

**To the Chair and Members of the
COUNCIL**

REVISIONS TO THE COUNCIL'S CONSTITUTION

EXECUTIVE SUMMARY

1. This report presents proposed revisions to the Council's Constitution in relation to the Council Procedure Rules (Section 1, Part 4 of the Constitution) and the Executive Procedure Rules (Section 4, Part 4 of the Constitution). In accordance with its remit to propose Constitutional revisions to Council, at its meeting held on 24th November 2015 the Elections and Democratic Structures Committee (EDSC) considered these proposals, together with a request made at the Council meeting in September 2015 that members of the public should be permitted to submit motions at Council meetings. The Chair of EDSC, Councillor Phil Cole, will therefore confirm at the Council meeting the recommendations agreed by EDSC in respect of the revisions outlined in this report.

RECOMMENDATIONS

2. The Council is asked to consider and support the recommendations of EDSC, to be reported at the Council Meeting, in relation to:
 - 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 paragraph 10 of this report).

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 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>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>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 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>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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. Arising from a question from Mr. D. Wright at the Council Meeting held on 24th September 2015, the Mayor of Doncaster, Ros Jones agreed to refer to the EDSC Mr. Wright's request that members of the public should be allowed to submit Motions to Full Council meetings in future, for consideration by the Committee under its remit to recommend Constitutional revisions to Full Council. The Chair of EDSC, Councillor Phil Cole, will therefore report on the outcome of EDSC's discussion of this matter, and any resulting recommendations, at the Council meeting.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

11. 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

12.

	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

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

LEGAL IMPLICATIONS

14. 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

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

HUMAN RESOURCES IMPLICATIONS

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

TECHNOLOGY IMPLICATIONS

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

EQUALITY IMPLICATIONS

18. 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

19. Part 4 (Rules of Procedure) of the Council's Constitution.
Report to EDSC 24th November 2015 – Revisions to the Council's Constitution.
Minute No. 26 of Full Council Meeting held on 24th September 2015.

REPORT AUTHOR & CONTRIBUTORS

Jonathan Goodrum, Senior Governance Officer
Tel. 01302 736709
Email: jonathan.goodrum@doncaster.gov.uk

Roger Harvey
Assistant Director of Legal & Democratic Services
and Monitoring Officer

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 a 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.