

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

REVISIONS TO THE COUNCIL'S CONSTITUTION

EXECUTIVE SUMMARY

1. This report presents to the Elections and Democratic Structures Committee (EDSC) proposed revisions to the Council's Constitution in response to issues which have arisen since the Constitution was last reviewed. Specifically, these relate to the Council Procedure Rules (Section 1, Part 4 of the Constitution) and the Executive Procedure Rules (Section 4, Part 4 of the Constitution).

RECOMMENDATIONS

2. The Committee is requested to consider:
 - a) proposed amendments to the Council Procedure Rules, as outlined in paragraphs 4 and 5 of this report;
 - b) proposed amendments to the Executive Procedure Rules, as detailed in Appendix A to the report, and
 - c) a request that Motions by the Public are permitted at Full Council meetings in future (see paragraphs 10 – 13)

and make any necessary recommendations to the Full Council meeting to be held on 26th November 2015.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. 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. The proposed revisions to Procedure Rules outlined in this report are aimed at ensuring that questions put by members of the public and elected Members at Council and Cabinet meetings are managed effectively and in a fair and consistent manner.

BACKGROUND

Proposed revisions to Council Procedure Rules 13.7 and 15.6

4. The Constitution sets out the procedure which governs 'Question Time' at Council meetings, and specifically questions on notice from both members of the Public and from Elected Members. Paragraphs 13.7 and 15.6 of Council Procedure Rules state that questions submitted and subsequently published on the Council Summons will be taken as read at the meeting.

5. At its meeting on 24th September 2015, the Council agreed to produce an audio visual recording of future Council meetings which would be available to view via the Council's website. This will commence with effect from the Council meeting to be held on 26th November 2015 and the recording is expected to be made available shortly after this date. In order to ensure that those viewing the recordings are able to follow the proceedings, it is necessary to amend the Council Procedure Rules (CPRs) so that questions on notice are read out at meetings, instead of being "taken as read". This will, in fact, mark a return to previous arrangements, as these particular Rules did historically allow for questions to be read out. It is suggested that the Chair of Council should read out the question as this will both aid the management of the meeting and ensure that the question is read out as printed upon the agenda. Accordingly, the following amendments to the CPRs are therefore proposed (new text is shown in bold italics):

Current CPR wording	Revised CPR wording
<p>13. QUESTIONS BY THE PUBLIC</p> <p>13.7 Considering the question at the meeting</p> <p>Questions submitted by members of the public and subsequently published on the Council Summons will be taken as read at the meeting. A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Regulatory Committee to whom the question is put shall be provided to the questioner at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish, with the Chair's permission. If a questioner who has submitted a written question is unable to attend the meeting, a copy of the answer given will be provided to them following the meeting.</p>	<p>13. QUESTIONS BY THE PUBLIC</p> <p>13.7 Considering the question at the meeting</p> <p><i>The Chair will read out the question as it appears upon the agenda.</i> A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Regulatory Committee to whom the question is put shall be provided to the questioner at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish, with the Chair's permission. If a questioner who has submitted a written question is unable to attend the meeting, a copy of the answer given will be provided to them following the meeting.</p>
<p>15. QUESTIONS BY MEMBERS</p> <p>15.6 Response</p> <p>Every question submitted by a Member and subsequently published on the Council Summons will be taken as read at the meeting and answered without discussion, but the Member to whom it is put may decline to answer it.</p>	<p>15. QUESTIONS BY MEMBERS</p> <p>15.6 Response</p> <p><i>Every question shall be put</i> and answered without discussion, but the Member to whom it is put may decline to answer it. A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Committee or Sub-Committee to whom the question is put shall be provided to</p>

<p>A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Committee or Sub-Committee to whom the question is put shall be provided to the Member asking the question at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish.</p>	<p>the Member asking the question at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish.</p> <p><i>If a Member who has submitted a written question is unable to attend the meeting, the Chair will read out the question on the Member's behalf, and a copy of the answer given will be provided to the Member following the meeting.</i></p>
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Proposed revisions to Executive Procedure Rules

6. Since 2012, members of the public and Elected Members have been able to ask questions and/or make statements directly to the Mayor at Cabinet meetings in relation to an item on the agenda or on wider Executive functions. This arrangement is covered by Executive Procedure Rule 2.3 (Executive Meeting Agenda), which provides for a period of time not exceeding 20 minutes in total to be allocated for questions from members of the public to the Elected Mayor at each meeting of the Cabinet, i.e. questions **without** notice.

