 12:00 noon three Clear Days before the meeting). The Service Director: Legal & Governance will acknowledge receipt of such questions; or

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 & Governance prior to the commencement of the meeting

The Council Procedure Rules as above currently permit a very wide range of Questions from Members at Council as below. There is no maximum that can be asked and little consistent criteria to adhere to. In relation to Cabinet Members, Members can ask “any” question as currently defined. As a result the position is unclear as to the parameters given that Council’s role is about the governance of the city and whether it is reasonable for the Council to debate such matters if they are not directly related to the city. Interpretation is currently required by the Mayor and Service Director: Legal and Governances to ensure that those tabled are related to the city, its residents, interests etc.

In relation to questions to the Mayor or Committee Chairmen the Constitution is clearer in that questions must be about their role, responsibility or office. It is suggested that wording be added to the Cabinet Member CPR 11.1 to ensure clarity and consistency.

In the past 6 cycles, excluding the AGM and budget setting meetings, a total of 126 Questions have been tabled at Council, split as follows:-

Sept 2016 – 16

July - 28

March - 24

November 2015 - 17

September - 19

July – 22

As can be seen there are an average of 21 formally tabled Questions from Members at each Council meeting. The necessary administration to ensure each question is dealt with and an answer given after agreement with the Cabinet Member is significant and within a very concerted timescale. Much of this falls to Democratic Services but other senior officers and Business Support teams across the organisation are inevitably involved in compiling what can be quite complex answers at very short notice given the lead in times. Accordingly, in the run up to Council there is realistically only limited time that can be given over to this specific task given the sheer volume.

The Leader of the Council has requested a review due to this high number, the subject matters of the questions tabled and the ability to manage the process properly given the significant reduction in resources, not only in Democratic Services which has been reduced by 50% since March, but across the Council.

What do other peer authorities do?

At the outset it needs to be said that there is nothing wrong in the way the Council deals with Questions. However, it is clear that the volume of questions tabled is peculiar to Southampton. Peer unitaries have been canvassed and whilst their rules and criteria are generally no more prescriptive than ours, save in many cases members are limited to submitting one question each per meeting generally it is the case that far fewer tend to be tabled at each Council meeting. Additionally, common practice is that written answers are given, handed out to members at the end of the meeting, no time is given over to further debate as part of the agenda, supplementary questions are rare and answers are not recorded.

What are the resources involved?

It is not possible to compile a detailed calculation across all officers that contribute each cycle but it is fair to say that with 21 diverse questions being administered taking, say, an hour and a half for each one from start to finish including liaison with the Cabinet Member at a mean rate of £75 per hour

equates to £2360 per meeting or £9440/126 hours per year. This is probably on the low side.

As members will be aware Democratic Services administer the initial process and finalise responses. Business Support and senior officers in the discrete teams compile the answers. All teams have been significantly reduced and therefore there is difficulty in coping with such volumes in a very tight lead in time to the meeting.

What can we do differently if Members wish?

Members obviously have a legitimate and fundamental right and expectation to hold the Administration to account. This is achieved through numerous formal ways, the scrutiny function being the most obvious. Tabled Questions at Council are an important aspect and cover a wide range of matters, both significant in policy terms, delivery of key projects by the Administration down to operational or single issue or ward items. However, some questions tabled have already been answered by officers, could easily be answered by officers as business as usual or are relatively minor matters.

Possible revised criteria

Currently, the Constitution is open to interpretation. There are few limits on what can be tabled. In order to better manage the process and ensure that Council is used to focus on significant matters such as Council policy and strategy, budgets, major projects and city wide issues the following possibilities are worthy of consideration.

- (i) A limit on the number of Questions tabled at each meeting
- (ii) A limit of the number of Questions tabled by any political group or individual member
- (iii) That no single ward or minor issues should be raised unless they are major projects or of significant policy concern
- (iv) That no question can be tabled which has previously been asked and answered by officers
- (v) That no question (or similar question) can be tabled that has been asked at Council in the last 6 months
- (vi) That no service or operational matters are raised which can easily be answered outside of this process by officers or Cabinet Members
- (vii) Lengthen the "cut off" period before Council for submission of Questions to allow more officer time to respond

RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
4.	None, save for logistical and opportunity costs stated elsewhere in this report.
<u>Property/Other</u>	
5.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
6.	Local Government Acts 1972 and 2000
<u>Other Legal Implications:</u>	
7.	None
POLICY FRAMEWORK IMPLICATIONS	
8.	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 Impact Assessment (EIA) to be carried out.	No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
Other Background Documents	
Equality Impact Assessment and 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.	None

