

**To the Chair and Members of the
ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE**

**REVIEW OF COUNCIL PROCEDURE RULES (PART 4, SECTION I OF COUNCIL
CONSTITUTION)**

EXECUTIVE SUMMARY

1. This report seeks the views of the Elections and Democratic Structures Committee on options for making possible revisions to the Council Procedure Rules (Part 4, Section I of the Council's Constitution) for subsequent consideration by the Standards Committee on 9th September 2009, prior to any formal recommendations being considered by the Full Council at its meeting on 19th October, 2009.

RECOMMENDATION

2. The Committee is requested to consider the various options for making revisions to the Council Procedure Rules, as set out in paragraphs 6 – 17 of this report, and make any necessary recommendations to Full Council, subject to the views of the Standards Committee.

BACKGROUND

3. On 24th April, 2002, the Council adopted a Constitution further to Section 37 of the Local Government Act 2000, to operate Executive arrangements being an Elected Mayor and Cabinet from the 6th May, 2002.
4. The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of the processes are required by law, whilst others are chosen by the Council. The Constitution was drawn up based on guidance and model procedures produced by the government.
5. Since this Committee last considered revisions to the Constitution, a 'light touch' review of the Council Procedure Rules, which form Section I of Part 4 of the Constitution, has been conducted by officers, partly in response to a number of issues which have arisen and prompted questions as to whether there is a need to amend certain parts of the Rules, but also to use this as an opportunity to review the Rules as a whole and identify where there may be scope for making improvements where it is felt necessary. A copy of the current Council Procedure Rules is attached to this report at Appendix 1 for reference purposes.

Possible Revisions

Questions at Council Meetings: Council Procedure Rules 12 – Questions by the Public and 14 – Questions by Members

Supplementary Questions by the Public

6. As Members will be aware, Council Procedure Rules 12 and 14 contain provisions for a 'Question Time' session at Council Meetings for a maximum of 60 minutes in duration for both members of the public and Elected Members to attend and ask questions as part of the Council's democratic processes and framework.
7. Representations have been made in the past by the public that there is currently no facility in the Rules for a supplementary question to be put by a member of the public to the Mayor or other Members of the Executive, following a response being made to their original question, unlike the Rules governing questions by Members (on notice), which do provide such a mechanism for Elected Members. There is, therefore, some inconsistency in these parts of the Rules.
8. Within the confines of the 'Question Time' Rules, the Chair has discretion as to how 'Question Time' will be conducted to ensure that within the available time allocated, there is an opportunity for the Executive to be held to account in a public forum on matters of concern which affect the Borough. This discretion allows the Chair to take a balanced view in receiving questions from Elected Members, both on notice and without notice and from members of the public on notice to ensure that reasonable opportunities are given for matters of concern to be asked and an appropriate answer given.
9. The Rules currently attempt to assist a balanced approach by permitting a maximum of six questions from the public at the start of Question Time before other questions are taken from Elected Members. There currently is no provision for a supplementary question to be asked by a member of the public after their original question is put and answered. Clearly, if such an approach were to be considered and supported then this would be likely to have an impact on the remaining time available to dedicate to Elected Member questioning, if the maximum of six questions were asked with supplemental questions at a meeting.
10. It is also important to recognise that the Chair in exercising his/her discretion over 'Question Time' also needs to have regard to managing the overall business for a particular meeting to ensure that Council business is discharged effectively and a balanced opportunity is given for the Council to debate reports, motions and any other business which is included for consideration on the agenda for that meeting.
11. Members' views are therefore sought as to whether or not Council Procedure Rule 12 (Questions by the Public) should be revised to allow for supplementary questions by members of the public to the Mayor/Members of the Executive, taking into account factors such as the potential impact this might have on the amount of time available for questions by Elected Members and dealing with any other business on the agenda.

Questions by the Public on Regulatory Matters

12. A further issue that the Committee is asked to give consideration to is a suggested improvement to clarify in Council Procedure Rule 12 that questions to the Mayor should only relate to Executive Functions for which he bears responsibility and that there should also be a mechanism for the public to put questions on regulatory matters such as planning, licensing or enforcement action to the Chairs of the relevant Committee that bear a responsibility for carrying out these roles.
13. Such a mechanism would assist in ensuring that a consistent approach was in place for dealing with questions from the public in relation to both Executive and Regulatory functions, in that this would provide a mechanism allowing for both categories of question to be put and responded to in a public forum, in the spirit of openness and accountability.
14. If Members wish to support this proposed revision, it is suggested that Rule 12.1 be amended to the following effect (new text shown in bold italics):-

“12.1 General

Members of the public may ask questions of Members of the Executive ***and/or the Chair of a relevant Regulatory Committee if the question concerns a regulatory matter, e.g. Planning and Licensing***, at ordinary meetings of the Council.”

Rule 12.4 - Number of Questions

15. Council Procedure Rule 12.4 currently imposes a limit of 1 question being submitted per person at any one meeting of the Council, and also a limit of 1 question being asked on behalf of one organisation. Furthermore, the same Rule states that no person may submit more than 2 questions and no more than 2 questions may be asked on behalf of an organisation in any 6 month period.
16. Members may wish to consider whether the current restrictions on numbers of questions to be asked per person/organisation at each Council Meeting, and the total number of questions to be submitted in any 6 month period, are reasonable and adequate, and therefore should remain unchanged, or whether the threshold limits should be revised.

Council Procedure Rule 24 – Members’ Conduct: Rule 24.1 – Standing to Speak

17. Council Procedure Rule 24.1 currently requires any Member who speaks at Full Council to stand and address the meeting through the Chair. The Committee is asked to consider whether it feels this particular Rule should be retained on the grounds that traditional decorum should be maintained in Council Meetings, or conversely whether it should be amended to allow Members the discretion to stand or sit on the basis that it could be viewed as being an archaic rule and rather ‘old hat’, and especially with regard to situations due to a disability or for health reasons where a Member may be temporarily or permanently prevented from standing to speak.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

18. Options for making possible revisions/improvements to the Council Procedure Rules within the Constitution are outlined in the main body of this report. Subject to the views of the Standards Committee and final approval of the revisions by Full Council in October, replacement inserts for Members' personal copies of the Constitution incorporating these amendments will be circulated in due course.

IMPACT ON THE COUNCIL'S KEY OBJECTIVES

19. Proposed revisions to the Council's Constitution impact on the Council's 'Achieving Excellence' priority by ensuring openness, transparency and accountability in Council decision-making and the way in which the Council conducts its business.

RISKS & ASSUMPTIONS

20. The revisions outlined in this report do not carry any particular risk to the Authority. Failure to periodically review and amend the Constitution to ensure that the contents are lucid and up-to-date could increase the risk of confusion and lack of clarity over the aims and principles of the Constitution.

LEGAL IMPLICATIONS

21. The amendments to the Council Procedure Rules contained in this report are consistent with the requirements under the Constitution.

FINANCIAL IMPLICATIONS

22. There are no specific financial implications associated with this report.

CONSULTATION

23. The views of the Monitoring Officer and Acting Director of Legal & Democratic Services have been sought on the issues raised in this report.

BACKGROUND PAPERS

24. The Council's Constitution.

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