7. Whilst the Mayor is keen to engage with the public at Cabinet meetings the current arrangements have given rise to a number of areas that could be improved:
 - Because the questions do not always relate to issues on the Cabinet agenda, and are not submitted in advance, it is often difficult to provide a comprehensive answer, where technical detail or further research is required. This is not helpful for the public seeking a response to their question at the meeting.
 - Lack of notice of questions in advance also means that, where there is ambiguity, there is no opportunity to seek clarity from the questioner over the question or the information being requested prior to the meeting.
 - Receiving questions without notice and which do not relate to the business on the agenda is inconsistent with other Constitutional procedures currently in place, e.g. questions from the public at Council meetings, which must be on notice and public statements at Overview and Scrutiny Panels, which must relate specifically to an item on the agenda. Questions have been received upon matters which either do not relate to the Agenda, or to matters within the influence of the Mayor or Cabinet or on some occasions matters which do not fall within the remit of the Council as a whole.

8. For the reasons outlined above, a number of options have been considered in consultation with Mayor Ros Jones, with the aim of ensuring that arrangements at Cabinet meetings are consistent with other processes currently used by the Council and ensure the public receive a more meaningful response to their question. As a result, the following recommendations are proposed to improve the current arrangements:

- Request questions/statements on notice, e.g. no later than 5.00 p.m. of the third working day before the day of the meeting (e.g. with Cabinet currently meeting on Tuesdays, the Cabinet agenda is published no later than 17.00 on Monday and questions must be received no later than 17.00 on Thursday);
- Questions/statements should relate specifically to an item of business on the Cabinet agenda and be limited to a maximum of 100 words;
- One supplementary question without notice will be allowed, at the Chair's discretion, provided that this arises directly out of the original question/statement or reply, and this will be put and answered without discussion.

These new arrangements will need to be reflected in the Executive Procedure Rules set out in Section 4, Part 4 of the Council's Constitution, by the addition of new Rules which are detailed in **Appendix A** to this report.

9. The facility for members of the public to ask questions/make statements at Cabinet Meetings is aimed primarily at providing the public with an opportunity to speak on issues that are to be discussed at Cabinet. This might help with clarification of an issue or understanding of why a proposed course of action is being recommended, for example. Where the public wish to engage with the Elected Mayor on wider Executive issues other than those on Cabinet agendas, there are other existing mechanisms which allow them do this, such as question time at Council meetings, email and other correspondence, deputations, petitions and the Mayor's monthly meetings held throughout the Borough.

Request to allow Motions by the Public to the Council

10. At the Council Meeting held on 24th September 2015, the following question from Mr. D. Wright was put to the Mayor of Doncaster, Ros Jones:

"Doncaster Council's Constitution allows for 'Question Time' sessions for public questions at Council meetings.

Will the Mayor agree to change the Constitution to also allow 'Motions to Doncaster Council' sessions at Doncaster Council meetings? The procedures could be similar to the 'Question Time' sessions.

This will enable Doncaster residents to bring forward positive suggestions directly to the Mayor in front of Doncaster Councillors and to members of the public both in the Council Chamber and by the new audio visual recordings at home."

11. In her response, Mayor Jones explained that any decision to allow the public to submit Motions to Full Council meetings was not within her power and that this rested with Full Council. Accordingly, she undertook to make this Committee aware of the issue in the first instance. The Mayor did point out to the questioner that there were already numerous ways in which the public could raise issues in a public forum, including:-

- Public 'Question Time' at Council and Cabinet meetings;

- Engaging with the Mayor either by arranging one to one meetings or at the monthly ‘Meet the Mayor’ events, or by email or in writing;
- Making representations to Overview and Scrutiny;
- Using the existing provisions in the Constitution to submit petitions or deputations to the Council.

The Mayor expressed the view that, given the existing wide ranging opportunities for public engagement, the submission of Council Motions was a function that should remain the responsibility of elected representatives. She added that the public could approach their local Ward Members or indeed any Councillor and ask them to consider putting forward a Motion to Full Council.

