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## QUESTIONS BY THE PRESS AND PUBLIC AT ORDINARY MEETINGS OF THE COUNCIL

To: **Standards Committee – 21 November 2013**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Wards: **All**

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**Summary:** To review Council Procedure Rule 13 relating to questions by the press and public at ordinary meetings of the Council in so far as they relate to eligibility of questioners and the ability of questioners to ask repeat questions or more than one question over a period of time

### For Decision

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#### **1.0 Introduction and Background**

- 1.1 It has recently been suggested by some Members that certain aspects of the Council's procedure rules relating to questions by members of the public at ordinary council meetings should be reviewed, particularly in relation to the qualifications of the questioners, for example, whether they should be required to be a local government elector, and whether the same questioner should be permitted to ask questions at more than one meeting of the council over a given period of time.
- 1.2 The Council's Procedure Rule 13, "Questions by the Public and Press" is based on the wording of a suggested rule (rule 10) for public questions contained within the "modular constitution", which was drawn up by the then Office of the Deputy Prime Minister (now known as the Department for Communities and Local Government) as a guide to councils adopting executive arrangements under the Local Government Act 2000.
- 1.3 An online research of other councils was carried out to determine what their council procedure rules on public questions at council meetings provided for in relation to the eligibility of questioners, repeat questions and multiple questions by the same questioner.
- 1.4 The research was confined to the Council's neighbouring councils, i.e, Ashford, Canterbury, Dover & Shepway and other councils who appeared to have rules based on rule 10 in the modular constitution. Eight of such "other councils" were chosen on a random basis, namely: Bournemouth Borough; Cornwall; Brighton & Hove; West Lindsay District; London Borough of Croydon; London Borough of Harrow; Richmondshire District; and Runnymede Borough.
- 1.5 The findings of the research are summarised at Annex 1. Ashford and Canterbury were excluded on the basis that their provisions were not comparable with those of Thanet, as Ashford, which has public question time at Cabinet as well as Council meetings, permits only questions that are relevant to an item included upon the agenda for the meeting; and Canterbury, which allows questions at a wide range of

committee meetings, permits a question at a council meeting only if it is supported by at least 15 signatories.

- 1.6 For reference purposes, the Council's Procedure Rule 13 is attached at Annex 2, and the modular constitution rule 10, at Annex 3.

## **2.0 The Current Situation**

- 2.1 It will be noted from Annex 1 that:

- 2.1.1 Two councils (including Dover) require the questioner to be a local government elector; one (Thanet) requires the questioner to be a resident/citizen of the area; two councils require that the questioner lives or works in the area; one council requires the questioner to live, work, go to school or another educational establishment or otherwise own or lease land in the area; and, finally, four councils do not impose any restrictions.

- 2.1.2 With the exception of one council, whose constitution is silent on the issue, councils prescribe that a question cannot be substantially the same as one put at a previous Council meeting (normally, in the past six months, as per the modular constitution, although in West Lindsay's case, no time limit is given).

- 2.1.3 West Lindsay District also provides: that no member of the public may submit more than six questions per year; and that no more than six questions on the same subject per year are allowed. Cornwall stipulates that no member of the public may ask more than two questions in any financial year.

- 2.2 Members may also wish to note that of the eight "other councils", three allow the same questioner to ask more than one question at one meeting, subject to conditions such as other questioners having the opportunity to ask their first question before a questioner asks their second.

- 2.3 West Lindsay's limit of no more than six questions on the same subject per year, as referred to at paragraph 2.1.3 above, could be interpreted as limiting the number of questions on a given subject (*for example, in the case of Thanet, Montefiore Tennis Courts or the Pleasurama site*) even though the questions are different in that they ask about different aspects of the subject.

## **3.0 Consideration by the Constitutional Review Working Party**

At its meeting on 30 October 2013, the Constitutional Review Working Party considered the issue of public questions in two parts:

### **3.1 Eligibility of Questioners**

- 3.1.1 Some members of the Working Party felt that as it was a legal requirement for residents over 16 years of age to be on the electoral register, such residents who were not on the register should not be allowed to ask a question at an ordinary meeting of council. However, another member of the Working Party felt that it was not necessary to base eligibility on the electoral register and that the current requirement to be a resident of the district was sufficient.

- 3.1.2 Some Members also felt that as participation of young persons at council meetings should be encouraged, no restrictions whatsoever should apply to those aged under 16 years.

- 3.1.2 Rather than taking a vote on the matter, the Working Party agreed to recommend that Standards Committee further considers matters relating to eligibility of questioners.

### 3.2 Repeat Questions

- 3.2.1 The Working Party was not minded to preclude repeat questions on the same issue over a period of time and agreed to recommend to Standards Committee:

“That the current restriction on repeat questions remains unchanged, as set out at Council Procedure Rule 13.5 – “Scope of questions”:

*‘The Chief Executive will reject a question if it ...  
Is substantially the same as a question which has been put at a meeting of the Council in the past six months.’”*

## 4.0 Options

Standards Committee may wish to:

- 4.1 Recommend changes to Council Procedure Rule 13; or  
4.2 Recommend that Council Procedure Rule 13 stays as it is.

## 5.0 Corporate Implications

### 5.1 Financial and VAT

- 5.1.1 None arising from this report

### 5.2 Legal

- 5.2.1 Constitutional changes can only be approved at Council.

### 5.3 Corporate

- 5.3.1 Affording members of the public the opportunity to ask questions at ordinary meetings of council promotes transparency and community involvement.

### 5.4 Equity and Equalities

- 5.4.1 Members may wish to consider how any restrictions on eligibility might unfairly discriminate against, for example, those who do not live in the area, yet work, visit, attend school or have property or business interests in the area and those who are aged under 16 years (and thus would not satisfy a criterion of being on an electoral register). Members will note from Annex 1 that Bournemouth Council has counteracted any potential discriminatory effects that a requirement that questioners are on the electoral roll might have by providing that under 16 year-olds who are accompanied by a qualifying adult can ask questions.

## 5.0 Recommendation

- 5.1 That Standards Committee considers whether to recommend that Council Procedure Rule 13 be amended.

## 6.0 Decision Making Process

- 6.1 Any recommendations by Standards Committee will be referred to Council for final decision.

Future Meeting if applicable: Council	Date: 5 December 2013
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### Annex List

Annex 1	Summary of other councils' rules on public questions
Annex 2	The Council's Procedure Rule No. 13 – Questions by the Public and Press
Annex 3	Modular Constitution Rule 10 – Questions for the Public

### Background Papers

Title	Details of where to access copy

### Corporate Consultation Undertaken

Finance	n/a
Legal	<i>Harvey Patterson, Corporate &amp; Regulatory Services Manager and Monitoring Officer, ext 7005</i>