

**Review of Part 4 of the Constitution - Public Questions and Motions**

**Purpose**

1. To consider proposed changes to Part 4 of the Constitution - Council Procedure Rules.

**Background**

2. Part 4 of the Constitution details procedural rules in relation to Council and Council Committees. Cabinet, Overview and Scrutiny and Area Boards have specific rules of procedure contained in other sections of the Constitution.
3. The Constitution Focus Group had been requested to review two sections of Part 4, in relation to Public Questions to committees, and Cabinet Member right of reply in respect of Motions considered by Full Council.

**Main Considerations**

Public Questions

4. At its meeting on 17 November 2015 the Health Select Committee received queries regarding the deadline for submission of public questions to committees.
5. The existing deadline is currently four working days before a meeting, although in exceptional circumstances or urgency the Chairman of a meeting can exercise their discretion to allow receipt of questions without the full period of notice being given. In that situation there is no guarantee a full reply will be given at the meeting.
6. The deadline for publication of an agenda for a committee meeting is five clear working days. As such, a member of the public would have one working day under the current procedure to submit a question, if they required notice of the agenda before submission.
7. The Health Select Committee considered the above and resolved:  
  
*To request that the Chairman of the Overview and Scrutiny Management Committee investigate the possibility of extending the deadline for questions submitted to Select Committees under Public Participation.*
8. The request was forwarded on to the Constitution Focus Group. At its meeting on 2 December 2015 the Focus Group considered the request. It was noted that the procedure for councillors' questions had recently been amended to include a two-tier deadline, one to ensure a guaranteed written response, and one for the question to still be received at the meeting but with a verbal response.

9. Following additional consultation with Group Leaders, the Focus Group considered proposed changes to wording at its meeting on 22 March 2016 and resolved to recommend them to the Standards Committee.
10. Suggested wording to Part 4 to effect such a change is included at appendix 1.

#### Motions

11. At its meeting on 2 December 2015 the Focus Group considered a suggestion from the Group Leader's meeting on 24 November 2015 in respect of the procedure for cabinet member responses to notices of motion.
12. Currently, the process of dealing with a motion on notice at Council is that provided a motion is moved and seconded, the mover of a motion is given up to 5 minutes to speak to their motion. The relevant cabinet member is then invited to respond. Should Council agree to debate a motion, the normal rules of debate apply. This allows for the mover of a motion to have a right of reply at the end of the debate before a motion is put to a vote.
13. To facilitate debate, the Chairman of Council has on occasions exercised his discretion by permitting the cabinet member to come back to respond to points made during the debate before the mover of the motion exercises his or her right of reply.
14. The suggestion from Group Leaders was to formalise the process currently exercised by discretion from the Chairman detailed in paragraph 12, by including it within the council's rules of procedures.
15. Whilst satisfied the Chairman of Council had discretion to permit cabinet members to respond in that fashion, the Focus Group had no objection to the suggestion this be formalised.
16. Suggested wording to Part 4 to effect such a change was considered and approved, as detailed at Appendix 1.

#### **Recommendation**

17. To recommend that Council should approve the proposed changes to Part 4 of the Constitution detailed at Appendix 1.

#### **Ian Gibbons**

#### **Associate Director, Legal and Governance and Monitoring Officer**

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**Background Papers:** None

**Appendix 1** - Revised Part 4 of the Constitution