

Appendix 1 - Questions from the Public and Members

Note: strikethrough indicates text removed. Underline indicates new text.

Section	Part 4 Section 3
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4.1.38 Questions on notice

4.1.39 Appropriate questions may be asked by members of the public who live or work in Herefordshire and by elected members at the following public meetings of the council:

- Full Council
- Cabinet
- Audit and governance committee
- Health and wellbeing board
- Employment panel
- Scrutiny committees*

4.1.40 A 'question on notice' means that the question must be in writing (including email) and submitted to the council ~~4~~ 3 clear working days before the day of the meeting (not including the day of the meeting) and supplemental questions ~~1 clear the working day~~ before the meeting.

Members or the members of the public are encouraged to submit questions as soon as agenda papers are released to give the council more time to provide a considered answer as soon as practical. ~~however~~ The following deadlines are set out below:

Meeting Day Question deadline – (Where the day given below is a bank holiday, the deadline will be the previous working day.)

<u>Deadline for initial questions (5pm in all cases)</u>	<u>Deadline for initial responses</u>	<u>Deadline for supplemental questions (5pm in all cases)</u>	<u>Day of the meeting</u>
Tuesday	<u>Thursday</u>	<u>Friday</u>	Monday
Wednesday	<u>Friday</u>	<u>Monday</u>	Tuesday
Thursday	<u>Monday</u>	<u>Tuesday</u>	Wednesday
Friday	<u>Tuesday</u>	<u>Wednesday</u>	Thursday
Monday	<u>Wednesday</u>	<u>Thursday</u>	Friday

~~4.1.41~~ ~~If a member or a member of the public has you have asked a question, they you will also be able to ask a supplementary question. The wording of all supplementary questions including those if not asked in attendance at the meeting must be provided in writing 90 minutes~~ by 5pm at least 1 working day ~~before the meeting.~~

~~4.1.41a~~ ~~**Scrutiny Committees:** supplementary questions (whether a written question or question raised in attendance) from the public will not be considered at a meeting if the question is not first provided in writing at least 90 minutes before the meeting.~~

~~**4.1.41ab Scrutiny Committees:** A question (whether an initial or supplementary question) from the public will not be accepted if the same or similar question has been raised to council, cabinet or other committee in the previous **6 months** or if an answer has already been provided by Council (whether from an officer, member, council, cabinet or other committee~~

4.1.41 At each public meeting a period of up to **30 minutes** at full Council or **15 minutes** at other public meetings of the council where written questions are permitted will be allocated for questions and supplementary questions. This period may be varied at the discretion of the chairperson.

4.1.42 Where a question or a supplementary question relates to a report on the agenda and the report is published late, initial questions should be accepted for up to 1 working day after the report is published and supplementary questions will be accepted up to 1 working day after the initial question is published (but no later than 90 mins before the meeting).

4.1.43 **Urgent questions**

4.1.44 Elected members are able to ask a question that relates to an urgent matter provided they have the prior written consent of the member to whom the question is to be put, and the question is delivered, along with the members written consent to the monitoring officer by **9.30 am** on the day of the meeting, or half an hour before the start of the meeting whichever is the earlier.

4.1.45 **Supplementary questions**

4.1.46 A questioner may ask one supplementary question if they have asked an initial question. A supplementary question must be a question and not a statement and arise directly out of the original question or the reply and must take no longer than one minute to ask.

4.1.46a Notice of a supplementary question asked on the day of the meeting must that have not been submitted by the deadline of **90 minutes 5pm at least 1 the working day** before the start of the meeting. will be acknowledged at the meeting.

4.1.46b Notice of a supplementary question raised by a member of the public must include the wording of the supplementary question that will be asked. Councillors raising a supplementary question are not required to provide written notice.

4.1.46c A supplementary question may be asked in writing if the questioner prefers or cannot attend the meeting.

4.1.46d A response to a supplementary question will either be given on the day or in writing within 10 working days of the meeting.

4.1.46e Depending on the number of public questions, it will be at the discretion of the chairperson as to how they manage the taking of all supplementary questions

4.1.46f The chairperson may reject a supplementary question if the chairperson considers that it is inappropriate (even if initially accepted under paragraph 4.1.53).

