

**CONSTITUTION SUB-COMMITTEE – 6 JULY 2022  
POLICY AND RESOURCES COMMITTEE – 12 JULY 2022  
COUNCIL – 12 JULY 2022**

**PART I – NOT DELEGATED**

**5. REVIEW OF RULE 14 – REPORTS FROM AND QUESTIONS TO THE LEADER OF THE COUNCIL AND LEAD MEMBERS**

**REPORTS FROM AND QUESTIONS TO THE CHAIRS OF THE AUDIT, PLANNING, LICENSING AND REGULATORY SERVICES COMMITTEES**

**REVIEW OF RULE 6 - ORDER OF BUSINESS OF COUNCIL MEETINGS (CED)**

**1 Summary**

- 1.1 For the sub-committee to consider if they wish to make any recommendations to change Rule 14 of the Council Constitution - Questions and the Order of Business taken at Full Council – Rule 6.

**2 Details**

- 2.1 The Constitution sub-committee last reviewed Rule 14 (attached at Appendix 1) in January 2022 and made a recommendation to the P&R Committee on 24 January 2022 that there be no changes to the Rule.

- 2.2 At the P&R Committee meeting on 24 January 2022 the following point was made on Rule 14 and questions:

“Members had taken the points on board and would be looking to reduce the number of written questions submitted and the number of supplementary questions asked. It was not down to the Constitution what questions Members can or cannot ask it should be for Members to decide what they would like to ask. There is a balancing act to make and understanding the consequences.”

- 2.3 The P&R Committee on 24 January 2022 resolved to recommend to Council no changes to Rule 14. At the Council meeting in February 2022 they ratified that recommendation not to make any changes.

- 2.4 As the Constitution sub-committee are reviewing a decision of Council within 6 months of a decision/motion being made it was required under Rule 22(1a) that 10 Members names be provided to enable the Council to revisit/rescind this decision. The 10 names were provided and are Councillors Sarah Nelmes, Stephen Giles-Medhurst, Keith Martin, Chris Lloyd, Paul Rainbow, Andrew Scarth, Steve Drury, Raj Khiroya, Roger Seabourne and Phil Williams.

- 2.5 A total of 82 questions (some questions being more than one part to the question) have been received under Rule 14 to the February and July Council meetings. The answering of such a volume of questions, many of which could have been directed to officers outside of the Council meeting timescale, is now consuming a considerable amount of officer time and resource and could lead to delays in agreed work streams of the Council.

- 2.6 The concept of calling the executive to account by a question and answer session is no longer as relevant to this Council following the introduction of a Committee form

of Governance. Whilst the idea of reports and questions to the Leader, Lead Members and Chairs of Committees is welcomed this does now need to be looked at and improved given the volume of questions now being submitted. This is to allow the essential business of the Council to be undertaken and to reduce the need for additional meetings that costs officer and member time.

- 2.7 Many other Councils that operate a Committee system do not have a question and answer session of Committee Chairs/Lead Members. Those that do operate a strict system of limits.

Hertfordshire County Council, for example, operate a system of allowing only one oral question and a supplementary to each of its 9 Executive Members with each party group subject to a fixed time limit for the question, the answer and supplementary. It allows for written questions to be submitted but these must be 8 clear working days before the meeting and the answers are only published on the day of the meeting with no ability to answer follow up questions except under the permitted one oral questions session.

## 2.8 **Rule 14**

Members may wish to consider the suggestions provided below, disregard them or provide their own suggestions. Members could reach the view that no amendments are necessary.

1. Written questions permitted on non-operational matters only – so any technical and operational questions are automatically referred to Heads of Service who can answer promptly. This could be at the Chair of Council's discretion or in consultation with the Chief Executive or could be a decision taken by the Chief Executive in consultation with the Monitoring Officer – for Members to discuss.
2. Having a maximum period permitted for reports and questions to be dealt with on the night.
3. A rotation of written questions by political group from meeting to meeting
4. Having a maximum number of written questions per meeting.
5. Having no additional report on the night from the Leader/Lead Member or Chairs of Committees.
6. Leader/Lead Member or Chairs of Committees updates on the night be only taken if it changes anything in the written report. Reports otherwise taken as read.
7. No oral questions on the night permitted on the written report.
8. As per point 3 rotating the order of oral questions asked on the written reports or having a time period.
9. To follow the example of the County Council and allow for one or two time limited oral questions and a supplementary to each Committee Chair or just Lead Member on the night either on the reports or any matter within the Chairs/Lead Member portfolio.
10. Allow for one oral question and supplementary per councillor per council meeting to any lead member/leader in a Question Time session- 1 minute per question/ supplementary 2 minutes for answers. Question to relate to the portfolio of the Lead Member.
11. Continue to allow for written questions and answers which will be published but exclude the ability to allow for oral supplementary on these on the night.
12. Continue to allow for written questions and answers which will be published and allow for written supplementary and answer which will form part of the published minutes of the meeting. Such supplementary to be received by 9am on the day of the meeting.

13. If the written question answer is already in the public domain, i.e. on the Council website then such questions be excluded from the agenda and Member so informed.
14. If the written question has been asked in the last calendar year to an officer/ or at Council it cannot be asked again.

