

<b>Meeting:</b>	<b>Audit and governance committee</b>
<b>Meeting date:</b>	<b>Tuesday 28 January 2020</b>
<b>Title of report:</b>	<b>Procedure for dealing with questions at Scrutiny Committees and Cabinet</b>
<b>Report by:</b>	<b>Solicitor to the Council</b>

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose and summary**

To review the procedure in connection with questions to scrutiny committees and cabinet and, if necessary, make recommendations to Council to amend the Constitution

The changes are sought to enable increased participation of the public and councillors in asking questions at scrutiny and cabinet.

## **Recommendation(s)**

That:

- (a) the committee determine its preferred option, as set out in paragraphs 3 and 5, regarding amendments to the process for public and member questions at scrutiny and the deadline for cabinet questions with implementation with effect from the council meeting on 14 February 2020;**
- (b) authority be delegated to the solicitor to the council to make technical amendments (grammatical, formatting, and consistency) necessary to finalise the revised constitution;**

## **Alternative options**

1. There are a number of options open to the committee regarding improving the process of public and member questions at scrutiny. It is also open to the committee to retain the current system.

## Key considerations

2. At the last committee meeting consideration was given to improving public and member engagement at scrutiny.
3. Currently the process for public and member questions is applied equally to all public meetings of the Council at which questions are allowed. However this process when applied to the scrutiny committees, which do not have responsibility for making decisions results in a very unsatisfactory and overly bureaucratic process. To resolve this difficulty pending the recommendations from the re-thinking governance working group, the following options are open to the committee to recommend to Council:

Option 1) – Allow up to 15 minutes for public and member speaking at the start of each substantive agenda item at a scrutiny committee. This would enable members and the public to express their views, ideas, concern or support for a particular matter before it is considered by the committee. Although a formal response would not need to be given, it may provide a mechanism for people to make their views known directly to the committee and any queries they raise may be drawn out during the committee's examination of the matter.

Option 2) – Retain the existing system and where a question relates to an item on the agenda that requires a cabinet member response, request that the responsible cabinet member provide a response and attend the meeting to deal with any supplementary questions.

Option 3) – Retain the existing system for the substantive questions and answers but ensure at the end of the relevant item on the agenda that all supplementary questions have been addressed.

4. How these option two could work in the constitution are tracked as changes to the constitution in appendix 1.
5. Further in answer to a member question at cabinet on 19 December ([http://hc-mod.gov:9070/documents/b19129/Supplement%201%20-%20Councillor%20Questions%20and%20Answers%20Thursday%2019-Dec-2019%2018.30%20Cabinet.pdf?T=9&\\$LO\\$=1](http://hc-mod.gov:9070/documents/b19129/Supplement%201%20-%20Councillor%20Questions%20and%20Answers%20Thursday%2019-Dec-2019%2018.30%20Cabinet.pdf?T=9&$LO$=1)) the committee is asked to consider a change to the deadline for asking questions for cabinet meetings. The following options are open to recommend to council:

Option 1) Publish the papers 6 days before the meeting keeping the date the same deadline for questions

Option 2) Request that questions are asked by 9.30 am on the third working day after publication. As cabinet meets on a Thursday this would extend the time frame over a weekend extending time from 5pm on the Friday evening to 9.30 on the Monday

Option 3) Publish the papers earlier than 5pm.

How option 2 could work in the constitution are tracked as changes in appendix 2

## Community impact

6. The proposal will positively affect the ability of the public to engage in the questions procedure. For cabinet it allows for extra time for a question to be submitted and for scrutiny it will resolve the frustrations felt about the inability of the scrutiny committee to answer questions.

## Equality duty

7. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
8. The proposed options provide further time for all members and the public to ask questions and further the ability to be engaged in scrutiny. We therefore believe that this supports the council in delivering its equality duty by fostering good relations and advancing equality of opportunity.

## Resource implications

9. The changes proposed have no direct resource implication other than officer time which is already budgeted for.

## Legal implications

10. None

## Risk management

- 11.

Risk / opportunity	Mitigation
Additional time will reduce the ability to provide adequate answers	The time is extended for cabinet over a weekend so should not unduly affect the preparation of answers.
Reducing the publication day or time from the 5pm will condense time to prepare a	Officers will be advised of the new

good decision report

timescales and rearrange work accordingly.

## **Consultees**

12. The chair and vice chairpersons of scrutiny have been consulted on the concerns about the answering of questions at scrutiny and support option 2.
13. The leader and cabinet have been consulted on additional time for asking questions at cabinet and support option 2

## **Appendices**

Appendix 1 - Scrutiny questions options

Appendix 2 - Cabinet question deadline

## **Background papers**

None