

COUNCIL BUSINESS COMMITTEE

Constitution – Members’ Questions on Notice at Council Meetings

27 June 2013

Report of the Chief Executive

PURPOSE OF REPORT

To consider a request from a Councillor to review the rules regarding Members’ questions on notice at Council.

This report is public

RECOMMENDATION

- (1) **That the Committee consider the request to review the rules regarding Members’ questions on motion.**

1.0 Background

- 1.1 An issue has been raised by a Councillor regarding Council Procedure Rules 13.2 - 13.4 in Part 4, Section 1 of the Council’s Constitution. These are the rules which set out the matters which are acceptable for questions and the requirements for giving notice and they are reproduced below.

13.2 Questions on Notice at Council

Subject to Rule 13.4, a Member of the Council may ask:

- *the Chairman*
- *a Member of the Cabinet*
- *the Chairman of any Committee or Overview and Scrutiny Committee or Budget and Performance Panel*

a question on any matter in relation to which the Council has powers or duties or which affects the District. The asking of the question must take no longer than two minutes and questions shall be limited to two questions per Council Member.

13.3 Questions on Notice at Committees and Overview and Scrutiny

Subject to Rule 13.4, a Member of a Committee or Overview and Scrutiny

meeting may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that Committee or Overview and Scrutiny meeting.

13.4. Notice of Questions

A Member may only ask a question under Rule 13.2 or 13.3 if either:

- (a) they have given at least 3 days notice in writing or by electronic mail (from a known or recognised source) of the question to the Chief Executive; or*
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given in writing or by electronic mail (from a known or recognised source) to the Chief Executive by 12 noon on the day of the meeting or one hour before the commencement of the meeting, whichever is the earlier.*

1.2 The Councillor raised concerns with the rules and has expressed the view that because

- a) questions have to be submitted to the Chief Executive in advance; and
- b) questions are required to be relevant to the Council’s powers or duties or affect the District

the Chief Executive is required to make a decision on the relevance of each particular question and may have to ‘reject’ a Member’s question on the grounds that it does not fit the criteria in the Council’s Constitution. The Councillor concerned does not feel it is proper for an officer of the Council to make this judgement.

2.0 Proposal

2.1 Members are asked to consider whether Council Procedure Rules 13.2-13.4 should be amended so that no officer of the Council makes any decision on whether one Member’s question is proper to be asked of another Member at a Council meeting.

3.0 Options and Options Analysis (including risk assessment)

3.1 There are a number of options to achieve the outcome in 2.2 above. Two possibilities are set out below alongside the option to keep the status quo. It is, of course, open for the Committee to suggest other options.

	Option 1: No change to the rules	Option 2: To allow any question to be asked during Members’ questions without notice	Option 3: To allow any question to be asked by giving notice to the Member concerned (copying CE/Democratic
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			Services in for administrative purposes.)
Advantages	Potentially saves time at Council meetings because questions which are not relevant to the Council's functions or services or to the District are filtered out. At present very few questions are rejected.	Advantageous for Members who wish to ask any questions they choose on notice at a Council meeting, whether they are relevant to the district or the functions of the Council, or related to another matter. Removes the 'officer filter' for Members' questions.	Advantageous for Members who wish to ask questions which are not relevant to the district or the functions of the Council. Removes the 'officer filter' for Members' questions.
Disadvantages	At least one Member is unhappy with rules 13.2-13.4, perceiving them to be an unnecessary 'officer filter' for Members' questions.	May lengthen the duration of Council meetings unless a time limit was enforced and/or a limit of one question per Councillor. Currently Members are only allowed 2 questions on notice per meeting. Would not allow any time for the Cabinet Member or Committee Chairman to consider and prepare a response so the Cabinet Members/Committee Chairmen may not have the information to hand.	Possibility that questions will be emailed between Members without copying in Democratic Services causing confusion at the Council meeting. Democratic Services are responsible for informing the Mayor of the content of the meeting including who will speak and respond at question time and in which order.
Risks	None identified.	That questions will require a written answer because no notice has been given. Risk of defamatory, frivolous or vexatious questions being raised.	Lessens the first risk identified in Option 2 as Cabinet Members/Committee Chairmen should have time to consider and prepare a response.

3.2 There is no officer preferred option however it should be noted that "Matters in relation to which the Council has powers or duties or which affect the District" are very wide-ranging criteria. It does not usually pose a problem for Members to phrase their questions within that scope and it is unusual for a question to be

rejected. The filter is in place to ensure that Councillors and Officers are not obliged to consider matters that are not relevant to the district or to the work of the Council. If there was no requirement for questions to be relevant, time and effort would be spent researching and answering questions which would either be better directed to other organisations or are just not appropriate for a meeting of the City Council.

4.0 Other authorities

4.1 The Democratic Services Manager has consulted with 11 other Lancashire authorities to ascertain their rules regarding Members' questions at Council meetings. The results are shown in the attached appendix and show that the 8 of those who responded have the same, or similar, arrangements in place as Lancaster City Council. They require that the question be submitted to the Chief Executive (or other officer of the Council) and that they be relevant. Regarding relevancy, most use the same terminology as Lancaster City Council's Constitution, stating that questions must be about "any matter in relation to which the Council has powers or duties, or which affects the District/area/Borough."

5.0 Conclusion

5.1 Members are asked to consider the issue raised by this report.

RELATIONSHIP TO POLICY FRAMEWORK None.
CONCLUSION OF IMPACT ASSESSMENT (including Health and Safety, Equality and Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None.
LEGAL IMPLICATIONS There are no legal implications as a result of this report.
FINANCIAL IMPLICATIONS There are no financial implications as a result of this report.
OTHER RESOURCE IMPLICATIONS Human Resources: None. Information Services: None. Property:

None.

Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Constitution, Part 4, Section 1, para 13.6

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