

**Extract from Minutes of Focus Group on Review of the Constitution,
16 January 2012**

Minute 04 Questions and Motions on Notice

At the last meeting of the Council on 8 November 2011, the Chairman of the Council, Cllr Brigadier Robert Hall, commented on the large volume of questions that had been submitted by councillors and the fact that he had received representations asking whether this was a good use of time at a Council meeting.

The Chairman, with the agreement of Council, had, therefore, referred the matter to the Focus Group on the Review of the Constitution to review this aspect of the constitution and put forward proposals for consideration by Council.

Cllr Hall introduced a report prepared by the Monitoring Officer, explaining the background and implications of the proposals, drawing attention to the following points:

- There was a significant increase in the number of questions and motions received for the Council meeting on 8 November 2011;
- This had resulted in a significant increase in the workload and pressure on both officers and Cabinet Members to prepare written responses to all questions within the short time available.
- This had resulted in criticism from members and groups of the public who had been obliged to wait for a lengthy period until their item of business was reached.
- Cllr Hall noted that Part 2 Article 5.1 of the constitution states that the role of the Chairman includes “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”, and “to ensure that the council meeting is a forum for the debate of matters of concern to the local community”;
- It was further clarified that the constitution already provided some discretion for the Chairman on questions and motions and that, therefore, a solution might be about the application of the constitution rather than changing its provisions, and that,
- Application of the rules of the constitution had 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.

Cllr Hall then discussed the proposed options in the report, as follows:

- Limiting number of questions which can be received per Councillor (including sub-division of questions);
- Extending deadline for submission from 4 to say 10 clear days;
- Introducing a time limit for dealing with questions at the meeting;
- Questions on operational matters to be handled outside of the meeting;
- Limiting the number of motions per meeting;
- Motions on notice should only be accepted where a specific action is being sought; councillors should ensure that motions contain a clear separation between the preamble providing background to the motion and the specific action that is being sought.
- Consider moving questions and motions lower down the agenda so as not to impact on substantive Council business, especially where these are public interest items. It was noted that the order of business on a Council agenda was a matter for the Chairman to decide.

A debate ensued, during which the following points were raised:

- Moving questions and motions up the agenda had been agreed on request, but the impact had not proved to be beneficial;
- Moving those items further down the agenda to go after substantive items, in particular items on the budget and policy framework, would also eliminate any need to impose a time limit on dealing with questions and motions at Council meetings, which would in any case be impractical;
- Concerns were expressed that limiting the number of questions and motions a Member could submit would be inappropriate and unworkable, particularly given there were only 4 standard Council meetings per year;
- More specific motions with background information (both from the member submitting the motion and officers) were viewed positively, but further guidance should be prepared by officers to assist Members in achieving this;
- Although there was support for questions to be focused, concerns were raised that a restriction on questions relating to operational matters could be subjective and unclear.

- Extending the deadline for questions to be submitted to 10 days would be excessive, and,
- The reasons for the apparent large increase in questions and motions was discussed, and whether the trend would be sustained in the long term.
- Councillors should be encouraged to submit questions in advance of the deadline where possible to expedite preparation of responses.
- The possibility of Councillors submitting formal questions to Cabinet on executive business being explored with the Leader of the Council.

Following discussion, it was,

Resolved:

To recommend the Standards Committee to recommend Council as follows:

- 1) not to limit the number of questions or motions a member may submit;**
- 2) Not to change the deadline for submission of questions or motions on notice at this stage but to keep the position under review and bring this back to the Focus Group for further consideration in due course. In the meantime to encourage Councillors to submit questions in particular, in advance of the deadline as far as possible to maximise the time available to prepare responses and in the case of motions, to prepare reports to assist Council in its consideration of them where appropriate;**
- 3) Not to introduce a time limit for questions and motions;**
- 4) Not to differentiate between operational and non-operational questions;**
- 5) To require motions on notice to contain a clear separation between the preamble setting out background information to the motion and the action being sought; and to ask officers to prepare background reports for motions on notice where possible and guidance to assist members in drafting motions;**
- 6) To note that the Chairman in keeping with his role to manage the efficient transaction of business at meetings, had agreed to place questions and notices of motion further down the agenda, after substantive business, in particular items on the budget and policy framework and having regard to the agenda as a whole.**