

Report Title:	Constitutional Amendments
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Shelim, Lead Member for HR, Legal and IT
Meeting and Date:	Council 25 June 2019
Responsible Officer(s):	Mary Severin, Monitoring Officer
Wards affected:	All

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REPORT SUMMARY

1. During 2018, the council undertook a full review of the constitution. This involved a cross-party working group presenting recommendations to full Council. Following a wide variety of recommendations, changes were agreed at the full Council meeting in June 2018, for implementation in May 2019. One of the agreed changes was to remove the opportunity for a member of the public to ask a supplementary question under the item 'Public Questions'.
2. Following a public question on the proposed change at the full Council meeting in April 2019, the then Lead Member for HR, Legal and IT (former Councillor Lisa Targowska) suggested that the decision be reviewed and a report be brought to full Council on 25 June 2019.
3. Subsequent to that announcement, on 28 May 2019, the council received an [e-petition](#) on the subject containing 397 signatories, requesting that the council 'rescind their decision to ban supplementary public questions at council meetings'.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and:

- i) **Agrees to reinstate the opportunity for members of the public to ask supplementary questions under the item 'Public Questions'.**
- ii) **Delegates authority to the Monitoring Officer to amend the constitution as detailed in Appendix A.**

2. REASON FOR RECOMMENDATION AND OPTIONS CONSIDERED

- 2.1 At the Full Council meeting in April 2019 the then Lead Member for HR, Legal and IT (former Councillor Lisa Targowska) explained that although not originating as a recommendation of the constitution review working group, feedback from briefings to councillors outside the working group included comments around disappointment that Lead Members felt they were not always in a position to provide members of the public with the information they were asking for at meetings when raised in a supplementary question.
- 2.2 The Lead Member went on to explain that Members recognised that people took time out of their busy day to attend meetings and wherever possible councillors should be able to answer questions publically. Officers assisted Members in

preparing a pack of material for pre-registered and supplementary questions. They did this by preparing a lot of material that they thought could potentially come up as a supplementary question, but this could be something of a guessing game. Inevitably, it was not always possible to predict what would be asked and on some occasions a written answer had to be given. Members were aware that members of the public often came with pre-prepared supplementary questions. The change was designed to ensure wherever possible, councillors could provide full answers at the meeting.

- 2.3 In light of the question raised at the full Council meeting in April 2019 and feedback contained in an [e-petition](#) submitted to the council on 28 May 2019, the report proposes the reinstatement of the opportunity for members of the public to ask supplementary questions of a Lead Member under the item 'Public Questions' at full Council meetings.
- 2.4 It is not proposed as part of this report that the opportunity for Councillors to ask supplementary questions of a Lead Member under the item 'Member Questions' at full Council meetings be reinstated.

Options

Table 1: Options arising from this report

Option	Comments
Approve the changes detailed in Appendix A	This addresses the concerns detailed in the question raised at the full Council meeting in April 2019 and the e-petition submitted in May 2019
Recommended option	
Do not approve the changes detailed in Appendix A	This does not address the concerns detailed in the question raised at the full Council meeting in April 2019 or the e-petition submitted in May 2019

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Members of the public have the opportunity to ask supplementary questions	Changes not agreed and members of the public do not have the opportunity to ask supplementary questions	The constitution is amended and Members of the public have the opportunity to ask supplementary questions	n/a	n/a	25 June 2018

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no financial implications.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications

6. RISK MANAGEMENT

6.1 The risk remains that Lead Members will not be in a position to provide full answers to supplementary questions at the meeting and will need to provide written responses afterwards..

7. POTENTIAL IMPACTS

7.1 N/A.

8. CONSULTATION

8.1 The constitution review working group undertook a full review of the constitution during 2018, resulting in a wide range of recommendations. Full Council agreed a number of changes in June 2018, for implementation in May 2019. Full Council now has the opportunity to review one of the proposed changes, following feedback from members of the public.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date: Immediately.

