

Gloucester City Council

Meeting:	General Purposes Committee Council	Date:	7 September 2022 29 September 2022
Subject:	Constitutional Changes		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Record of questions by the public 2. Record of questions by Members 3. Draft revised Council Procedure Rules		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 In accordance with the decision of Council on 18 November 2021, to review the operation of changes made to the council's Constitution in respect of public and Member questions to determine whether to recommend to Council a return to previous arrangements or any other changes.

2.0 Recommendations

2.1 General Purposes Committee is asked to **RECOMMEND TO COUNCIL** that

- (1) The proposed changes to Council Procedure Rule 10 (Questions by the public) and any consequential changes to other Council Procedure Rules or parts of the Constitution set out in paragraph 3.4 of this report be approved.
- (2) The proposed changes to Council Procedure Rule 12 (Questions by Members) and any consequential changes to other Council Procedure Rules or parts of the Constitution set out in paragraphs 3.9, 3.10, and 3.11 of this report be approved.
- (3) Note that, if agreed, the amendments shall take effect at the close of the Council meeting at which they are agreed.

2.2 Council is asked to **RESOLVE** to

- (1) Consider the recommendations of the General Purposes Committee and adopt the proposed changes to the Constitution, subject to:
 - Amending proposed Procedural Rules 10(2)(i) and 12.01(i) to permit questions relating to matters that the council may be able to influence even if it is not directly responsible.
 - Removing the proposed restriction on Members asking a question that is substantially the same as a question which has been put at a meeting of the Council or Cabinet in the past 6 months from the proposed amendments to Procedural Rule 12.01.
 - Removing the proposal for the Managing Director, in consultation with the Mayor, to be able to edit Member questions to bring them into proper form and brevity from the proposed amendments to Procedural Rule 12.01.
 - Making provision for the schedule of Member questions (without the responses) to be circulated to all Members once the order has been agreed by the Managing Director, in consultation with the Mayor.
 - Removing the proposal not to minute questions and responses.
- (2) Note that, if agreed, the amendments shall take effect at the close of the Council meeting at which they are agreed.

3.0 **Background and Key Issues**

- 3.1 Following consultation with the General Purposes Committee, Council approved a number of amendments to the Council Procedure Rules contained within the council's Constitution at its meeting on 18 November 2021. The changes related to public and Member questions at council meetings and introduced a requirement to give notice of questions in advance. Council agreed to review the operation of the changes after three ordinary meetings of Council.

Questions by the public

- 3.2 Since the changes took effect, there has been no real impact on the number of questions asked at Council and Cabinet meetings by members of the public, with use of the facility remaining limited despite promotion of the new deadline on the council's social media channels. Several members of the public have made use of the option to have their question read out by an officer, thereby ensuring they can obtain a response to their question without having to physically attend a council meeting. Appendix 1 sets out the number of public questions asked before and after the changes took effect.
- 3.3 While we are promoting the notice requirement on the agenda and via social media, there have been two occasions where a member of the public missed the deadline and each time the relevant Cabinet Member has been happy to allow and answer the question. It is considered that the deadline should be retained as notice of questions in advance ensures that members of the public receive a full answer to any questions. Efforts will always be made to be flexible if members of the public miss the deadline as they are less likely to be aware of procedures, which are not intended to prevent members of the public from engaging in the democratic process.

- 3.4 One additional amendment is proposed to ensure that it is clear to members of the public what they may ask questions about at a public meeting, and that is to elaborate on limitations currently set out in Procedure Rule 10 by stipulating that the Managing Director, in consultation with the Mayor, may edit questions to bring them into proper form and brevity and reject a question if it:
- Is not about a matter for which the local authority has responsibility **or influence**; or
 - Is illegal, improper, defamatory, frivolous or offensive; or
 - Is substantially the same as a question which has been put at a meeting of the Council, Cabinet or Committee in the past 6 months; or
 - Is related to confidential staffing matters; or
 - Is relating to the personal affairs or conduct of individual Members or Officers; or
 - Requires the disclosure of confidential or exempt information.

Questions by Members

- 3.5 Since the changes took effect, there has been a significant increase in the number of questions asked by Members at Council and Cabinet meetings and Appendix 2 sets out the number of public questions asked before and after the changes took effect.
- 3.6 In respect of Cabinet meetings, at the eight meetings prior to the change, a total of 8 questions were asked by Members and they all related to reports on the agenda for the meeting in question. At the eight meetings since the changes took effect, a total of 85 questions have been asked by Members. This is an increase of 963%. Some of the questions asked have related to reports on the agenda, though some of those could have been asked when the reports were received by the Overview and Scrutiny Committee. Most have not related to items on the agenda, indicating that some Members are straying from the informal precedent previously set and are using the facility as another opportunity to question Cabinet Members on any matter relating to their portfolio, which is the purpose of the questions at Council.
- 3.7 In respect of Council meetings, at the 3 meetings prior to the change, a total of 54 questions were asked by Members, 28 of which were spontaneous verbal questions and 26 which were written questions submitted in advance. It should be noted that there was a reduced period of 30 minutes for verbal questions during these meetings, however, it was rare for the full time limit to be utilised. At the 3 meetings since the changes took effect, a total of 129 questions have been asked by Members. This is an increase of 139%.
- 3.8 As a rough estimate, each question response takes a Service Manager approximately 30 minutes to draft, though this could be longer if research is involved, and 5 minutes for a member of the Senior Management Team to review, with more time required if amendments are made. Prior to the changes and based on the figures above, officers spent an estimated 15 hours preparing responses to questions by Members over 3 ordinary Council meetings and 8 ordinary Cabinet Meetings; this equates to approximately 2 days of a full-time post. Since the changes, officers have spent an estimated 125 hours preparing responses to questions by Members over the same number of Council and Cabinet meetings.

