

## Member Questions at Council Meetings – Review of the Governance Working Group and Proposed Changes.

### Report of the Director of Legal and Democratic Services

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Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

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#### **1) Recommendation**

That Council be recommended to amend section 17 of Standing Orders of the Constitution, as in section 5 of the Report, annotated by new text in red and a strikethrough for removed words.

#### **2) Background / Introduction**

The Governance Review Group have reviewed and benchmarked how other Authorities deal with Member Questions at Council meetings. This does not include questions submitted by Members to meetings of the Cabinet. This process remains unchanged at the current time.

The group have, furthermore, taken into account best practice and considered the Constitution and determined that the Devon's current processes are not too far out of kilter when compared to others.

A copy of the current process for Member Questions is below.

#### **17.Written Questions: Council Meetings**

1) A member of the Council may ask the Leader, appropriate Cabinet Member or Chair of any other Committee a question about any matter or subject on which the Council has powers or duties or which affects the County as a whole.

2) If the meeting is a special meeting questions must relate to the matter to be discussed at that special meeting. Similarly, questions at the budget meeting must relate to the annual estimates for the year in question.

3) A question must be delivered to the Chief Executive's office, in writing or by email, by the member asking it, by 12.00 noon on the fourth working day before the meeting at which it is to be asked.

4) Questions will be printed in the order they were received and circulated to members before the Council meeting starts together with the answers to those questions (unless an oral answer is to be given). Copies will also be sent to members who are not able to attend the meeting.

5) There will be no discussion about any question so dealt with except that a member who has submitted a question is entitled to ask one supplementary question arising from that question and answer and to receive a further answer. Provided that if a Member considers that the answer does not fully address the question, they may also ask for a full and written answer to be provided to all Members of the Council.

6) If any reply indicates that the subject matter of the question is to be considered by the Cabinet or a committee, the member who asked the question will be told by the Chief Cabinet of the date and time that the Cabinet or committee will consider the question. The member will be regarded as having given notice to place that item on the agenda under standing order 23(2).

7) 'Question Time' shall not exceed thirty minutes. If however an oral answer has been given within the time limit, the member who asked the question has the right to ask a supplementary question and to receive an answer. If a question to which an oral answer was to have been given has not been reached within the time limit, a written answer will be sent by the Chief Executive to all members of the Council as soon as is practicable.

8) The Chair of the Council may rule questions or supplementary questions 'out of order' if in his/her view they are irrelevant, frivolous or derogatory to the dignity of the Council.

### **3) Aim**

The Governance Working Group had the aim of ensuring Council meetings were focussed and business driven – with more time spent on debate for decisions.

This included making the process for Member questions clearer and easier to understand and strike the right balance between getting answers for residents, enabling all Members to actively participate, ensuring questions were appropriate and to not spend excessive officer time dealing with responses.

#### **4) Consultations / Representations / Technical Data**

Views were sought from the Governance Working Group and benchmarking data from across other Authorities as well as specialist support from the Local Government Association (LGA). The group considered the data and different proposals across three separate meetings.

Fifteen other local authorities were examined as to how they dealt with Members Questions at full council. This highlighted there was quite a variance in the processes between the authorities with no one procedure particularly dominating. The GWG noted that eight of the authorities had restrictions on the number of written questions allowed at full council meetings with the majority of those restricting the number of questions per Member i.e. 1 or 2 questions per member per meeting, although one authority restricted questions to a certain number for each political group (Hertfordshire) and another (Cambridgeshire) restricted the total amount of questions allowed per meeting (20).

Eleven Councils had a time limit on the total amount of time allowed which ranged from twenty minutes to one hour.

The Governance Working Group considered a large number of proposals which had included not changing the system at all, introducing limits per Member or time limits on supplementary questions, a maximum number of questions per meeting, a rota system for taking questions, tightening the scope for submitted questions, being more robust on sub questions within questions as well as increasing the time for questions and how questions were treated at the budget meeting.