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A: Extract from Part 2 of the council constitution (The full Council) – tracked changes version

11. BACKGROUND DOCUMENTS

11.1 This report is supported by two background documents:

- [Minutes](#) of the full Council meeting held on 26 June 2018
- [Minutes](#) of the full Council meeting held on 23 April 2019

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr. Dudley	Leader of the Council	11/6/19	11/6/19
Cllr Shelim	Lead Member for HR, Legal and IT	11/6/19	13/6/19
Cllr Story	Chairman of the Constitution Sub Committee	11/6/19	13/6/19
Duncan Sharkey	Managing Director	31/5/19	4/6/19
Sean O'Connor	Shared Legal Services	31/5/19	31/5/19
Mary Severin	Monitoring Officer	31/5/19	11/6/19
Russell O'Keefe	Executive Director	10/6/19	
Andy Jeffs	Executive Director	10/6/19	13/6/19
Rob Stubbs	Section 151 Officer	10/6/19	
Elaine Browne	Interim Head of Law and Governance	31/5/19	10/6/19
Hilary Hall	Deputy Director of Commissioning and Strategy	10/6/19	11/6/19
Kevin McDaniel	Director of Children's Services	10/6/19	
Nikki Craig	Head of HR and Corporate Projects	10/6/1/9	14/6/19
Louisa Dean	Communications	10/6/1/9	

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No	To Follow item? No
Report Author: Karen Shepherd, Service Lead - Governance		

APPENDIX A – extract from Part 2 of the council constitution

C9 QUESTIONS BY THE PUBLIC

C9.1 General

Members of the public may ask questions of

- i. the Leader; or
- ii. a Cabinet Lead Member;

at ordinary meetings of the Council for which the Council will set aside a period of **20 minutes**, which may be extended at the discretion of the Mayor. Public questions are permitted to Extraordinary meetings of the Council where such a question is directly related to an item on the Agenda.

C9.2 Answering Questions

Although the public may only direct questions to those Members in C9.1, the Member specified in C9.1 may request that another more appropriate Member of the Council answer the question, whether in whole or part, but only where the other Member has agreed and has communicated their agreement prior to the Meeting and the substitute Member can provide a more substantive reply to the question (for example, if the Member has a greater understanding of a ward issue or if it falls within the portfolio of the substitute Member).

Members with specific responsibilities cannot pass the question if it falls within their responsibility.

C9.3 Order of questions

Questions will be asked in the order that notice of them was received, except that the Mayor may group together similar questions or decide that questions should be asked in a particular order.

C9.4 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by email to the Service Lead - Governance no later than midday, 7 clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council specified in C9.1 to whom it is to be put. The Mayor may, in his discretion, allow a question to be asked when the period of notice required has not been given, if he considers the matter to be urgent and that the Member receiving the question has agreed to answer the question.

If a question cannot be answered at the Meeting, then the questioner shall be offered the opportunity to raise the question in the next ordinary

APPENDIX A – extract from Part 2 of the council constitution

meeting of the Council or a written response provided. Any written response will be published by the Council as soon as provided.

The deadline for submission of questions for Extraordinary Meetings shall be decided by the Mayor.

C9.5 **Number of questions**

At any one meeting no person may submit more than two questions.

C9.6 **Scope of questions**

The Service Lead - Governance may reject a question if it:

- Is not about a matter for which the Council has a responsibility or which affects the Borough.
- Is defamatory, frivolous or offensive;
- Relates to any existing or proposed application, permission, licence, consent, benefit, grant or enforcement action.
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- Requires the disclosure of confidential or exempt information.
- No question shall be longer than 60 words.
- The Service Lead - Governance may, after consultation with the questioner and with the questioner's consent, amend the wording of the question for the purpose of clarification.

C9.7 **Record of questions**

The Service Lead - Governance will maintain a register of all questions, which will be open to public inspection. A copy of the question will be sent immediately to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

C9.8 **Asking the question at the meeting**

The Mayor will invite the questioner to put the question to the Member 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 may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. Both the question and any supplementary question shall be put and answered without discussion.

APPENDIX A – extract from Part 2 of the council constitution

C9.9 **Supplementary question**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question.

The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. The questioner shall be allowed up to 1 minute to put the supplementary question. The Mayor may reject a supplementary question on any of the grounds in Rule 9.6 above.

~~No supplementary questions shall be raised.~~

C9.10 **Response**

The Member who provides the response may answer by:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- c) where the reply cannot conveniently or accurately be given orally or the question requires further information, then a written answer will be sent to the questioner

A Member responding to a question shall be allowed up to **5 minutes** to reply to the question and up to 2 minutes to reply to a supplementary question.

C9.11 **Written Answers**

Any question which cannot be dealt with during the public question time, either because of a lack of time or because of the non-attendance of the questioner or the Member to whom it was to be put, will be dealt with by a written answer.

C9.12 **Reference of question to Cabinet, Committee, Forum or Panel**

No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to Cabinet or the appropriate Committee, Forum or Panel. Once seconded, such a Motion will be voted on without discussion.