

COUNCIL

Constitution – Members’ Questions on Notice at Council Meetings

17 July 2013

Referral from Council Business Committee

PURPOSE OF REPORT

To consider a request from Council Business Committee to amend the rules regarding Members’ questions on notice at Council.

This report is public

RECOMMENDATIONS

- (1) That Council considers the recommendation of Council Business Committee to include a right of appeal to the Mayor for any Member whose question on notice is rejected by the Chief Executive on the grounds that it does not relate to the powers or duties of the Council or affect the district.
- (2) That, should Council agree to include the right of appeal, the Monitoring Officer be requested to make the necessary changes to the Council Procedure Rules in the Constitution.

1.0 Introduction

- 1.1 On 27 June 2013, Council Business Committee considered a report about an issue which had been raised by a Member regarding Council Procedure Rules 13.2-13.4 in Part 4, Section 1 of the 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 who raised the issue had concerns about the rules and expressed the view that because

- i. questions have to be submitted to the Chief Executive in advance; and
- ii. 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. He 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 did not feel it was proper for an officer of the Council to make this judgement.

2.0 Proposal

2.1 After consideration of the matter, Council Business Committee agreed that a filter of some description was desirable to ensure that time was not taken up at Council meetings by questions that had no relevance and that the wording of "*any matter in relation to which the Council has powers or duties or which affects the District*" should remain.

- 2.2 Members should note that questions are seldom rejected by the Chief Executive. Although Democratic Services do not keep records of 'rejected' questions, the Democratic Services Manager can only recall one question being refused in the last two years.
- 2.3 Committee Members felt, however, that if a Member did have his or her question rejected by the Chief Executive, he or she should have the right of appeal to a Member and that the appropriate Member should be the Mayor, as Chairman of the Council meeting. The Mayor would apply the same relevance test in making the decision. The Committee therefore resolved:

The Committee recommends that the Council Procedure rules be amended to allow any member whose question on notice to Council has been refused by the Chief Executive, on the grounds that it did not satisfy procedure rule 13.4 (b), the right of appeal to the Mayor.

3.0 Conclusion

- 3.1 Council is asked to consider the request to introduce a right of appeal to the Mayor for Members who wish to ask a question at Council which the Chief Executive has ruled does not affect the District and is not relevant to any matter relating to the Council's powers or duties.

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| CONCLUSION OF IMPACT ASSESSMENT (including Health and Safety, Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None identified. | |
| 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 None | Contact Officer: Debbie Chambers Telephone: 01524582057 E-mail: dchambers@lancaster.gov.uk Ref: |