

Amendments to the Constitution – Questions Procedures



Report to:	Cabinet
Date:	30 November 2023
Portfolio Holder:	Councillor James Leppard, Portfolio Holder for Finance and Governance
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Key Decision:	No
Forward Plan:	Forward Plan number I016468
Call In:	This item is not subject to call in procedures because it stands as a recommendation to Full Council
Corporate Priority:	Improve council services
Wards Affected:	None

Recommended that Cabinet recommends to Full Council that:

- A** A word limit of 200 for each question and 300 words for each answer (except where the complexity of the questions requires a longer response) be implemented.
- B** The deadline for submitting questions be changed to 12pm three clear working days before the meeting.
- C** Questions from Councillors be taken as read, unless it is specifically requested that they are read out.
- D** A new back-end process for dealing with questions is introduced.

E The Constitution is amended to reflect A-D above.

Reason for decision

A To improve the quality of answers being provided and increase the efficiency of council business at council meetings whilst protecting resident and councillor engagement and scrutiny of the council

Other Options

A Make no changes. To do so would risk:

- Not addressing the increasing workload for dealing with questions, which are submitted close to the meeting.
- Not addressing the inefficiency of council meetings.
- Not improving answers to written questions from councillors and residents.

B To apply a specified limit on the number of questions in place of a time limit to improve meeting efficiency. Whilst this would be easier to enforce, it would unduly restrict the opportunity to ask questions.

C To introduce a new standard of taking substantive questions 'as read' for both residents and councillors. Whilst this would improve efficiency and not detract from the answers given, it would not allow residents to verbally ask their substantive questions after having submitted the question and attended the meeting.

Background

1. The council is required to offer 15 minutes at Full Council, Cabinet and committee meetings for public participation. The council provides an opportunity for members of the public in the district to ask questions to meet this requirement. At Full Council the time allotted is a maximum of 30 minutes each for the public, Councillors, and the Youth Council.
2. The current procedures allow each person to submit up to two questions per meeting. Question must be submitted by 5pm two clear working days before the meeting. For each question asked, the questioner may ask a supplementary question.
3. Typically, when questions are received, a draft answer is prepared by Officers. This is then approved or amended as necessary by the relevant Councillor. Where a question is fundamentally political, for example asking about a manifesto commitment, the question is sent directly to the Councillor.

4. At Cabinet and Full Council meetings, the council has seen a sharp rise in the number of questions submitted, both by Councillors and by members of the public. At Cabinet and Full Council in 2017, a total of 14 questions were asked. In 2022, the total was 113. It is likely the number of questions in 2023 will match, or even surpass, the number asked in 2022.

Issues/Proposals

5. The number of questions received, along with the quick turnaround has made the process of answering questions more challenging. Officers are having to dedicate an increasing amount of time drafting answers to questions, to the point where it affects their ability to carry out their primary duties. This has also impacted on the quality of answer that can be produced in some instances.
6. Meetings are also spending an increasing amount of time to dealing with questions. Whilst there are time limits in place, answers still have to be prepared for questions even if the time limits will be breached. Not considering questions that have been accepted is also unfair to those who have attended, often specifically to ask their questions.
7. Both questions and answers have also become increasingly wordy, with large levels of background information obfuscating key information and increasing the time taken at the meeting to consider the questions.

Word Limits

8. There are currently no restrictions on how long questions or answers can be. The only reference in the Constitution is a general power to amend questions to make them clearer and concise. Word limits would simplify the process. It is recommended that questions are set a word limit of no more than 200 words, with answers being limited to a maximum of 300 words. Officers determine this to be a suitable limit following discussions with Members and benchmarking exercises.
9. This should provide a greater focus to and quality of questions and answers and have a small impact on the time meetings dedicate to questions.

Question Deadlines

10. The current deadline of 5pm two clear working days before the meeting means that for Full Council and Cabinet questions, the deadline is the Monday on the week of the meeting. This can prove problematic when lots of questions are received close to the deadline, or relevant Officers are on leave. Issues also arise with regard to the responding Member's availability to finalise the answer to the question.

11. A deadline of 12pm three clear working days before the meeting is therefore proposed. This enables questions to be related to items on the agenda, whilst providing more time to produce and agree the answers leading to better quality responses to questions.

Consideration of Questions at Meetings

12. Most people asking questions at meetings choose to read them out, and request the answer is read out as well. The option to have them taken as read is rarely used. Questions and answers are published online, including through the mod.gov app, an hour before the meeting. All Councillors have access to them and have time to read them before the meeting starts.
13. It is proposed that substantive questions from Councillors should be taken as read by default, unless special consideration is given by the Chair of the meeting to allow the Councillor to read the question. This would improve the efficiency of council meetings, whilst not impacting on their ability to consider the answers which have been provided.
14. It is proposed that members of the public would still have the opportunity to read their substantive questions. This proposed difference in approach on substantive questions is largely because Councillors can access information and such answers through other forms and therefore, the opportunity can be taken to improve the efficiency of this part of the meeting.

Process for Submitting Questions

15. The Council currently requires that questions are submitted directly to the Chief Executive, although in reality they are often submitted to individuals in Governance and Corporate Support. Some Councillors have submitted questions via Contact Harlow. A clearer approach is needed.
16. It is recommended that all questions are submitted via an online form, or via letter to the Chief Executive and the Constitution is amended to reflect this. A back-end process, similar to that used for Councillor enquiries can then be implemented. This will enable the council to have a robust process for dealing with questions.

Changes to the Constitution

17. Recommendations A-D will all require consequential amendments to the Constitution. Therefore, Full Council approval is required for the changes to be made.

Benchmarking

18. Nearly every local authority has different standing orders for question procedures and therefore, it is not possible to provide robust comparative data.

Implications

Equalities and Diversity

An Equalities Impact Assessment has been completed and is attached as Appendix A to the report.

Climate Change

None.

Finance

None specific.

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Governance and Corporate Services

Affording members of the public the opportunity to ask questions at ordinary meetings of council promotes transparency and community involvement. The recommendations do not restrict the rights of the public and strengthen the process for producing answers to questions asked at council meetings. Constitutional changes can only be approved at Full Council.

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Appendices

Appendix A – Equality Impact Assessment

Background Papers

None.

Glossary of terms/abbreviations used

None.