

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Constitution Review Working Party 22 July 2010
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QUESTIONS TO FULL COUNCIL

Purpose

1. To review the procedures for public and members' questions at Council meetings to increase the transparency of the procedures and provide consistency with other public question schemes, and to improve the efficiency of Council meetings. This is not a key decision.

Recommendations and Reasons

2. That the Constitution Review Working Party recommend to Council the revised procedures for public and members' questions at full Council, amending Council Standing Orders 1, 2, 10 and 11.

Background

3. An unprecedented number of questions were received for the 24 April 2010 Council agenda. Council Standing Order 10.1, footnote 5, sets aside a maximum of ten minutes for public questions on any specific agenda item, although the Chairman has discretion to adjust the actual amount of meeting time to be set aside for questions. The number of questions received, both from members of the public and from Councillors, highlighted several other issues:
 - (a) There is nothing in Standing Orders to permit the Chairman to limit the length of written questions, many of which include lengthy preambles drawing focus from the question itself;
 - (b) There is an inconsistency in the amount of notice required for public questions to Council and for public questions to Scrutiny and Overview Committee;
 - (c) Questions to Executive Members often are directed to a Portfolio Holder who does not have responsibility for the subject matter of the question; and
 - (d) Standing Orders state that "questions will be asked in the order notice of them was received", although they do grant the Chairman the discretion to group together questions of a similar nature, and this can lead to members of the public having to wait for the conclusion of Members' questions before being able to ask their own questions.

Considerations

General

4. The standard protocol for public questions has been set out in a footnote at Standing Order 10.1, but raised to the main body of the text in the Appendix to ensure that the protocol is not overlooked.
5. The duration of public speaking time has been increased from a maximum of ten to a maximum of thirty minutes to improve opportunities for public involvement at meetings.

Notice of Questions

6. Notice of public questions has been raised from three to six working days before the meeting date, which will ensure that the public question is included in the Council agenda upon publication, and provide Members and officers additional time to research and prepare a response which can be delivered at the meeting rather than supplied within five working days afterwards. This deadline is consistent with the existing practice for public questions at meetings of Scrutiny and Overview Committee.

Questions by Members

7. Often Members' questions are addressed a Portfolio Holder who does not have responsibility for the subject matter, requiring additional officer time to contact the questioner to seek clarification, which often causes delays to publication of the Council agenda. To improve the efficient publication of the Council agenda, it is recommended that Members' questions to the Executive be directed to the Leader, who respond on behalf of the Cabinet or who may appoint a member of the Executive to respond at the meeting.
8. The text for the order of public questions has been duplicated as Standing Order 11.5, to ensure that the same protocol is followed for Members' questions.

Scope of Questions

9. The text for the scope of public and Member questions has been updated to include the issues highlighted in the existing question protocol, i.e., does not require the disclosure of exempt / confidential information, does not raise issues about the competence of performance of a Councillor or officer, etc.
10. It is recommended that a mechanism be included within the scope of public and Members to afford the Chairman discretion to limit the length of a question to remove a lengthy preamble or other background information, thus retaining focus on the question itself and the response, and contributing to a more efficient running of the meeting.

Order of Council Business

11. Standing Orders 1 and 2 set out the business to be conducted at, respectively, the Annual Meeting of the Council and Ordinary Meetings of the Council. Nothing in Standing Orders states that Council business must be conducted in the order in which the business is listed in the Constitution, and so no amendment necessarily is required.
12. A review of other authorities' Constitutions and public question schemes has confirmed that the standard practise locally is separation of public and Member question times on agendas, allowing public questions to proceed as a distinct item of business. This practise could be adopted by South Cambridgeshire, giving greater emphasis to public question time to encourage greater public involvement, and could be reflected by amending Standing Orders 1.1(b) and 2.1 as shown in the Appendix.

Implications

13.

Financial	None.
Legal	None.
Staffing	Earlier notice of questions will give officers additional time to prepare a comprehensive response and ensure that the response is available at the time of the Council meeting, rather than a written response provided after the date.

