

**COUNCIL – ORAL QUESTIONS BY MEMBERS**

**To:** Constitution and Ethics Committee

**Meeting Date:** 24th November 2016

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

**Purpose:** To consider the arrangements for oral questions at full  
Council meetings.

**Recommendation:** The Constitution and Ethics Committee is asked to review  
the current arrangements for oral questions at full Council  
and recommend any amendments to the Constitution to  
full Council, if appropriate.

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## 1. BACKGROUND

- 1.1 The Constitution, Part 4 – Rules of Procedure, Part 4.1 – Council Procedure Rules, Section 9 – Questions by Members, states the following:

### 9.1 *Oral Questions*

A member of the Council may ask any member of the Council who has a position of responsibility i.e. Leader of the Council, Group Leaders, Chairmen/women, Vice-Chairmen/Women, Spokesmen/women, Council representatives on Outside Bodies, Partnership Liaison and Advisory Groups and Internal Advisory Groups and Panels a question on any matter discussed at a Committee meeting, relevant to the business of the Council, or matter which affects the County of Cambridgeshire excluding extraordinary or special meetings of the Council and the first annual meeting of a new Council. The maximum time allowed for these questions and answers will be 60 minutes. Members shall have up to two minutes in which to ask the question.

An answer to an oral question may take the form of:

- (i) A direct oral answer of up to a maximum of two minutes.
- (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication.
- (iii) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and made available to all members of Council and to the public.

A member asking an oral question under Rule 9.1 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and shall be limited to a maximum of one minute. An oral response will be limited to two minutes.

All questions:

- must be relevant to matters for which the Council has powers or duties
- must not relate to an item which is included elsewhere on the County Council agenda (e.g. in a matter for decision or report from Committee or relating to a motion on the agenda) as they can be raised at that point in the meeting.
- should be limited to obtaining information or pressing for action.

Questions should not:

- be incapable of being adequately answered in two minutes
- contain offensive expressions
- divulge, or require the answer to divulge, confidential or exempt information.

Any facts on which a question is based should be identified briefly when the question is asked. Members may be asked to verify authenticity of any factual statement.

1.2 The Constitution and Ethics Committee at its meeting on 4th February 2016 considered, as part of a Mini Review of Governance Procedures, the issue of oral question time in detail. Some Members were of the view that oral questions should be replaced with written questions, which would be published on the Council's website before the meeting of Council. In discussion, it was felt that the current system had worked well under the old governance arrangements but was not appropriate for the new Committee System. On balance, the Committee agreed by a majority that the following should be recommended to full Council:

- i) that the procedure for Oral Questions by Members at Full Council be removed, and
- ii) the limit on the number of written questions submitted to a Full Council meeting be removed.

1.3 At full Council on 22nd March 2016, Councillor Count proposed the following amendment to the recommendation from Constitution and Ethics Committee, seconded by Councillor Hickford, which was agreed unanimously.

Additions in bold and deletions shown in strikethrough

Amend the recommendation as follows:

It is recommended that Full Council approve the amendments to the Council's Constitution, ~~as recommended by the Constitution and Ethics Committee~~, as follows:-

- iii) that the procedure for Oral Questions by Members at Full Council ~~be removed~~ **should allow for questions to be asked of any member of the Council who has a position of responsibility i.e. Leader of the Council, Group Leaders, Chairmen/women, Vice-Chairmen/Women, Spokesmen/women, Council representatives on Outside Bodies, Partnership Liaison and Advisory Groups and Internal Advisory Groups and Panels, and**
- iv) the limit on the number of written questions submitted to a Full Council meeting **should remain** ~~be removed~~.

## 2. COUNCIL MEETING – 18 OCTOBER 2016

2.1 At the meeting of Council on 18 October 2016, two oral questions were asked of the Council's representative, Councillor Bates, on the City Deal Executive Board. The Council's Constitution permits questions to Council representatives on Outside Bodies.

2.2 The Chairman of the Council raised concerns regarding the nature of the questions and in particular, whether Councillor Bates was actually a representative of an Outside Body. His view was that Councillor Bates was part of a separate decision making body. He was also of the view that the appropriate place to ask these questions was at the City Deal Executive Board. The County Council should only receive questions about the representative's role as a County Councillor on the Board rather than as part of the Executive Board making decisions at the City Deal. He suggested that further legal thought was needed.

- 2.3 Councillor Scutt, Vice-Chairwoman of Constitution and Ethics Committee, suggested that the Chairwoman of the Constitution and Ethics Committee, in conjunction with the Monitoring Officer, might wish the Constitution and Ethics Committee to consider it in greater detail.
- 2.4 The Constitution states that a member of the Council can ask a question. The first question put to Councillor Bates at full Council was a question requiring a factual answer which would therefore be permitted under the current Constitution:

*This is a question to Councillor Bates in his position as our member on the City Deal Executive Board. There's been a statement recently from the Chair of the City Deal Board, Councillor Lewis Herbert, that as part of the proposals for Milton Road, mature trees will be put back or replaced in some way if the final decision is to cut them down. My understanding of the City Deal terms is that they are very specific about what City Deal money can and can't be spent on, especially talking about transport schemes. Has he or the Board received specific confirmation that City Deal money can be spent on mature trees?*

- 2.5 The second question put to Councillor Bates was not a question requiring a factual answer but one requiring an opinion. It should therefore have been disallowed.

*Councillor Bates. There's considerable unease about the City Deal Phase 1 proposals. This comes from business people who see them as obstructive, from those who commute to work in the City who see them as adding expense with little benefit and from residents, who just see irreversible damage to the public realm. This has been evidenced by protest marches and meetings, petitions, a poll in the Cambridge News and our MPs calling for a rethink. I would not be surprised if the current consultation does not add further reinforcement to this position. Does Councillor Bates agree with me that, given this broad public concern, it would be appropriate for the City Deal Executive Board to show real leadership and to pause, before going ahead and maybe spending £100,000,000 quickly and badly?*

### 3. DISCUSSION

- 3.1 The Committee is asked to consider the following options:
- a) to remove questions to Council representatives on Outside Bodies, Partnership Liaison and Advisory Groups and Internal Advisory Groups and Panels.
  - b) to reinforce in the Constitution the need for oral questions to require a factual response rather than an expression of opinion.
  - c) to make no change to the Constitution.

Source Documents	Location
Council's Constitution	<a href="http://www.cambridgeshire.gov.uk/info/20050/council/structure/288/councils_constitution">http://www.cambridgeshire.gov.uk/info/20050/council/structure/288/councils_constitution</a>
Agenda and Minutes of full Council and Constitution and Ethics Committee meetings	<a href="https://cmis.cambridgeshire.gov.uk/ccc_live/Committees.aspx">https://cmis.cambridgeshire.gov.uk/ccc_live/Committees.aspx</a>