12. It should be noted that research undertaken by Officers has found no evidence of Motions by the Public being permitted by any other Local Authority. It is generally accepted that the submission of Motions falls solely within the gift of elected members as this enables Council to regulate its own business to ensure that decision making is undertaken by Councillors representing the wider population or a specific Ward or area in the Borough and not by individual members of the public. A Motion is as important a part of the formal machinery for decision-making as voting. Therefore, on the assumption that only duly elected or co-opted members may take part in decision-making, it would be a highly unusual step to allow persons who are not duly elected or co-opted to be involved to this extent in the formal decision making process.
13. The Committee is therefore asked to consider the above request in accordance with its remit to recommend Constitutional revisions to the Full Council.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

14. Options for making possible revisions to the Council/Executive Procedure Rules within the Constitution are outlined in the main body of this report.

IMPACT ON THE COUNCIL’S KEY OUTCOMES

15.

	Outcomes	Implications
	Working with our partners we will provide strong leadership and governance.	The Question Time facilities at Council and Cabinet meetings allow the public to influence decision making, have their say and enhance accountability. The Procedure Rules referred to in this report will help to ensure that these arrangements are managed on a fair and consistent basis and that, as far as possible, full answers are provided to questioners at meetings.

RISKS AND ASSUMPTIONS

16. The proposed revisions detailed in this report do not carry any particular risk to the Authority.

LEGAL IMPLICATIONS

17. There are no specific legal implications arising from the proposed changes to Procedure Rules. As these are changes to the Council's Constitution, a decision of Full Council is required to agree the revisions.

FINANCIAL IMPLICATIONS

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

HUMAN RESOURCES IMPLICATIONS

19. There are no specific Human Resources implications associated with this report.

TECHNOLOGY IMPLICATIONS

20. There are no specific technology implications arising from this report.

EQUALITY IMPLICATIONS

21. Where there are any specific equality issues arising from the requirement to submit written questions, officers in Governance Services will be available to provide advice and support to members of the public in need of assistance.

BACKGROUND PAPERS

22. Part 4 (Rules of Procedure) of the Council's Constitution.
Minute No. 26 of Full Council Meeting held on 24th September 2015.

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PROPOSED NEW EXECUTIVE PROCEDURE RULES

QUESTIONS AND STATEMENTS AT EXECUTIVE MEETINGS

“Question Time” sessions for questions/statements from members of the public and Elected Members under Rule 3 (lasting for a maximum of 20 minutes in total) shall be held at ordinary meetings of the Executive.

3. QUESTIONS AND STATEMENTS BY THE PUBLIC/ELECTED MEMBERS

3.1 General

Members of the public i.e. people who are residents of the Borough and Elected Members may ask questions and/or make statements at any ordinary meeting of the Executive in relation to an item of business on the agenda.

3.2 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Mayor no later than 5.00 p.m. of the third working day before the day of the meeting. Each question or statement must give the name and address of the person submitting it. Questions/statements should be sent to the Governance Services , Floor 2, Civic Office, Waterdale, Doncaster, DN1 3BU or by email to democratic.services@doncaster.gov.uk.

3.3 Scope of Questions

Each person will be allowed to submit one question/statement per meeting. Questions/statements should be limited to a maximum of 100 words.

The Mayor may reject a question/statement if it:

- is not a matter which relates to an item of business on the agenda for the next scheduled ordinary meeting of the Executive;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Executive in the past three months;
- requires the disclosure of confidential or exempt information; or
- is submitted by a person who is not a resident of the Borough.

3.4 Considering the question/statement at the meeting

Copies of all questions/statements to be heard will be made available to the public attending the meeting. The Mayor will invite the person(s) to read out their question/statement. A copy of the intended response from the Mayor shall be provided to the person submitting a question/statement at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish, with the Chair's permission. If a person who has submitted a question or statement is unable to attend the meeting, the Mayor will read out the question/statement on the person's behalf, and a copy of the answer given will be provided to them following the meeting.

3.5 Supplementary question

If the Chair permits, a member of the public or Elected Member asking a question or making a statement under Rule 3.1 may ask one supplementary question without notice. The supplemental question must arise directly out of the original question/statement or the reply and shall be put and answered without discussion.

3.6 Written answers

Any question which cannot be dealt with during public question time due to lack of time or any other reason will be dealt with by a written answer provided within 2 weeks of the meeting.

3.7 Record of answers

Details of all questions/statements made and the responses given shall be included in the decision record of the meeting.