

REPORT OF THE COUNTY CLERK & MONITORING OFFICER

AGENDA ITEM: 9

COUNCIL PROCEDURE RULES – MEMBERS’ QUESTIONS

Reason for this Report

1. To enable the Committee to consider the effectiveness of the current rules regarding Members’ questions at Council meetings.

Background

2. The Constitution Committee’s approved Terms of Reference are:

To review the Council’s Constitution, and to recommend to Council and/or Executive any changes, except that the Committee will have authority (subject to the Monitoring Officer’s advice) to make the following changes on behalf of the Council:-

- (a) Drafting improvements to enhance clarity and remove minor anomalies.
 - (b) Updating to reflect legislative changes and matters of record.
 - (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).
3. The Constitution Committee has reviewed the procedures for dealing with Members’ questions at Council on a number of previous occasions. The current rules were approved by Council on 27 March 2014, following the introduction of a pilot exercise in 2013 during which time various amendments were made. It was agreed that the operation of the new Rules should be monitored and reviewed.

Issues

4. It is generally recognised that questions at Council are an important means by which minority parties and backbench councillors may obtain information and call the majority party to account.

5. The current rules on Members questions at Council are appended as **Appendix A**. The rules make provision for two types of Members' Questions, 'Oral' and 'Written'. When this model was introduced, the stated intention was that:

Oral Questions be used to raise issues that:

- *Relate to the past or proposed policy or strategy of the Cabinet.*
- *Relate to matters that either have impacted or will impact upon the citizens of the Council as a whole; a significant number of them or a particular group of them (such as children, the disabled or the elderly).*
- *Should properly be dealt with by full Council, rather than another forum (such as through Scrutiny, Standards and Ethics Committee or normal correspondence).*

Written Questions be used to:

- *Seek the provision of factual information.*
- *Relate to the specific circumstances of an individual or a relatively small group of citizens.*

Members are reminded that Written Questions may be dealt with more appropriately through normal correspondence channels.

[Report to Constitution Committee, 19th December 2012, Appendix A, Draft Guidance on Oral and Written Questions].

6. When the current rules were adopted, the majority view accepted that the number of Oral questions should be limited, but no limit was placed on Written questions. The number of Oral questions is calculated by a formula which reflects the political representation of the Council and a maximum of 90 minutes is allowed.
7. The number of questions submitted since the adoption of the new Rules is shown below:

Month	Oral questions	Written questions
April 2014	28	19
May 2014 (AGM)	-	-
June 2014	26	15
July 2014	27	4
September 2014	21	28
October 2014	28	9
November 2014	24	141

8. Members will note the very high number of Written questions submitted at the last Council meeting, and will appreciate the significant administrative burden this placed upon the organisation.
9. Members are invited to consider whether to review the current procedures for Questions at Council, taking into account the practice of other Welsh authorities and Core Cities and the provisions of the model Constitution for Welsh Authorities. Any such review could include consideration of:
 - a) Whether provision for Written questions is necessary;
 - b) the appropriateness of potentially limiting Written questions, either by number or by applying criteria (for example, with reference to the Guidance set out in paragraph 5 above);
 - c) the effectiveness of the current system for Oral questions; and
 - d) timescales for the submission of, and publication of responses to, questions (having regard also to Welsh translation requirements)

Legal Implications

10. There are no direct legal implications arising from the recommendations of the report.

Financial Implications

11. There are no direct financial implications arising from the recommendations of the report.

Recommendations

The Committee is recommended to:

1. Note the information set out in this report;
2. Consider whether to review the current procedures for Members' Questions at Council; and
3. If a review is to be undertaken, to instruct the Monitoring Officer on the parameters and timescale for the review.

Marie Rosenthal
County Clerk and Monitoring Officer

7th January 2015

Appendices

Appendix A Council Procedure Rules (extract), Rules 16 and 17

Background papers

Constitution Committee report, 19th December 2012 'Council Procedure Rules' (and also reports and minutes from September 2013, November 2013 and March 2014)
Council report, 27 March 2014, 'Constitution Committee'