

Supplement to the agenda for

Council

Friday 14 February 2020

10.00 am

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX**

		Pages
12.	PROCEDURE FOR QUESTIONS AT SCRUTINY COMMITTEES AND CABINET Due to a technical error track changes to the excerpts from the constitution did not appear in the published appendices to agenda item no. 12 (procedure for questions at scrutiny committee and Cabinet). This supplement provides the corrected appendices with track changes to the excerpts from the constitution.	3 - 8

Section 5 - Scrutiny rules

4.5.97 Public questions

- 4.5.98 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the public who live or work in Herefordshire. This period may be varied at the discretion of the chairperson.
- 4.5.99 A question may only be asked if notice has been given by delivering it in writing to the monitoring officer, Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm three clear working days before the day of the meeting (e.g. 5.00pm on a Monday where the meeting is on a Friday). Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.
- 4.5.100 Questions will be answered in the order in which they are received.
- 4.5.101 A member of the public may submit only one question at any meeting of the council.
- 4.5.102 The monitoring officer is authorised to reject a question in accordance with the following criteria:
- (a) it is longer than 140 words;
 - (b) it is in multiple parts;
 - (c) it is not about a matter for which the council has a responsibility or which affects Herefordshire
 - (d) where a question is asked at a meeting other than full Council not relating to the function of the committee or an item of the agenda;
 - (e) it is defamatory, frivolous or offensive;
 - (f) it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;
 - (g) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
 - (h) it is from a council employee and the question is connected to their employment; or
 - (i) it relates to a planning application or licensing application.
- 4.5.103 If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

- 4.5.105 Where a question is accepted but it is directed at the incorrect meeting because of criteria (d) above. The Monitoring Officer is authorised to direct the question to the correct meeting.
- 4.5.106 A questioner who is present at the meeting may, at the discretion of the chairperson, also put one supplementary question without notice. A supplementary question must arise directly out of the original question or the reply. The chairperson may reject a supplementary question on any of the grounds in 4.4.102 above, or if the question takes the form of a statement or more than a minute to ask.
- 4.5.107 Where more than one person wishes to raise the same issue or question, they shall be asked to agree a spokesperson to speak on that issue. If they cannot reach such an agreement, the chairperson may restrict the number of questions on that issue.

4.5.108 Answers to public questions

- 4.5.109 Answers to accepted questions will be will be provided by either the chairperson or the cabinet member and published before the start of the meeting. An answer to a supplementary question will be provided by either the chairperson or the cabinet member~~will be provided by the member to whom the question was put or his/ her nominee.~~

If the question is asking for an item to be considered for future inclusion in the work programme the questioner will be advised by the chairperson that they will be informed of the outcome of the committee's consideration of the request once it has been considered as part of the overall work programme prioritisation.

If the question is asking for a substantive answer to a question the cabinet member for the area will be invited make reasonable endeavours to attend the scrutiny meeting, if the questioner confirms that they wish to ask a supplementary question at the meeting.

The answer from the cabinet member may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the cabinet member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

- 4.5.110 Unless the chairperson decides otherwise, no discussion will take place on any question or a supplemental question

4.5.111 Questions from members

- 4.5.112 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the council who are not members of the committee. This period may be varied at the discretion of the chairperson.

- 4.5.113 A member may ask the chairperson a question relating to a matter of the agenda or otherwise within the remit of the committee only if notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm three clear working days before the day of the meeting (e.g. 5.00pm on a Monday where the meeting is on a Friday); or.
- 4.5.114 The monitoring officer is authorised to reject a question in accordance with the following criteria:
- (a) it is longer than 140 words;
 - (b) it is in multiple parts;
 - (c) it is not about a matter for which the council has a responsibility or which affects Herefordshire
 - (d) where a question is asked at a meeting other than full Council not relating to the function of the committee or an item of the agenda;
 - (e) it is defamatory, frivolous or offensive;
 - (f) it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;
 - (g) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
 - (h) it is from a council employee and the question is connected to their employment; or
 - (i) it relates to a planning application or licensing application.
- 4.5.115 If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.
- 4.5.116 A member who has put a question in person may, at the discretion of the chairperson, also put one supplementary question without notice. ~~The same procedure for public questions will be followed. to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chairperson may reject a supplementary question on any of the grounds in 4.5.114 above, or if the question takes the form of a statement, or more than a minute to ask.~~
- ~~4.5.117 An answer to an accepted question will be published prior to the meeting. The answer to a supplementary question will be provided by the member to whom the question was put or their nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the question is asking for an item to be considered for future inclusion in the work programme the questioner will be advised that they will be informed of the outcome of the committee's consideration of the request once it has been considered as part of the overall work programme prioritisation. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for councillors' questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or~~

~~in writing will be published on the website as an appendix to the minutes of the meeting.~~

Section 4 - Cabinet rules

4.4.28 Questions from the public

4.4.29 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the public who live or work in Herefordshire. This period may be varied at the discretion of the chairperson.

4.4.30 A question may only be asked if notice has been given by delivering it in writing to the monitoring officer, Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than ~~9.30 am~~~~5.00pm on the third~~~~three clear~~ working days ~~before the day of the meeting~~~~after publication~~ (e.g. ~~9.30am~~~~5.00pm~~ on a Monday where the meeting is on a ~~Friday~~~~Thursday~~). Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.