This an increase of 733% and equates to approximately 3 weeks and 2 days of a full-time post.

- 3.9 In light of the increasing volume of questions at Council and Cabinet meetings, and to ensure that all Members have a better chance of being able to ask their supplementary questions, it is proposed that a limit of 5 questions per Member per meeting be implemented for both Council and Cabinet meetings. Only 4 Members have asked more than 5 questions at a single meeting and only 2 of those have done so repeatedly, so it is considered that 5 is a reasonable maximum, given that there are a variety of other ways for Members to obtain information.
- 3.10 Furthermore, to ensure that all Members have the opportunity to ask their supplementary questions, while questions will ordinarily be added to the schedule in the order they are received, it is proposed that the order may be amended as necessary by the Managing Director, in consultation with the Mayor, to ensure that all Members have the opportunity to ask supplementary questions within the time available. **The schedule of questions (without responses) will be circulated to all Members when the order of questions has been determined.**
- 3.11 To mirror the existing and proposed arrangements for questions from the public and to ensure that the content of questions and responses comply with the relevant Codes and Protocols within the Constitution, it is proposed that the same limitations be applied to questions by Members, by stipulating that the Managing Director, in consultation with the Mayor, may ~~edit questions to bring them into proper form and brevity and~~ reject a question if it:
- Is not about a matter for which the local authority has responsibility **or influence**; or
 - Is illegal, improper, defamatory, frivolous or offensive; or
 - ~~Is substantially the same as a question which has been put at a meeting of the Council or Cabinet in the past 6 months; or~~
 - Is related to confidential staffing matters; or
 - Is relating to the personal affairs or conduct of individual Members or Officers.

Questions from Members regarding exempt or confidential are permissible under certain conditions and this is detailed in existing Rule 12.04. Any supplementary questions arising from accepted questions that do not comply with the above will not be answered.

Minuting of questions

- ~~3.12 While not covered by the Council Procedure Rules, going forward, questions and responses will not be minuted in detail as this detracts from the purpose of minutes, which is record decisions. Any actions arising from questions and responses will continue to be recorded and followed up by Cabinet Members and Officers.~~

Recommendations of the General Purposes Committee

- 3.13 The General Purposes Committee considered the proposed changes to Constitution at their meeting on 7 September 2022. The Committee resolved to recommend the changes to Council for approval, subject to the following:

1. That the changes proposed to Procedural Rules 10(2)(i) and 12.01(i) are amended to permit questions relating to matters that the council may be able to influence even if it is not directly responsible.
2. That the proposed restriction on Members asking a question that is substantially the same as a question which has been put at a meeting of the Council or Cabinet in the past 6 months be removed from the proposed amendments to Procedural Rule 12.01.
3. That the proposal for the Managing Director, in consultation with the Mayor, to be able to edit Member questions to bring them into proper form and brevity be removed from the proposed amendments to Procedural Rule 12.01.
4. That the schedule of Member questions (without the responses) be circulated to all Members once the order has been agreed by the Managing Director, consultation with the Mayor.
5. That the proposal not to minute questions and responses be removed from the report.

3.14 These recommendations are reflected in the recommendation before Council, through insertions and strike throughs in this report and in the revised version of Appendix 3 to this report.

4.0 Social Value Considerations

4.1 Not applicable.

5.0 Environmental Implications

5.1 Not applicable.

6.0 Alternative Options Considered

6.1 Various alternative options have been considered in drawing up the proposals, including lower and higher limits on the number of questions per Member at Council, and making no changes at all.

6.2 Members may wish to propose further alternatives for consideration.

7.0 Reasons for Recommendations

7.1 It is considered that the recommendations achieve the right balance between ensuring there is sufficient opportunity to hold the Administration to account without disproportionately impacting on the delivery and management of council services.

8.0 Future Work and Conclusions

8.1 The proposed amendments, if agreed shall take effect at the close of the Council meeting and therefore be in place for the next ordinary meetings of Council and Cabinet. The changes will be made to the Constitution, which will be republished on the council's website.

8.2 Further reviews and proposed revisions will be made in future to reflect the fact that the Constitution is an evolving document.

9.0 Financial Implications

9.1 None arising from this report.

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

10.1 There are no specific legal implications arising from this report. Having a clear procedure for the submission and consideration of public and member questions will provide guidance to those persons who wish to submit questions.

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

11.1 Not applicable.

12.0 People Impact Assessment (PIA) and Safeguarding:

12.1 A PIA is not applicable at this time because a PIA Screening was undertaken as part of the previous decision-making process, specifically in relation to the changes proposed to Council Procedure Rule 10 (Questions by the Public) and the further changes proposed to that rule relate to the content of questions only.

13.0 Community Safety Implications

13.1 Not applicable.

14.0 Staffing & Trade Union Implications

14.1 Not applicable.

Background Documents: None