

Meeting:	Council
Meeting date:	Friday 14 February 2020
Title of report:	Procedure for dealing with questions at Scrutiny Committees and Cabinet
Report by:	Solicitor to the Council

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To approve the recommendation from the audit and governance committee to amend the procedure for questions to scrutiny committees and cabinet contained within 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 council approve 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 Council to improve the process of public and member questions at scrutiny and Cabinet.

For scrutiny –

One option would be to 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.

Another option would be to 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.

For cabinet -

One option would be to publish the papers earlier than 5pm.

Another option P could be to publish the papers 6 days before the meeting keeping the date the same deadline for questions

It is also open to full Council to retain the current systems without amendment.

Key considerations

2. At the audit and governance committee meeting held on 19 November 2019 consideration was given to improving public and member engagement at scrutiny and the timeframe for submitted questions for cabinet.

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.
4. To resolve this difficulty pending the recommendations from the re-thinking governance working group, the recommendation is to 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.
5. The suggested amendment to the constitution to incorporate this change are tracked as changes to the constitution in appendix 1.

Cabinet

6. Further in answer to a member question at cabinet on 19 December (<http://hc-modgov:9070/documents/b19129/Supplement%201%20->

[%20Councillor%20Questions%20and%20Answers%20Thursday%2019-Dec-2019%2018.30%20Cabinet.pdf?T=9&\\$LO\\$=1](#)) the audit and governance committee was asked to consider making a recommendation to change the deadline for asking questions for cabinet meetings.

7. The recommendation is to 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.
8. The suggested amendment to the constitution to incorporate this change are tracked as changes to the constitution in appendix 2.

Community impact

9. 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 directly answer questions.

Equality duty

10. 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.
11. 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

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

Legal implications

13. None

Risk management

14.

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.
Cabinet members may not be able to attend scrutiny committee	Written answers to supplementary questions will be provided within the required 10 days

Consultees

15. The chair and vice chairpersons of scrutiny have been consulted on the concerns about the answering of questions at scrutiny and support the recommendation.
16. The leader and cabinet have been consulted on additional time for asking questions at cabinet and support the recommendation

Appendices

Appendix 1 - Scrutiny questions options

Appendix 2 - Cabinet question deadline

Background papers

None