

AMENDMENTS COUNCIL PROCEDURE RULES REGARDING FREQUENCY OF QUESTIONS

Constitutional Review Committee	24 June 2024
Report Author	Committee Services Manager
Portfolio Holder	Cllr Yates, Portfolio Holder for Corporate Services
Status	For Recommendation
Classification:	Unrestricted
Ward:	All

Purpose of the Report

This issue was referred back to the Constitutional Review Committee by the Full Council when it was considered on [7 December 2003](#) for the committee to reconsider the issue. This report allows the Committee to re-consider the issue.

Recommendation(s):

1. That the Committee consider the substance of this report in relation to questions asked by a member of the Public that is the same or substantially the same as a question asked within a six month period.
2. That the Committee makes recommendations in relation to the above issue to be considered and determined by Full Council.

1. Summary of Reasons

- 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 report allows the Committee to consider how to remedy this issue by amending the Council Procedure Rules.

2. Background

- 2.1 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.

2.2 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.

3. Relevant Issues

3.1 Democratic Services have reviewed this issue since it was referred back to the Constitutional Review Committee, to see if there were any alternative ways that the issues mentioned above could be addressed.

3.2 Option 1

3.2.1 The first option is to simply re-submit the same recommendation that were previously considered by Council namely:

"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;**

- 3.2.2 These amendments make it clear that these sections are to be interpreted as meaning that if Democratic Services received a question from either a member of the public or a Councillor that is substantially the same as one validly put in the last six months it will be rejected.
- 3.2.3 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".
- 3.2.4 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.

3.3 Option 2

- 3.3.1 If the Committee is uncomfortable with changing the constitution to rule out more questions, then how questions are answered could be an alternative.
- 3.3.2 Rather than amending paragraph 13.5 of Part 4, Rules of Procedure as shown at Paragraph 3.2.1 above, a change could be made to allow the relevant Cabinet Member to amalgamate their answers. This would allow for the public to continue to ask any questions they like (within the existing rules), but only one answer given. For example if four questions were received all on the same subject the Cabinet member could reply once, answering all four questions at the same time. This would reduce the amount of time needed to answer multiple questions and leave more time in the 30 minute window for other questions.
- 3.3.3 It would also be advisable to include a check with the Chief Executive, to ensure that it is appropriate to amalgamate the answers to very similar questions, in order to prevent Cabinet Members from amalgamating answers to questions that were tenuously on the same subject, simply to avoid having to answer what could be perceived as "difficult" questions.
- 3.3.4 To make this change a new paragraph 13.8 would need to be added as follows:

"13.8 Amalgamated Answers to Questions

When very similar questions on the same subject are received by Democratic Services for the same meeting, a Cabinet Member may amalgamate the answers and so provide a single answer to multiple questions. Before doing so the Cabinet Member should seek the approval of the Chief Executive to do so."

- 3.3.5 It would not be possible to repeat this arrangement for questions from Councillors, due to Councillors rights to ask a supplementary question after their initial question.
- 3.4 It is also important as a matter of clarity 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. Alternative Options

- 4.1 The options are outlined at paragraph 3.2 and 3.3, the Committee could also decide to make alternative arrangements. If that was the case then Democratic Services would need to take those proposals away to ensure they do not conflict with any other parts of the Council Procedure Rules and bring a report back to the next CRC meeting. In addition the Committee could also decide to keep the rules as they currently are and so would take no further action.

5. Consultation

- 5.1 There is no public law or statutory duty to consult on this matter.

6. Corporate Implications

6.1 Finance and Resources

- 6.1.1 There are no financial implications arising directly from this report.

6.2 Legal and Constitutional

- 6.2.1 There are no particular legal issues arising from this report and the constitutional issues are referred to throughout the report. By virtue of Section 9P of the Local Government Act 2000, each Local Authority must prepare and keep up to date its constitution. This must include the following:

- A, a copy of the authority's standing orders for the time being
- B, a copy of the authority's code of conduct
- C, such information as the Secretary of State may direct; and
- D, such other information (if any) as the authority considers appropriate.

The Council has the discretion to determine this matter and the Committee has the authority to to make recommendations for consideration and determination by Full Council.

6.3 Council Policies and Priorities

- 6.3.1 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. This report relates to the following corporate priorities: -

- To work efficiently for you

6.4 Risk

6.4.1 There are no risk implications arising directly from this report.

6.5 Climate Change and Biodiversity

6.5.1 [There are no climate change or biodiversity implications to the report.

7. Equality, Equity and Diversity Implications

7.1 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:

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

There are no particular equalities considerations arising from this report.

8. Crime and Disorder Implications and Community impact

8.1 There are no crime and disorder implications to this report.

9.0 Subject History

9.1 Constitutional Review Working Party - 9 November 2023
Standards Committee - 20 November 2023
Full Council - 7 December 2023

Annexes

N/A.

Background Papers

N/A

Report Author(s) Contact: Nick Hughes, Committee Services Manager and Deputy Monitoring Officer

telephone: 0843 577208

email: nicholas.hughes@thanet.gov.uk

Report Sign Off / Signed off by / Date sent / Date signed off / Initials

Legal Ingrid Brown-Head of Legal and Democracy and Monitoring Officer.

Finance Matthew Sanham (Head of Finance and Procurement)