

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Constitution Review Working Party

22 July 2010

8 September 2010

**AUTHOR/S:** Chief Executive / Acting Legal and Democratic Services Manager

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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. It was referred back to the Constitution Review Working Party by Council on 22 July 2010.

#### 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 at in the attached **Appendix**.

#### Background

3. A substantial number of public questions relating to one matter were received for the 24 April 2010 and 22 July 2010 Council agendas. 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 seven working days<sup>1</sup> 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 to be delivered at the meeting rather than supplied in writing within five working days afterwards. This deadline is consistent with the existing practice for public questions at meetings of Scrutiny and Overview Committee.
7. Concern was expressed at Council on 22 July 2010 at the proposal to lengthen the amount of notice required, but officers maintain the view that the longer notice period will enable time to prepare a more substantial oral response in public at the Council meeting, particularly as detailed technical responses require input from a range of officers and partner organisations, rather than the questioner receiving a written response at a later date. A review of public question schemes at neighbouring authorities supports this practice as creating greater opportunity for public involvement, as authorities which have a shorter notice period are more likely to provide written responses rather than responding at the meeting, diminishing the opportunity for substantive supplementary questions:
  - (a) Cambridge City Council: if it relates to a matter not on the agenda, the deadline is 10 am the day before the meeting. If it relates to a matter on the agenda, the deadline is before the start of the meeting. If the respondent does not feel that sufficient notice has been given to research a response, the question will be declined at the meeting and a written response issued instead. The questioner, if present, may ask a supplementary question or make a supplementary statement relating to the subject matter of the question or response, for which the maximum time allocated is two minutes;
  - (b) Cambridgeshire County Council: the deadline is noon, five working days before the meeting. Public question time is limited to four questioners per ordinary meeting and responses are limited to a two minute oral response, reference to a publication of the Council or other published work, or a written reply. The questioner, if present, has the right to ask a supplementary question without notice, for a maximum of two minutes, the details of which must arise directly from the original question or the reply
  - (c) East Cambridgeshire District Council: public questions must be submitted in writing no later than 15 minutes before the start of the meeting, and the questioner must be in attendance at the meeting. The Chairman will draw questions at random from a box and any questions not answered during the 15-minute public question time will receive a written reply. Responses are not guaranteed at the meeting and the respondent may promise a written reply, refer the matter to another committee, or decline to answer (for example, if the

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<sup>1</sup> Seven working days before the meeting meets the statutory deadline for the agenda publication: the agenda and reports must be in the public domain for five clear working days before the meeting, which does not include the agenda publication date nor the meeting date. As the Council's public-facing modern.gov website is hosted externally and refreshed overnight with new information, rather than newly-published items appearing immediately upon publication, the internal publication deadline must be extended by one day to ensure that the necessary information is publicly available the following morning.

response requires disclosure of confidential information). No supplementary questions or statements may be made;

- (d) Fenland District Council: public questions must be submitted in writing no later than noon, seven working days before the meeting. As at Cambridgeshire County Council, responses are limited to a two-minute oral response, reference to a publication of the Council or other published work, or a written reply. The questioner, if present, has the right to ask a supplementary question without notice for a maximum of two minutes, the details of which must arise directly from the original question or the reply;
- (e) Huntingdonshire District Council: no public question time;
- (f) Peterborough City Council: questions must be submitted in writing by noon, five clear working days before the meeting (not including the meeting date). Responses are limited to a two minute oral response, reference to a publication of the Council or other published work, or a written reply within seven days. One minute is allowed to ask a supplementary question, and two minutes allowed for a supplementary response.

#### **Questions by Members**

- 8. 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, often delaying 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.
- 9. 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**

- 10. 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.
- 11. It is recommended that the Chairman be afforded 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.

#### **Written Responses**

- 12. Council, on 22 July 2010, referred Councillor Mike Mason's motion to the Constitution Review Working party as part of the review of the procedures for questions: "Council requests and requires that written replies be provided for elected members and the public in answer to questions submitted at Council Meetings and that these answers be recorded in the minutes of the meeting."
- 13. Standing Order 10.9 sets out the existing provision for written responses: "Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer. Written answers shall be circulated to the questioner within five working days of the meeting and shall be included as an

appendix to the minutes.” References to responses being provided within five working days have been added to the proposed revisions to Standing Orders 10.3 and 10.7 to ensure that the deadline is clearly understood.

14. Written responses for the public and member questions asked at Council’s 22 July 2010 meeting ran to thirty pages of A4. The Audit Commission, in the 2007 Corporate Governance Inspection, did criticise the length of minutes: “The number of Advisory Groups and Council meetings which are minuted in great detail adds to the burden on officers particularly at a time of reduced resources and significant budget reductions.” Officers have attempted to reflect this by focusing only on producing a summary of those points raised during debate leading to the rejection of other options and to reasons for the final decision.
15. A supplement to the minutes could be produced and published on the Council’s website for reference, containing those questions and detailed responses for which a written response has been researched and provided for the respondent; officers would not recommend putting the full text of the question and response in the actual minutes, which do not exist to provide a verbatim record. It would be difficult to require written responses to all questions, however, as many could be only a single sentence referring the questioner to a specific publication.
16. Officers’ recommendation is that written responses to questions be provided as a supplement to the minutes only when a detailed technical answer is appropriate, as determined by the Chairman.

**Order of Council Business**

17. 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.
18. 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**

19. 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**

20. 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.
- (c) East Cambridgeshire District Council 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. Deadlines for notice of questions are 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. 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**

- 21. 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. Requiring an earlier submission time for notice of

public questions ensures that an oral response will be given in public at the Council meeting, rather than a written response provided within a week, and improves opportunities for the public to ask substantive and informed supplementary questions.

### **Conclusions / Summary**

22. No significant 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  
Corporate Governance Inspection Report, January 2007

**Contact Officer:** Holly Adams – Democratic Services Team Leader  
Telephone: (01954) 713030