***Members can disregard the suggestions and raise their own points. They are only provided as suggestions to start the debate.***

## **2.9 Rule 6 – Order of Council Business**

It is also proposed to bring the Order of Business (Rule 6 – Appendix 2) in line with the normal process for other Councils to ensure any decisions required by the Council can be voted on and thus to amend the order for future meetings as follows:

1. 'Chair of Council Announcements' to be taken immediately after minutes which also allows the Chair to notify the Council of any changes of the order business may wish to make
2. To be followed by 'Petitions under Procedure Rule 18' and 'Questions from the Public under Procedure Rule 15' to be taken next. This would allow such petitions and questions to be considered prior to any recommendations that maybe required to be considered by the Council to which these may relate.

Items would then follow in the following order:

1. Recommendations from the Policy and Resources and any other Committee, any appointment required to be made Council
2. Motions under Procedure Rule 11- Reason: This would enable a vote to be taken on such items that thus require a decision of council.
3. All reports and questions to the Leader/Lead Members/Chairs is taken as the last item of business. Reasons: None of these require a formal vote of Council, they are already tabled written reports and written questions and answers and already circulated with the agenda.

The Chair to have the ability to move the Council into Part 2 'Exclusion of the Press and Public' in line with the requirement under Section 100 of the Local Government Act 1972' after the receipt of any petitions and questions from the public, or at a later time, if they think that the Part II items which by their nature will require a Council decision might not be reached by the deadline for closure of the meeting and to thus enable full debate. The expectation is that this could be taken after any Recommendations of the Policy and Resources Committee and before tabled motions if is so required.

If the only items not dealt with by the close of business are the written reports and written questions these to be taken as read and just added the minutes of the meeting. If any supplementary is required on questions not reached by close of business they can be submitted in writing by and a written response will be supplied and added to the minutes as a post meeting note. This is subject to Paragraphs 2 and 6 on Rule 14.

## **3 Options and Reasons for Recommendations**

- 3.1 The Council operates under a Committee form of governance. As such there are no decision making powers delegated to an individual Member. All decisions are taken by proportional Committees or at Full Council. That being so the need to call the Leader/a Lead Member or Chairs of Committees to account or to scrutinise a decision taken by them is much reduced or non-existent. The Council needs to find a way to ensure that it can get through business at meetings, without unnecessary meetings

or consuming considerable officer time against Council deadlines whilst balancing the democratic right of Councillors to question the administration.

3.2 It is important to ensure the democratic right of Members to ask questions at Council meetings is maintained.

**4 Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within budgets. Council is asked to consider whether to adopt any changes to the Constitution.

**5 Financial, Legal, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

5.1 None specific.

**6 Equal Opportunities Implications**

6.1 Relevance Test

<p>Has a relevance test been completed for Equality Impact? (A relevance test assesses whether a service or policy has any effect on the Council’s legal equalities duties for different minority groups. If no, please state reason why e.g. there is no proposed change to current policy / service).</p>	<p>No</p>
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**7 Staffing Implications**

7.1 Additional Council meetings and the excessive number of written questions (82 for the July Council meeting) impacts on staff workload and the ability to meeting the Councils agreed work programme.

**8 Communications and Website Implications**

8.1 The Council Constitution is published on the Council website as a public document.

8.2 If the recommendations are agreed the website will be updated accordingly.

**9 Risk and Health & Safety Implications**

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council’s duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	Consequence	Suggested Control Measures	Response	Risk Rating
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			<i>(tolerate, treat terminate, transfer)</i>	<i>(combination of likelihood and impact)</i>
Failure to get through Council business at meetings	Additional meetings necessary	Improve aspects of the constitution and business conducted at meetings	Treat	2:1

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

<b>Very Likely</b> ----- <b>Likelihood</b> ----- ▼ <b>Remote</b>	<b>Low</b> 4	<b>High</b> 8	<b>Very High</b> 12	<b>Very High</b> 16
	<b>Low</b> 3	<b>Medium</b> 6	<b>High</b> 9	<b>Very High</b> 12
	<b>Low</b> 2	<b>Low</b> 4	<b>Medium</b> 6	<b>High</b> 8
	<b>Low</b> 1	<b>Low</b> 2	<b>Low</b> 3	<b>Low</b> 4
	<b>Impact</b>			
	<b>Low</b> -----> <b>Unacceptable</b>			

**Impact Score**

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

**Likelihood Score**

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

9.4 In the officers’ opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

**10 Recommendation**

10.1 To consider Rule 14 and decide if the sub-committee wish to make any recommendations and to consider amending Rule 6 the Order of Business at Council.

Report prepared by: Ciara Feeney, Interim Solicitor to the Council

Sarah Haythorpe, Principal Committee Manager

**Data Quality**

Data sources: Rule 14 and Rule 6

Data checked by:

Data rating:

<b>1</b>	<b>Poor</b>	
<b>2</b>	<b>Sufficient</b>	√
<b>3</b>	<b>High</b>	

**Background Papers - None**

**APPENDICES / ATTACHMENTS**

Appendix 1 – Current Rule 14

Appendix 2 – Current Rule 6