

## **AMENDMENTS TO THE CONSTITUTION – QUESTIONS FROM MEMBERS OF THE PUBLIC**

### **Executive Summary**

Earlier this year, the Council adopted the newly revised Constitution. Included in the Constitution for the first time was the facility for Members of the Public to submit questions direct to Council. Having operated now for some months, the arrangements for questions have been reviewed based on experience and feedback.

This report therefore proposes a series of changes to the way in which the facility operates and recommends changes to the Constitution which would have the effect of improving the process for Members of the Public. The proposed amendments are set out in paragraph 2.0 of the report, with the amended section (Appendix 1) being added to Part 4 (Section 1) of the Constitution, namely Standing Orders, under Subsection 12.

The proposed changes seek to enhance the Council's arrangements for questions from Members of Public to meetings of Council, and take into account the experiences of Officers since the option for Questions was introduced.

The proposal was considered at the meeting of the Corporate Governance Working Group held on 11 October 2023 and it was agreed to recommend the amendments to the Standards and Audit Committee for recommendation thereon to Council at its meeting on 30 November 2023. An extract from the minutes of the meeting is set out below, with the recommendations from the Working Group beneath:

#### **“8. Questions from Members of Public.**

Frank reported that the arrangements for questions submitted by members of the public being received at Full Council meetings had been in operation since towards the start of the year and as such had been reviewed based on experience and feedback. It was proposed that a series of changes be adopted as set out in paragraph 2.1 of the report.

Members welcomed the report and considered whether the arrangements should be amended to permit the questioner to ask a supplementary question, noting that a standard response such as undertaking to provide a written response outside of the meeting could be provided by the Leader or Portfolio Holder. It was agreed that the recommendation be amended to include one supplementary question at meetings of Full Council.

The intention was to expand the facility on the Council's website to enable members of the public to select which Committee (or Full Council) meeting the question should be submitted to, along with the question and whether they intended to attend.

The arrangements for the Overview and Scrutiny Committee were raised and noted to be a possible topic for consideration at a future meeting.

The Group agreed the recommendations.”

Following the amendment to enable questioners to ask one supplementary question at Full Council meetings, Appendix 1 sets out below contains wording to accommodate the change.

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### Recommendations

The Committee is requested to:

#### RECOMMEND TO COUNCIL That

- (i) the existing section on Questions from Members of the Public (Appendix 1) in the Council's Constitution be updated under Section 1 of Part 4;
- (ii) the addition of any references within the new section to other sections within the Constitution be delegated to the Monitoring Officer as minor amendments; and
- (iii) the Monitoring Officer be instructed to make the agreed changes to the Constitution.

The item(s) above will need to be dealt with by way of a recommendation to Council.

**Background Papers:** None.

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**Date Published:** 15 November 2023

## Amendments to the Constitution – Questions from Members of the Public

### 1.0 Introduction

- 1.1 Earlier this year, the Council adopted the newly revised Constitution. Included in the Constitution for the first time was the facility for Members of the Public to submit questions direct to Council. Having operated now for some months, the arrangements for questions have been reviewed based on experience and feedback.
- 1.2 This report therefore proposes a series of changes to the way in which the facility operates and recommends changes to the Constitution which would have the effect of improving the process for Members of the Public.

### 2.0 Proposed Provision

- 2.1 Set out below is the proposed wording for the Constitution. The changes include:
- Removing/clarifying confusing statements;
  - Removing the requirements for the questioner to provide a personal address and identify a specific Councillor;
  - Add an explanation of the approach to be taken in the event a question is received after the deadline;
  - Changing the timeframe to provide sufficient time before the publication of the agenda to seek changes/clarification from the questioner if necessary.
  - Include reference to questions to the Overview and Scrutiny Committee, proposed elsewhere on the agenda.
  - Clarify the position on supplementary questions. Given the time limit at the meeting, it remains the Officers view that supplementary questions cannot be invited at the meeting.

