

AGENDA ITEM

REPORT TO COUNCIL

9 MARCH 2016

**REPORT OF THE
PROPER OFFICER**

REVIEW OF THE COUNCIL'S CONSTITUTION

SUMMARY

As part of a review of the Council's constitution a report was presented to, and considered by the Members Advisory Panel ("the Panel") on the 19 January 2016 regarding a proposed amendment to the procedure for questions by the public at Council meetings, in circumstances where the person who has submitted the question does not attend the relevant meeting.

RECOMMENDATION

It is recommended that:-

1. The proposed amendment to the Council procedure rules relating to questions by the public be agreed and that,
2. The Proper Officer be authorised to make the necessary changes to Council Procedure Rules, in order to reflect the agreed amendment.

DETAIL

1. The current Council Procedure Rules are attached as an **Appendix** to this report.
2. Rule 10 relates to Questions by the Public, and rule 10.7 provides that:-

"The Mayor will invite the questioner to put the question to the Member named in the notice. This will not preclude another Member from responding to the question when it is considered appropriate to do so. If a questioner who has submitted a written question is unable to be present, they may ask a representative or the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, or indicate that a written reply will be given or decide, in the absence of the questioner and the questioner's representative, that the question will not be dealt with."
3. The provision to enable questions to be put and answered at full Council in the absence of the questioner, or a representative, was intended to be a provision that would be used rarely, as a fall-back provision. However, at recent Council meetings, it has become common practice, as a first resort, for the questioner not to attend and to ask the Mayor to read out their question on their behalf; for the relevant Cabinet Member to be asked to respond at the meeting, and for a written copy of that reply to be asked to be sent to the questioner.
4. This was not the intention when the procedure rules were drafted.

5. The report to the Panel at its meeting on the 16 January, proposed that an amendment be made to procedure rule 10.7 in order to provide that if a questioner who has submitted a written question, or another member of the public who is the questioner's representative, is unable to be present at the relevant council meeting to ask the question in person, the question will not be dealt with. A written response will instead be provided.
6. The Panel agreed that this amendment should be made to Council Procedure Rules.
7. This amendment will bring the procedure for Public Questions more into line with the arrangements regarding member Questions, which do not contain provisions similar to the current procedure rule 10.7.
8. Council is asked to support the Panel's views and to agree the proposed amendment to Council Procedure Rules relating to questions by the public, and to authorise the Proper Officer to make the necessary changes to the Procedure Rules to reflect the agreed amendment.

Proper Officer

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Background Papers: Not applicable

Ward(s) and Ward Councillors: All

Property Implications: Not Applicable