

MEETING:	AUDIT AND GOVERNANCE COMMITTEE
DATE:	9 MARCH 2012
TITLE OF REPORT:	AMENDMENTS TO THE CONSTITUTION- COUNCIL PROCEDURE RULES- MEMBER QUESTIONS
REPORT BY:	ASSISTANT DIRECTOR LAW GOVERNANCE AND RESILIENCE

Wards Affected

County-wide

Purpose

To consider a number of proposed amendments to the Constitution relating to the Council Procedure Rules on Member Questions.

Recommendation(s)

THAT:

- (a) Council be recommended that the Constitution provides that Member questions at Council should be answered in the order in which they are received;**
- (b) the Committee considers whether to recommend to Council that there should be a limit placed on the number of questions any one Councillor may ask; and**
- (c) Council be recommended that the Constitution provides that there is a time limit of 1 minute for a supplementary Member question.**

Key Points Summary

- The report proposes changes to bring the approach to Member questions in line with the approach to those in place for questions from Members of the Public.

Alternative Options

- 1 The Committee could maintain the current provisions, make changes as proposed or suggest a range of other approaches.

Reasons for Recommendations

- 2 To clarify the arrangements for dealing with Member questions at Council meetings.

Introduction and Background

- 3 On 18 November the Council gave authority to the Audit and Governance Committee to review the Constitution and make recommendations to the Council to amend it. There are a number of proposed amendments that the Committee is invited to consider.

Key Considerations

4. Upon examination an anomaly has come to light in that some of the provisions in the Constitution relating to Public Questions differ from the Provisions relating to Member Questions and the reasons for these differences are not clear, or at least need to be tested and considered.
5. The provisions for public questions include the following
- a rule governing the order in which questions are dealt with (4.1.14.5)
 - a rule governing the number of questions an individual Member of the public may ask(4.1.14.6)
 - a rule relating to supplementary questions containing a time limit of 1 minute for a supplementary question (4.1.14.10)
- 6 In contrast the rules for Member Questions:
- Do not contain a rule governing the order in which questions are dealt with
 - Do not contain a rule governing the number of questions an individual Member may ask
 - Do not have time limit on supplementary questions. There is instead the general provision at 4.1.15.8 relating to the time allowed for questions as a whole which contains the provision: *“The Chairman will decide the time allocated to each question.”*
- 7 The Monitoring Officer comments:
- There seems no reason why there is not a rule governing the order in which questions are dealt with, consistent with the provisions for public questions (4.1.14.5). There is no provision for the Chairman of Council or anyone else to otherwise determine in what order Member Questions are asked. A provision that Member questions should be answered in the order in which they are received would provide clarity. The current practice is that they are listed in the order received, except that questions from any one Councillor are grouped together.
 - A member of the public may submit only one question at any meeting of the Council (4.1.14.6). There is currently no limit on Member questions. If it is agreed that questions are to be answered in the order that they are received, and there is one hour set aside for public and member questions, (subject to the Chairman having the power to extend the time, if that is considered appropriate), it raises the question as to whether there should be a limit placed on the number of questions any one Councillor may ask. This is a matter of opinion and Members are asked to consider this point. The practice of neighbouring authorities is set out below:
 - **Gloucestershire County Council:** No limit on the number of Member questions –but a time limit of 30 minutes.
 - **Shropshire Council** Provides for 30 minutes for up to 6 Member questions in total to be

dealt with, but the Chairman has the discretion to extend this.

- **Worcestershire County Council** - Member Questions limited to 30 minutes and Members are limited to 2 questions each.
- It would provide discipline to the Council's proceedings to provide a time limit on supplementary Member questions. The Chairman would have the discretion to extend this limit. It is suggested that a limit of one minute as for public questions would not be restrictive.

Community Impact

8 There is no significant impact, unless it is considered that a restriction on the number of questions an individual Councillor may submit would prevent Members from fulfilling their representative role.

Equality and Human Rights

9 It is considered that there are no implications in relation to public sector equality duty.

Financial Implications

10 The proposals have no financial implications.

Legal Implications

11 The Council is required to maintain a Constitution and keep it under review.

Risk Management

12 No risks have been identified.

Consultees

13 Herefordshire Public Services Leadership Team

Appendices

None

Background Papers

- None identified.