



Doncaster
Metropolitan Borough Council

**Agenda Item No:
16th March 2010**

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

**REVIEW OF COUNCIL PROCEDURE RULE 12 – QUESTIONS BY THE PUBLIC (PART
4, SECTION I OF COUNCIL CONSTITUTION)**

EXECUTIVE SUMMARY

1. This report seeks the views of the Elections and Democratic Structures Committee on whether a revision should be made to Council Procedure Rule (CPR) 12 – Questions by the Public (Part 4, Section I of the Council's Constitution), and put forward as a formal recommendation for consideration by the Full Council at its Annual Meeting on 21st May 2010.

RECOMMENDATION

2. The Committee is requested to consider an amendment to Council Procedure Rule 12, as outlined in paragraph 6 of this report, and make any necessary recommendation to Full Council.

BACKGROUND

3. At the Full Council meeting held on 18th January 2010, two questions to the Mayor were received from members of the public who lived outside of the Borough. During subsequent discussion at that meeting, Members raised the issue of whether it was acceptable for questions to be put by members of the public who resided outside the Borough and the view was expressed that it was reasonable to restrict questions by members of the public to residents of the Borough. Consequently, the Council resolved to request the Elections and Democratic Structures Committee to consider an amendment to the Constitution, restricting questions from the public to residents in the Borough.
4. Council Procedure Rule 12 within the Constitution outlines the rules and procedure to be followed with regard to receiving questions by the public during the 'Question Time' session at Full Council meetings. Whilst Rule 12 lays down specific rules and criteria in terms of notice of questions (CPR 12.3), number of questions (CPR 12.4) and the scope of questions (CPR 12.5), it is silent on the issue of who may submit a question.
5. CPR 12.1 currently reads as follows:

“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.”

6. Members' views are therefore sought as to whether or not the above Rule should be revised in order to specify that questions by the public at Council Meetings will only be accepted from residents of the Borough. The Committee may also wish to consider whether this criterion should be widened to allow questions from people who work in the Borough. If Members are minded to support such a 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, *i.e. people who live or work in the Borough*, 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.”

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

7. Options for making possible revisions to Council Procedure Rule 12 (Questions by the Public) within the Constitution are outlined in paragraph 6 of this report.

RISKS & ASSUMPTIONS

8. The revision outlined in this report does not carry any particular risk to the Authority.

LEGAL IMPLICATIONS

9. Section 37 of the Local Government Act 2000 provides that a Local Authority which is operating executive arrangements must prepare and keep up to date a Constitution which contains, amongst other things, a copy of the Authority's Standing Orders for the time being. Under Section 38, a Local Authority must have regard to any guidance for the time being issued by the Secretary of State.

FINANCIAL IMPLICATIONS

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

CONSULTATION

11. The views of the Monitoring Officer have been sought on the issues raised in this report.

BACKGROUND PAPERS

12. The Council's Constitution.

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