~~4.1.46a **Scrutiny Committees:** all supplementary questions raised by the public must be submitted in writing at least **90 minutes** prior to the start of the meeting. Any~~

~~received after this time will be considered at the next meeting of the committee or a written response will be provided.~~

- 4.1.46g Scrutiny Committees:** All supplementary questions raised by the public who are in attendance at the meeting shall be limited to and in accordance with the written supplementary question already submitted.
- 4.1.47 Order of questions**
- 4.1.48 Questions and supplementary questions will be answered in the order in which they are received, unless grouping the questions into themes is appropriate.
- 4.1.49 Number of questions**
- 4.1.50 One question and one supplementary question per person is allowed at any meeting of the council.
- 4.1.51 Scope of public questions**
- 4.1.52 Questions must relate to the function of the committee or relate to a matter on the relevant agenda. The monitoring officer can redirect questions to the correct officer, executive member, committee, panel or meeting. They should be of a strategic nature, i.e. not personal to the questioner or a person employed by the council. Questions can be addressed to any chairperson or cabinet member and must relate either to something that the council is responsible for or that affects the county. It is accepted that questioners may highlight their experiences to support their question.
- 4.1.52a Scrutiny Committees:** questions will only be accepted for scrutiny committees if it relates to the agenda, task or finish group terms of reference or final report, or to the management of the committee's programme or its recommendations. This means that it will be the scrutiny chair (on behalf of the committee) to determine (in consultation with the Statutory Scrutiny Officer) who is the most appropriate person to respond to the question.
- 4.1.53 The Monitoring Officer will reject a question or Supplementary Question if it is not appropriate to be asked at a public meeting, reasons for rejection or redirection may include but are not limited to:
1. It is not about a matter for which the council has a responsibility, or which affects Herefordshire; or
 2. It requires the disclosure of confidential or exempt information; or
 3. It relates to an identifiable individual or employee of the council; or
 4. it is more than 140 words; or
 5. A question (whether an initial or supplementary question) from the public will not be accepted if the same or similar question has been raised to council, cabinet or other committee in the previous 6 months and the answer has already been provided by Council (whether from an officer, member council, cabinet or other committee) and the answer would be the same or similar if raised again.
 6. It relates to a planning or licensing application.
 7. It is deemed to substantively relate to a request for data (including statistical information) under EIR or FOI rules. For these purposes, a dataset is a collection of factual, raw data that Herefordshire Council gathers as part of providing services and delivery of our functions as a public authority.
- 4.1.53a Scrutiny Committees:** ~~A question (whether an initial or supplementary question) from the public will not be accepted if the same or similar question~~

has been raised to council, cabinet or other committee in the previous ~~6 months~~ or if an answer has already been provided by Council (whether from an officer, member council, cabinet or other committee).

4.1.54 If a question is deemed to be inappropriate, the person who submitted it will be notified ~~in writing before the meeting~~ and given the reasons. This is a decision for the Monitoring officer/deputy monitoring officer in advance of the meeting (under para 4.1.53) or the chairperson ~~legal officer in attendance~~ at the meeting (under para 4.1.46f).

4.1.55 Answers to questions

4.1.56 Answers to accepted initial questions will be published two working days before the meeting ~~normally at 5pm~~. An answer to a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the 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 clear 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.

4.1.56a Rejected Questions

4.1.56b In respect to questions that have been rejected due to a same or similar question being raised within the last 6 months, then the questioner shall be redirected to the previously provided public answer.

4.1.56c In respect to questions that have been rejected due to non-compliance with timescales in this protocol then a written answer will normally be provided within **ten clear working days** of the meeting.

4.1.56d Questions at Cabinet & Council Meetings

4.1.56e The paragraphs 4.1.38 to 4.1.56 do not apply to questions raised by Group Leaders and other invited attendees under paragraph 4.4.11 in Section 4 of Part 4 of this Constitution.

4.1.56f The paragraphs 4.1.38 to 4.1.56 do not apply to questions raised during the Leader's report under paragraph 4.1.1 in Section 1 of Part 4 of this Constitution.

Section	Part 5 Section 8
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Section 8 – Public Guide to Participation

5.8.8 Asking questions at meetings of the council

This part relates to questions raised by the public only. Member questions are covered in the process in Part 4 Section 1 Council and Committee Meeting Rules.