Member rejected the suggestions to introduce a limit of total number of questions per meeting and imposing a time limit on supplementary questions.

#### **5) Main Body / Proposal**

It is proposed that the section of the Constitution be amended as follows, with amendments shown in red and a strikethrough for deletions.

The Governance Working Group have suggested the following amendments.

##### **17.Written Questions: Council Meetings**

1) A member of the Council may ask the Leader, appropriate Cabinet Member or Chair of any other Committee a question about any matter or subject on which the Council has powers or duties or which affects the County as a whole. **They should relate to strategic, policy or operational matters rather than local issues. Questions relating to local issues will be accepted, subject to the Member demonstrating they**

have exhausted all other options in terms of obtaining a response on a matter of concern. A single Member may not submit more than three questions per meeting.

2) If the meeting is a special meeting, questions must relate to the matter to be discussed at that special meeting. Similarly, questions at the budget meeting must relate to the annual estimates for the year in question.

3) A question must be delivered to the **Democratic Services Secretariat** ~~Chief Executive's office~~, in writing or by email, by the Member asking it, by 12.00 noon on the fourth working day before the meeting at which it is to be asked. **Questions should be succinct (a maximum of 100 words) and should not contain a number of sub-elements or sub questions.**

4) Questions will be printed in the order they were received. **If a Member submits more than one question, the first question will be prioritised and subsequent questions will be placed at the end of the schedule.** ~~They~~ **Questions and answers** will be ~~and~~ circulated to Members before the Council meeting ~~starts~~ **commences** together with the answers to those questions (unless an oral answer is to be given). Copies will also be sent to Members who are not able to attend the meeting.

5) There will be no discussion about any question, ~~so dealt with~~ except that the Member who has submitted a question is entitled to ask one supplementary question arising from that question and answer and to receive a further answer. **The response will normally be given by the Cabinet Member or Chair of the relevant Committee; however, Directors will support with responses where necessary. There is no time limit on asking a supplementary question, but the Chair will exercise discretion if Members make statements rather than asking their supplementary question.** ~~Provided that~~ If a Member considers that the answer does not fully address the question, they may also ask for a full and written answer to be provided to all Members of the Council.

6) If any reply indicates that the subject matter of the question is to be considered by the Cabinet or a Committee, the Member who asked the question will be told ~~by the Chief Cabinet~~ of the date and time that the Cabinet or Committee will consider the question. The member will be regarded as having given notice to place that item on the agenda under standing order 23(2).

7) 'Question Time' shall not exceed ~~thirty~~ **forty-five** minutes. If however an oral answer has been given within the time limit, the member who asked the question has the right to ask a supplementary question and to receive an answer. If a question to which an oral answer was to have been given has not been reached within the time limit, a written

answer will be sent by the Chief Executive to all members of the Council as soon as is practicable.

8) The Chair of the Council may rule questions or supplementary questions 'out of order' if in his/her view they are irrelevant, frivolous or derogatory to the dignity of the Council.

9) In order to permit Members to be able to raise questions on matters of urgency that cannot reasonably be dealt with in line with the procedure and deadlines for Councillor questions at Council, they are permitted to ask that the Leader makes a statement under 'Announcement and Reports from the Leader and Cabinet Members at Council Meetings'. This must be done in consultation with the Monitoring Officer and that Member is able to ask a short, succinct question in response.

## **6) Strategic Plan**

This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

## **7) Financial Considerations**

There are no financial considerations.

## **8) Legal Considerations**

Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement.

## **9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)**

There are no environmental related issues.

## **10) Equality Considerations**

There are no equality related issues.

## **11) Risk Management Considerations**

No risks have been identified.

## **12) Summary / Conclusions / Reasons for Recommendations**

Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement.

**Name** - Director of Legal and Democratic Services – Maria Price  
**Cabinet Member** – Andrew Saywell - Cabinet Member for Organisational Development, Workforce & Digital Transformation  
**Electoral Divisions:** All

### **Local Government Act 1972: List of background papers**

NIL

#### **Contact for enquiries:**

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