#### 12.0 Questions from Members of the Public

##### General

12.1 Meetings of the Council will allow for a period not exceeding 15 minutes during which time **questions from** members of the public **will be responded to by may ask** the Leader, **Portfolio Holders** or **Committee/Sub-Committee** Chairs **questions relating to matters over which the Council has powers or duties, or which affect the Borough.**

12.2 Questions may be put to the Council by any individual that lives, works, or studies in the Borough.

12.3 **Questions may be on any matter over which the Council has powers, duties of the Council, or subjects affecting the Borough.**

##### Number of Questions

12.4 A member of the public may not submit more than 3 questions for any Council meeting.

## Amendments to the Constitution – Questions from Members of the Public

### Order of Questions

- 12.5 Questions will be asked in the order received, except that the Mayor may group together similar questions. ~~If more than two questions are submitted by the same person, the third question shall be moved to the end of the agenda item.~~

### Notice of Questions

- 12.6 A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon ~~seven~~ eight working days prior to the day of the Council meeting. Each question must give the name ~~and address~~ of the questioner ~~and indicate the Councillor to whom it is to be put.~~

- 12.6 Any questions received after the deadline will, according to the preference of the individual asking the question, either be:

- (i) responded to outside of the Council meeting; or
- (ii) deferred to the next available Ordinary Meeting of Council.

### Length of Questions

- 12.67 No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question(s) within the time allotted as stipulated at Standing Order 12.1. ~~The~~ Each question may be accompanied by a statement of context which must not exceed 250 words ~~and must be clearly separated from the text of the question.~~ The ~~statement of context and the question~~ question and the statement of context will be included in the agenda of the meeting.

- 12.78 The Chief Executive, or their representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement, ~~within one working day of the request being made.~~ The amended question must be received no later than 12 noon seven working days prior to the day of the Council meeting.

- 12.89 Any question that fails to be re-submitted in accordance with Standing Order 12.68 will receive a written response only within 5 working days of the Council meeting for which it was submitted.

### Scope of Questions

- 12.910 The Chief Executive, or their representative, may reject a question if it:
- (i) is a matter about which the Council has no responsibility, nor affects the Borough;
  - (ii) is defamatory, frivolous, or offensive;
  - (iii) requires the disclosure of confidential or exempt information; or
  - (iv) is the same or very similar to a question that has been submitted to a meeting of ~~Full~~ Council, the Executive ~~or the Overview and Scrutiny Committee~~, or a topic reviewed by the Overview and Scrutiny Committee

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within the past six months.

### Record of Questions

12.4011 The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the ~~Councillor~~ Portfolio Holder to whom it is to be put. Rejected questions will include reasons for rejection. Questions (and statements of context), including those dealt with under Standing Order 12.4112, and the answers given will be recorded in the minutes of the meeting.

### Asking the Question at the Meeting

12.12 A member of public may attend the meeting of Council to formally ask the question.

12.4113 The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor will direct the Council to the question set out in the Agenda Report and invite the relevant Portfolio Holder to read out the Council's response. ~~The Mayor may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. No supplementary questions will be allowed.~~

### Supplementary Questions

12.13 Once the question from the member of public and the reply from the relevant Portfolio Holder have been heard by Council, the Mayor will provide the member of public with the opportunity to ask one supplementary question to the Portfolio Holder, who will provide a reply verbally during the meeting or state that the Council will provide a written response within seven working days of the meeting. In addition, the questioner may submit a question, or a single set of supplementary questions, following the meeting, to which written responses will be drawn up in consultation with the relevant Portfolio Holder and sent to the questioner within seven working days of the receipt of the question or the set of supplementary questions.

### ~~Written Answers Questions Not Answered During the Allotted Time~~

12.4214 Any question(s) that cannot be dealt with during the time allotted for public questions, ~~either due to lack of time, or the non-attendance of the Councillor to whom it was to be put, or because not all the information was available,~~ shall be dealt with by a written response. ~~responded to in writing.~~ The response will be drawn up in consultation with the relevant Portfolio Holder and sent to the questioner within seven working days of the Council meeting.”

