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## **INFORMATION REPORT – QUESTIONS ON NOTICE AT COUNCIL**

### **REPORT OF THE MONITORING OFFICER**

### **AGENDA ITEM: 5**

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#### **Purpose of the Report**

1. To provide Members with information regarding Questions on Notice at Council.

#### **Background**

2. The Constitution Committee has previously undertaken a review of the Council Procedure Rules. As part of these deliberations, the Committee has indicated that it wished, from time to time, to review the arrangements for questions on notice at Council. The relevant element of the Council Procedure Rules relating to Questions on Notice is attached as Appendix A to this report.

#### **Issues**

3. At its meeting, on 1 December 2006, the Committee considered a report regarding the Implementation of Constitutional Changes which highlighted practical difficulties that had emerged regarding the answering of the increasingly large number of “oral” questions since the new system of providing written answers for questions was implemented at the September 2006 Council meeting. The Committee requested that the position be monitored and that a report on the matter be brought back to this Committee for consideration.
4. It has continued to prove extremely difficult, and costly, for officers to effectively respond to the numbers of questions being submitted within the prescribed timescales. Indeed, the commitment to circulate written answers at least one hour before the commencement of the meeting (Procedure Rule 10.4) has only been achieved once – when the deadline for submission of questions was brought forward a day due to the strike action in July 2008.
5. In this regard, it should also be noted that the South Wales Police Authority have recently indicated that the short-timescale for responding to questions is causing them some difficulty and have requested that the Council consider allowing them more time to respond to such questions.

6. The position regarding the handling of oral questions has continued to be monitored since 2006 and an analysis of the number of questions considered by Council during this period will be circulated prior to the Committee meeting.
7. Since the Committee last considered the arrangements for dealing with questions on notice at Council, a number of other related matters have been raised by Members and/or officers for potential consideration by this Committee. These are:
  - Portfolio holders/Chairs/Council representatives to be only questioned on matters that are within their area of responsibility (with the exception of questions from Group Leaders to the Leader of the Council);
  - Consideration be given to potentially limiting the number of questions that can be submitted at each Council meeting by an individual Member
  - Consideration be given to bringing forward the deadline for submission of questions (either for all questions or for questions to nominated representatives on Outside Bodies)

### **Legal Implications**

8. There are none as this is an information report.

### **Financial Implications**

9. This is a report concerning Council procedural matters and as such does not contain any direct financial implications.

### **Recommendation**

Members of the Committee are recommended to:

- (i) note the information set out in this report; and
- (ii) consider undertaking a review of effectiveness of the Council Procedure Rules relating to Questions on notice.

**Kate Berry**

Chief Legal and Democratic Services Officer (Monitoring Officer)

Dated: 10<sup>th</sup> October 2008

### 10.2 Questions on notice at Council

Subject to Rule 10.3, a Councillor may ask:

- (a) the Lord Mayor;
- (b) a member of the Executive;
- (c) the chair of any committee or sub-committee;
- (d) nominated members of the Police or Fire Authorities;

a question on any matter in relation to which the Council has powers or duties and which affects the administrative area of the Council.

### 10.3 Notice of questions

A Councillor may only ask a question under Rule 10.2 if either:

- (a) he or she has given notice in writing of the question to the proper officer by 9.00am on the last working day before the meeting; or
- (b) the question relates to urgent matters, he or she has the consent of the Councillor to whom the question is to be put and written notice of the question is given to the Proper Officer by 12.00pm on the day of the meeting or at least three hours (which must be within the working day) before the meeting which ever is the earlier.

### 10.3 Written responses to questions

Written responses to all questions asked under Rule 10.2 shall be circulated at least one hour before the commencement of the meeting to the Questioner and all Councillors present. The questions and written answers will be ordered in accordance with a protocol approved by the Council from time to time and, in the absence of such a protocol, in rotation by reference to each of the political groups in size order followed by questions from members not in political groups and in the order in which notice of them was received except that the Lord Mayor may group together similar questions or questions asked to the same Councillor.

### 10.4 Rejection of Questions

The proper officer in the case of any question submitted in accordance with Rule 10.2 and the Lord Mayor in any other case may reject a question if in his opinion it:-

- (a) is not about a matter for which the Council has a responsibility and which affects the administrative area of the Council;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given;
- (d) the question concerns an item of business which is the subject of a report to the meeting;

- (e) requires the disclosure of confidential or exempt information where there is no demonstrable need to know.

#### **10.6 Withdrawal of questions**

A question of which notice has been given under Rule 10.2 may not be withdrawn except with the consent of the person of whom it is asked.

#### **10.7 Supplementary questions to questions on notice**

A Councillor asking a question under Rule 10.2 may ask one supplementary question (without notice) of the Councillor to whom the first question was asked. One further supplementary question may be asked by a Councillor provided that Councillor is neither the original questioner nor a member of the same political group as the original questioner. A supplementary question must arise directly out of the original question or the reply. Where a supplementary question is divided into parts or demands a series of answers the Lord Mayor may treat each part or each element requiring a response as a separate question and in which case the first such part or element shall be treated as the supplementary question.

#### **10.8 Time limits**

- (a) The maximum time allocated for answering any supplementary questions asked under Rule 10.7 is ten minutes in relation to each member to whom such questions are addressed provided that if at the expiry of the allocated time the answer to the supplementary question has not been completed then the Lord Mayor shall allow a reasonable period for the completion of the answer, the asking of further supplementary questions and the giving of answers to such supplementary questions.
- (b) Supplementary questions to questions asked under Rule 10.2 will:-
  - (i) fall if the time limit allocated for answering questions has elapsed;
  - (ii) in the case of questions relating to items of business before the meeting, be answered at the time when that item of business is under consideration.

#### **10.9 Responses to Supplementary Questions**

- (a) Supplementary questions will be answered without discussion and subject to Rule 10.9(b) an answer may take the form of:-
  - (i) an oral answer given by the Councillor to whom the question is addressed or another Councillor nominated by him or her;
  - (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication;
  - (iii) where the reply cannot conveniently be given orally, a written answer circulated later to Councillors of the Council.
- (b) A Councillor to whom a supplementary question is addressed may decline to answer subject to stating the reason for declining to answer which reason may include the fact that the Councillor submitting the question is not in attendance at the meeting provided that a written answer will be given if a Councillor present so requests.

- (c) Except with the agreement of the meeting no more than three minutes will be allowed for response to any one question.

#### **10.10 Written note of Supplementary Questions and the Response to them**

10.10.1 Subject to Rule 10.10.2 a written note of supplementary questions that are put at the meeting together with the response provided by the Executive Member or Chair as appropriate, will be circulated by or on behalf of the Clerk to the Council to all Members and the Media who attended the meeting by no later than 5.00pm on the Tuesday following the day of the Council meeting.

10.10.2 (a) Prior to issue the written note of a response to a supplementary question must be checked for accuracy by the responding Executive Member or Chair as appropriate; and

(b) No written note of a response to a supplementary question will be provided to the Media before being provided to Members.