5.8.9 Which meetings can the public ask questions at?

5.8.10 Questions can be asked at public meetings of:

- Full Council
- Audit and governance committee
- Cabinet
- Employment panel
- Health and wellbeing board
- Scrutiny committees

5.8.11 Who can ask questions?

5.8.12 Appropriate questions can be put by anyone living or working in Herefordshire ~~and any elected member of Herefordshire Council~~

5.8.13 What notice is required for questions?

5.8.14 A question must be delivered by email (councillorservices@herefordshire.gov.uk) or in writing to the monitoring officer, Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE by no later than 5.00 pm ~~three clear~~ four working days **before** the date of the meeting and supplementary questions the **working day** before the meeting. A working day is defined for this purpose as Monday through Friday, excluding days designated as bank holidays in England and Wales. Each question must provide the name and address of the questioner. See table below:

<u>Deadline for initial questions (5pm in all cases)</u>	<u>Deadline for initial responses</u>	<u>Deadline for supplemental questions (5pm in all cases)</u>	<u>Day of the meeting</u>
Tuesday	<u>Thursday</u>	<u>Friday</u>	Monday
Wednesday	<u>Friday</u>	<u>Monday</u>	Tuesday
Thursday	<u>Monday</u>	<u>Tuesday</u>	Wednesday
Friday	<u>Tuesday</u>	<u>Wednesday</u>	Thursday
Monday	<u>Wednesday</u>	<u>Thursday</u>	Friday

5.8.14a The Council's Monitoring Officer will reject questions which are not submitted in writing, within the time limit. You will be notified if your question is rejected for these reasons and you may be able to re-submit your question, provided your question is in accordance with constitution rules relating to public questions.

5.8.15 How many questions can be asked?

5.8.16 One question and one supplementary question per person is allowed at any public meeting of the council as listed above. Questions must not take longer than one minute to ask or to read out.

5.8.17 What is the purpose and scope for questions?

5.8.17a The purpose of questions is to enable ~~both~~ members of the public ~~and any councillor~~ to ask the council about an issue that is of local concern ~~and is the most practical way of progressing the members concerns.~~

5.8.18 Questions must relate to the function of the committee or relate to a matter on the relevant agenda. The monitoring officer can redirect questions to the correct meeting. They should be of a strategic nature, i.e. not personal to the questioner or a person employed by the council. Questions can be addressed to any chairperson or cabinet member and must relate either to something that the council is responsible for or that affects the county. It is accepted that questioners may highlight their experiences to support their question.

5.8.19 The Monitoring Officer will reject a question if it is not appropriate to be asked at a public meeting, reasons for rejection or redirection may include but are not limited to:

1. It is not about a matter for which the council has a responsibility, or which affects Herefordshire; or
2. It requires the disclosure of confidential or exempt information; or
3. It relates to an identifiable individual or employee of the council; or
4. it is more than 140 words; or
5. It relates to a planning or licensing application.
6. A question (whether an initial or supplementary question) from the public will not be accepted if the same or similar question has been raised to council, cabinet or other committee in the previous 6 months and the answer has already been provided by Council (whether from an officer, member council, cabinet or other committee) and the answer would be the same or similar if raised again.
7. It is deemed to substantively relate to a request for data (including statistical information) under EIR or FOI rules. For these purposes, a dataset is collection of factual, raw data that HC gathers as part of providing services and delivery of our functions as a public authority.

If a question is rejected because it is not appropriate the Monitoring Officer will give the reason(s) for the rejection

5.8.20 What happens at the meeting?

5.8.21 Time is made available early on the agenda for any accepted questions to be dealt with. Copies of any questions and answers will be published on the council's website before the start of the meeting, and will be made available to members of the public who attend the meeting.

5.8.22 The chairperson will invite the questioner to put a supplementary question to the councillor named in the notice provided that the question has been submitted in writing to the council by the deadline above. If the questioner is unable to attend the meeting a written supplementary question will be permitted, in line with the council and committee meeting rules at paragraph 4.1.46c, and read on the questioner's behalf. ~~Written su-~~The wording of all supplementary questions must be provided in writing **by 5pm at least 1 the working day** ~~90 minutes~~ before the start of the meeting.

5.8.23 A questioner ~~who has put a question in person or in writing~~ can also ask one supplementary question, ~~without notice~~, in response to the reply to their question provided that the question has been submitted in writing to the council by the deadline above. A supplementary question must arise directly out of the original question or the reply given. The chairperson can reject a supplementary question in consultation with the Monitoring officer/deputy monitoring officer/legal officer in attendance at the meeting on any of the grounds detailed in the section above.