

**COUNCIL – PUBLIC QUESTION TIME**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **27th September 2018**

*From:* **LGSS Director of Law & Governance  
and Monitoring Officer**

*Purpose:* **To consider proposed changes to rules relating to public  
questions to Council and Committees/Sub-Committees.**

*Recommendation:* **The Constitution and Ethics Committee is asked to  
consider amendments to the Constitution, as set out in  
bold in Appendices 1 and 2, and recommend any changes  
to full Council, if appropriate.**

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## **1. Background**

- 1.1 Section 9.3 of the Council's Procedure Rules, as contained within the Constitution, provide an opportunity for up to four members of the public to ask questions at meetings of the County Council, excluding extraordinary or special meetings of the Council and the first annual meeting of a new Council, to the Leader of the Council and the Chairman/woman of any Committee.

### Repeat Questions

- 1.2 Neither Section 9.3 of the Council's Procedure Rules, nor Section 9.1 of the Procedure Rules for Committee and Sub-Committee meetings provide any restrictions on repeat questions.
- 1.3 The Petitions Scheme, set out in Section 9.4 of the Council's Constitution, makes clear that petitions will not normally be considered within six months of another petition on the same matter having been considered by a committee of the Council.

### Number of Questions Exceeding Limit Set for Council

- 1.4 There are occasions when the number of requests from the public to ask questions exceeds the set limit of four. One such occasion was the Council meeting of 17 October 2018 where twelve questions were submitted in relation to the item on Children's Centres. In that instance, the Chairman exercised her discretion and allowed the limit to be exceeded.

### 1.5 Scope of Public Questions

The Council Procedure rules do not provide any grounds for the Monitoring Officer to accept or reject a public question.

## **2. Proposed Change to Constitution**

### Repeat Questions

- 2.1 Many Councils have restrictions relating to repeat questions within in a specific timeframe. It is therefore proposed to add the following to the Council Procedure Rules:

*A question which is substantially the same as a question which has been put at a meeting of the Council in the past six months will not be allowed.*

The wording, as amended for Committees and Sub-Committees, will also be added to that procedure.

### Number of Questions Exceeding Limit Set for Council

- 2.2 It is proposed to amend the Constitution to confirm that if more than four members of the public apply to speak, questioners will be invited to defer their question to the next meeting. It is also proposed that the Council adopt the provision for excess speakers as detailed in Section 9.2 of the Procedure Rules for Committee and Sub-Committee meetings:

*“the Democratic Services Officer will ensure that all steps are taken to inform the “unsuccessful” speakers in advance and a written reply will be sent within ten working days after the meeting.”*

The discretion available to the Chairman/woman to exceed the limit in exceptional circumstances remains unchanged. It is proposed to add the following wording to Council Procedure Rules:

*(Any decision to exceed the limit, in exceptional circumstances, will be at the discretion of the Council Chairman/woman.)*

#### Scope of Public Questions

- 2.3 There may be occasions when it is not appropriate to accept a public question. It is therefore proposed to add the following wording to the Council Procedure Rules:

If the Monitoring Officer considers a question:

- is not about a matter for which the local authority has a responsibility or which affects the County;
- is illegal, improper, defamatory, frivolous or offensive; or
- requires the disclosure of confidential or exempt information.

he or she will inform the Chairman/woman who will then decide whether or not to reject the question.

Source Documents	Location
Council's Constitution	<a href="http://tinyurl.com/Constitution-CCC">http://tinyurl.com/Constitution-CCC</a>