

## Wiltshire Council

### Focus Group on the Review Of The Constitution

16 January 2012

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#### Questions and Motions on Notice Review

##### Purpose of Report

1. At the last meeting of Council on 8 November, 2011, the Chairman commented on the large volume of questions and the fact that he had received a number of representations asking whether this was a good use of time at a Council meeting.
2. The Chairman requested the Focus Group on the Review of the Constitution to review this aspect of the constitution.

##### Background

3. Thirty-Seven questions were received for the Council meeting on 8 November, 2011, many of them subdivided into additional questions. This compares to an average of approximately eighteen questions per meeting for the previous three Council meetings in 2011.
4. Seven notices of motion had been received for the same Council meeting. This compares to an average of two motions per meeting for the previous three meetings of 2011.
5. It is therefore clear that the number of questions and notices of motions are increasing per meeting and in turn, these are taking a large proportion of time at a Council meeting in addition to normal Council business.
6. Currently there is no limit on the number of questions or motions which can be submitted by each Councillor.
7. This was raised with the Focus Group during the last review of the constitution when the Focus Group considered that the number received at that stage, were manageable and no limit should therefore be imposed.
8. There is a limit on questions per member of public or organisation (no more than 2 and no question can be sub-divided into more than 2 related parts).

##### Possible Options

9. The Chairman has met with the Monitoring Officer, the Head of Democratic Services and the Democratic Governance Manager to consider a number of options to ensure that questions and motions are kept to a manageable level. This is to ensure that the number of questions and motions on an agenda does not have a detrimental impact on the business that the Council has to transact at the meeting and that the duration of the meeting is reasonable.

## **Time Required**

10. It is worth emphasising here that the time required to prepare responses to questions and motions is fairly lengthy in both cases. However the time required at the meeting to deal with these issues is quite different. In relation to questions most are taken "as read" and although supplementary questions are permitted, in reality the time spent on questions at the actual meeting, no matter how many have been submitted, is reasonable. However debates on motions can take a significant period of time and ultimately this will have an impact on the transaction of other business on the agenda.

## **Questions**

11. **Limiting number of questions which can be received per Councillor** (including sub-division of questions)
12. **Extending deadline from 4 to say 10 clear days** (this would enable inclusion of all questions received in the Summons and be consistent with the deadline for petitions and motions and allow more time to co-ordinate and prepare responses).
13. **Introducing a time limit for dealing with questions at the meeting** (as stated in para 10 above it is not so much the time that questions take at the meeting but the considerable officer resources needed to research and draft responses in a very short space of time for Cabinet members). This would need to go hand in hand with dealing with questions in rotation.
14. **Questions on operational matters to be handled outside of the meeting** (a number of questions received relate to operational matters ie car parking statistics, highway improvements etc. A reasonable period of time can be stipulated for providing a response outside of the meeting which could be circulated to all Councillors if required).

## **Motions**

15. **Limiting the number of motions per meeting** (perhaps per group and any ungrouped)
16. **Motions to only be accepted where a specific action is being sought** (a number of motions simply ask for Council 'to note' 'to welcome' 'to support' "to acknowledge" "to recognise") **and to requiring a motion to be split into a preamble to provide background to a motion which then sets out the action required.**

## **Additional Information**

17. It is worth noting that the constitution already provides some flexibility on questions and motions as highlighted in the attached relevant extracts of the constitution. Therefore it might be about the application of the constitution rather than changing its provisions.

18. Application of the rules of the constitution has been relaxed in the spirit of inclusivity and maximising Councillor input. However, in view of the increasing number of questions and motions being received for meetings, it may be necessary to apply the rules more rigorously in order to manage the meetings more effectively.

19. An initial analysis of the constitutions of other authorities was conducted with a view to assessing procedural practice among other authorities as compared to Wiltshire Council's.

### **Additional Procedural Issues**

20. Hand in hand with managing the meeting is the order of business on the agenda.

21. The running order at the moment has been agreed with group leaders in response to a request to move motions and questions further up the agenda.

22. The Chairman of Council has given consideration to moving questions and motions lower down the agenda so as not to impact on ordinary Council business especially where these are public interest items. This is consistent with Article 5 of Part 2 of the constitution which states:

'to preside over meetings of the council so that its business can be carried out efficiently and with regard to the rights of members of the council and the interests of the community'.

### **Recommended:**

- (a) The views of the Focus Group on the Review of the Constitution are sought on the above options and any other options it considers appropriate, including those set out in paragraphs 17 to 22, with a view to managing the consideration of questions and motions on notice at meetings of Council more effectively.**
- (b) To reflect any options the Focus Group consider should be pursued in the constitution for onward recommendation to Council via the Standards Committee.**

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Background Papers:

Appendix A – Extracts of the Constitution