Risk Management	None specific.
Equal Opportunities	None specific.
Climate Change	None.

Consultations

14. Constitutions of neighbouring Cambridgeshire authorities.
- (a) Cambridge City Council receives public questions during the formal meeting, for a maximum of thirty minutes after declarations of interest and receipt of petitions, but before receiving recommendations from other Council bodies. Members' questions, for which a maximum of half an hour is set aside, are received after the main business of the meeting and before Notices of Motion.
- (b) Cambridgeshire County Council sets aside a maximum of sixty minutes at ordinary meetings for oral and written questions from Members, with a maximum of two minutes per response. A Member wishing to ask an oral questions must put his / her name on an appropriate slip upon arrival at Shire Hall on the Council meeting day, and the Chairman will draw names randomly from the box during Question Time. Written questions receive written responses, made available to the questioner and to the public from 9 am on the day of the Council meeting. Public question time is limited to a maximum of four members of the public per ordinary Council meeting and questions must be received by noon, five clear working days before the meeting date. A maximum of two minutes is set aside to ask the question, with a further two minutes set aside for the response.
- (c) East Cambridgeshire District Council sets out a maximum of fifteen minutes before each Council meeting for public questions prior to the formal commencement of a meeting. Public questions must be submitted in writing prior to the commencement of public speaking time, and are drawn at random from a box provided for that purpose. Any questions not answered by the end of the fifteen minutes will receive a written reply. Members' questions are asked after Notices of Motion, and the deadline for receipt of written questions is 24 hours before the meeting, or, with the permission of the Chairman, at the meeting itself, although the respondent has discretion to decline to reply due to insufficient notice.
- (d) Fenland District Council sets aside up to sixty minutes is set aside for Members' questions at the beginning of the meeting prior to Council consideration of recommendations from Council bodies. Public questions are on the agenda as a separate item after Members' questions and receipt of petitions, with a maximum of three minutes set aside per questioner, and two minutes set aside per oral response. The deadlines for notice of questions is noon, three clear working days before the meeting for Members, and noon, seven clear working days before the meeting for the public.
- (e) Huntingdonshire District Council does not operate a public question scheme at meetings of full Council. Up to thirty minutes is set aside for Members' questions after the conclusion of Council business and before Notices of Motion. The deadline for notice of written questions is noon, eight clear working days before the meeting. The names of Members wishing to ask oral questions at the meeting are submitted via a pro forma no later than five minutes before the start of a Council meeting, and drawn randomly by the Chairman during the thirty minute question time.

- (f) Peterborough City Council has “community involvement” time near the start of each Council meeting for public questions, followed by Members’ questions. The order of questions for each section is determined by a random draw by the Chief Executive or other senior officer appointed for this purpose. Members wishing to witness the draw must make attendance arrangements with the Chief Executive prior to the deadline for submission of questions. Questions must be received in writing no later than noon, five clear working days before the meeting. A maximum of ten minutes is set aside for Members’ questions relating to ward matters or to Committee Chairman, and a further twenty minutes set aside for Members’ questions to the Leader and Members of the Executive.

Effect on Strategic Aims

15. Greater emphasis on public speaking as a separate and distinct item of business on the Council agenda, and increasing the maximum time allotted for public questions, improves opportunities for public involvement and for the Council to demonstrate that it is listening to residents’ views.

Conclusions / Summary

16. No substantial changes to Standing Orders are being recommended at this time, especially as a government review of local government Standing Orders is understood to be imminent. The amendments recommended bring additional consistency, transparency and efficiency to existing practise.

Background Papers: the following background papers were used in the preparation of this report:

Constitutions of Cambridgeshire County Council, Cambridge City Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council, Peterborough City Council and South Cambridgeshire District Council
Local Government Acts 1972, 1989, 2000
The Conduct of Local Authority Business [Widdecombe Report], 1986

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