## 3.0 Implications

### Finance and Risk

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- 3.1 There are no financial or risk implications arising from this report or its recommendations.

### Equalities and Human Resources

- 3.2 Due consideration has been given to those unable to attend the meetings in-person and accordingly the proposals seek to make the process more accessible. There are no human resources implications arising from this report or its recommendations.

### Legal

- 3.3 There are no legal implications arising from the recommendations, which are in-line with the 1972 Local Government Act.

## **4.0 Engagement and Consultation**

- 4.1 The Corporate Governance Working Group has been consulted on these proposals with a view to recommending accordingly to Council. The Leader of the Council has been consulted on the report.

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Background Papers: None.

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REPORT ENDS

**Revised Wording – Questions from Members of the Public**

**12.0 Questions from Members of the Public**

**General**

- 12.1 Meetings of the Council will allow for a period not exceeding 15 minutes during which time questions from members of the public will be responded to by the Leader, Portfolio Holders or Committee Chairs.
- 12.2 Questions may be put to the Council by any individual that lives, works, or studies in the Borough.
- 12.3 Questions may be on any matter over which the Council has powers, duties of the Council, or subjects affecting the Borough.

**Number of Questions**

- 12.4 A member of the public may not submit more than 3 questions for any Council meeting.

**Order of Questions**

- 12.5 Questions will be asked in the order received, except that the Mayor may group together similar questions.

**Notice of Questions**

- 12.6 A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon eight working days prior to the day of the Council meeting. Each question must give the name of the questioner.
- 12.6 Any questions received after the deadline will, according to the preference of the individual asking the question, either be:
- (i) responded to outside of the Council meeting; or
  - (ii) deferred to the next available Ordinary Meeting of Council.

**Length of Questions**

- 12.7 No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question(s) within the time allotted as stipulated at Standing Order 12.1. Each question may be accompanied by a statement of context which must not exceed 250 words. The question and the statement of context will be included in the agenda of the meeting.
- 12.8 The Chief Executive, or their representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement. The amended question must be received no later than 12 noon seven working days prior to the day of the Council meeting.



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- 12.9 Any question that fails to be re-submitted in accordance with Standing Order 12.8 will receive a written response only within 5 working days of the Council meeting for which it was submitted.

### **Scope of Questions**

- 12.10 The Chief Executive, or their representative, may reject a question if it:
- (i) is a matter about which the Council has no responsibility, nor affects the Borough;
  - (ii) is defamatory, frivolous, or offensive;
  - (iii) requires the disclosure of confidential or exempt information; or
  - (iv) is the same or very similar to a question that has been submitted to a meeting of Council, the Executive or the Overview and Scrutiny Committee, or a topic reviewed by the Overview and Scrutiny Committee within the past six months.

### **Record of Questions**

- 12.11 The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Portfolio Holder to whom it is to be put. Rejected questions will include reasons for rejection. Questions (and statements of context), including those dealt with under Standing Order 12.12, and the answers given will be recorded in the minutes of the meeting.

### **Asking the Question at the Meeting**

- 12.12 A member of public may attend the meeting of Council to formally ask the question.
- 12.13 The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor will direct the Council to the question set out in the Agenda Report and invite the relevant Portfolio Holder to read out the Council's response.

### **Supplementary Questions**

- 12.13 Once the question from the member of public and the reply from the relevant Portfolio Holder have been heard by Council, the Mayor will provide the member of public with the opportunity to ask one supplementary question to the Portfolio Holder, who will provide a reply verbally during the meeting or state that the Council will provide a written response within seven working days of the meeting. In addition, the questioner may submit a question, or a single set of supplementary questions, following the meeting, to which written responses will be drawn up in consultation with the relevant Portfolio Holder and sent to the questioner within seven working days of the receipt of the question or the set of supplementary questions.

### **Questions Not Answered During the Allotted Time**

- 12.14 Any question(s) that cannot be dealt with during the time allotted for public questions shall be dealt with by a written response. The response will be drawn up in consultation with the relevant Portfolio Holder and sent to the questioner within seven working days of the Council meeting."