

AMENDMENTS COUNCIL PROCEDURE RULES REGARDING FREQUENCY OF QUESTIONS

Standards Committee

20 November 2023

Previously considered by:

Constitutional Review Working Party 9 November 2023

Report Author

Committee Services Manager

Portfolio Holder

Cllr Yates, Portfolio Holder for Corporate Services

Status

For Recommendation

Classification:

Unrestricted

Ward:

All

Executive Summary:

The current question rules allow for a question that has been asked by a Councillor to be asked again by a member of the Public within a six month period and vice versa. This report corrects this by amending the Council Procedure Rules so that no question irrespective of who asks it can be asked again in a six month period.

Recommendation(s):

To amend Part 4, Rules of Procedure, paragraph 13.5 of the Council's constitution to read:

"The Chief Executive will reject a question if it:.....

- is substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

To amend Part 4, Rules of Procedure, paragraph 14.6 of the Council's constitution to read:

"A question shall not be:.....

- substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report.

Legal

The legal implications are outlined throughout the report.

Risk Management

There are no risk implications arising directly from this report.

Corporate

Reviewing the Council's constitution on a regular basis ensures that the rules that Council meetings follow are up to date and ensure that business is conducted effectively and efficiently.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken.

The aims of the Duty are:

- (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,
- (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aims of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

- 1.1 The current question rules allow for a question that has been asked by a Councillor to be asked again by a member of the Public within a six month period and vice versa. This can be seen from Part 4, Rules of Procedure, paragraphs 13.5 and 14.6 of the Council's constitution.

2.0 Current Rules

2.2 Part 4, Rules of Procedure, Paragraph 13.5 of the Council's constitution reads:

"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

It could be interpreted that this paragraph means any question at all irrespective of its author, however as it sits in a section regarding questions from the press and public there is an equally valid argument that it only applies to questions covered by this section i.e questions from the press and public.

2.3 Part 4, Rules of Procedure, Paragraph 14.6 of the Council's constitution reads:

"A question shall not be:.....

- substantially the same as a question which has been put at a meeting of the Council in the past six months.

Again, as this paragraph sits in a section regarding questions from members of the Council it is reasonable to make a case that it only applies to those types of questions and not from other originators.

2.4 This ambiguity can lead to confusion for Democratic Services, Councillors and members of the public.

3.0 Proposed solution

3.1 Following discussion with the Monitoring Office, Democratic Services propose to make the following amendments:

To amend paragraph 13.5 of Part 4, Rules of Procedure in the Council's constitution to read:

"The Chief Executive will reject a question if it:.....

- is substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

To amend paragraph 14.6 of Part 4, Rules of Procedure in the Council's constitution to read:

"A question shall not be:.....

- substantially the same as a question which has been **validly received** put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

- 3.2 These amendments make it clear that these sections are to be interpreted as meaning that if Democratic Services received a question from either members of the public or Councillors that is substantially the same as one validly put in the last six months it will be rejected.
- 3.3 In addition "validly received" has also been added to the criteria. This has also been added, as there have been numerous occasions where both Councillors and members of the public have submitted almost identical questions, but because they were yet to be put, they could not be rejected for being "substantially similar".
- 3.4 Given the recent significant increase in the number of questions received for question time at Full Council, these amendments will avoid repeat questions and will allow more time for a wider variety of questions to be asked by both members of the public and Councillors.
- 3.5 It is also important to note that all answers to both questions from members of the public and Councillors are available on the Council's website at: <https://www.thanet.gov.uk/info-pages/speaking-at-council-meetings/>

4.0 Recommendation from the Constitutional Review Working Party

- 4.1 The Constitutional Review Working Party considered this paper at its meeting on 9 November and made the following recommendation:

"To amend Part 4, Rules of Procedure, paragraph 13.5 of the Council's constitution to read:

"The Chief Executive will reject a question if it:.....

- is substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

To amend Part 4, Rules of Procedure, paragraph 14.6 of the Council's constitution to read:

"A question shall not be:.....

- substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;"**

5.0 Options

- 4.1 Members are asked to consider the recommendation from the CRWP and agree one of the following options:
- a) Make recommendations to the Full Council as per paragraph 4.1 of this report.
 - b) Make alternative recommendations to Full Council to those in paragraph 4.1 of this report.

- c) To recommend to the Full Council that no changes be made to the Council's questions procedure.

6.0 Next Steps

- 6.1 Once a recommendation has been agreed by the Standards Committee this will be submitted to Full Council.
- 6.2 If agreed by Council the changes to the key decision thresholds would be amended in the Council's Constitution and would become effective from the date of the Full council decision.

Contact Officer: Nicholas Hughes (Committee Services Manager)

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)