

Governance Committee

Wednesday, 17th April, 2024, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

Agenda

1 Apologies for absence

2 Declarations of Interest

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

3 Constitution Update - Questions to Council

(Pages 3 - 8)

Report of the Director of Governance attached.

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Governance Committee Councillors Wesley Roberts (Chair), Damian Bretherton, Peter Gabbott, Pete Pillinger, Margaret Smith, Angela Turner and Deborah Ashton (Vice-Chair)

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Thursday, 23 May 2024 - Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

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Agenda Item 3



Report of	Meeting	Date
Monitoring Officer	Governance Committee	Wednesday 17 April 2024

Constitution Update - Questions to Council

Is this report confidential?	No
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Is this decision key?	Not applicable
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Purpose of the Report

1. To receive and consider proposed amendments to the Councils Standing Orders in relation to Questions to Council.

Recommendations

2. The Members make a recommendation to Full Council to adopt changes to standing order 13 as detailed in the Report to Council (Appendix A) and any other changes proposed by Committee.

Reasons for recommendations

3. The reasons are detailed in the Report at Appendix A.

Other options considered and rejected

4. It is open for members to reject any changes or to propose amendments which enable council business to be discharged.

Corporate priorities

5. The report relates to the following corporate priorities: (Please bold one)

An exemplary council	Healthy and happy communities
Opportunities for everyone	Green and clean neighbourhood

Background to the report

Agenda Item 3

6. A report was presented to Council on 27 March proposing to amend standing order 13 of the Constitution, relating to Questions to Council. This report was referred to Governance Committee for consideration of the proposed changes.
7. The report is attached at Appendix A.

Additional Proposals

8. It has already been requested that the proposal be amended to include permission to include a supplemental question. As this has been raised “cross-party” it is suggested the following wording could be included

A Member who has received an answer to a question given on notice may ask one supplementary question arising from the answer given.

9. The group leaders have also been contacted and requested to provide observations and suggestions and these will be provided to committee when received. It is hoped this will assist Committee in their considerations.

Climate change and air quality

10. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

11. These are considered in the report at Appendix A.

Comments of the Statutory Finance Officer

12. There are no financial implications of this report.

Comments of the Monitoring Officer

13. Detailed in the Report at Appendix A.

Appendices

Appendix A Report to Council of 27 April 2024

Report Author:	Email:	Telephone:	Date:
Chris Moister (Director of Governance)	chris.moister@southribble.gov.uk		4 April 2024

Report of	Meeting	Date
Director of Governance and Monitoring Officer (Introduced by Leader of the Council)	Council	Wednesday, 27 March 2024

Amendment to Standing Orders: Questions to Council

Is this report confidential?	No
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Purpose of the Report

- To seek approval of amendments to Standing Orders in relation to the submission, receipt and response to Questions from Members at Full Council.

Recommendations to Council

- That members adopt the following changes to Standing Orders to be implemented from the Annual Meeting in the municipal year 2024/25
 - That existing text for Standing Order 13 be deleted;
 - That the proposed text for Standing Order 13 outlined at paragraph 14 below be adopted.

Reasons for recommendations

- The existing standing order permits significant rights to members to ask questions without notice. This limits the effectiveness and benefit of the questions, often meaning that they cannot be answered immediately.
- Further, the existing standing order contains no real time limitations, with significant meeting time being spent on this agenda item. This can be to the detriment of the consideration of the reports being presented for consideration and debate.
- The proposed amendments will focus questions on business before the council, which has been evidenced by reports and/ or matters of borough importance.
- The requirement to place questions in writing seeks to ensure that a detailed response can be given quickly.

Other options considered and rejected

- It was considered to :-
 - Not change the constitution – this would not address the issues highlighted in the report; or

- b. Reduce the scope of the proposed changes to permit without notice questions to be raised on matters not on the agenda. This was rejected as there are a number of other avenues for members to raise issues with council.

Corporate priorities

5. The report relates to the following corporate priorities:

An exemplary council	Healthy and happy communities
Opportunities for everyone	Green and clean neighbourhood

Background to the report

- 6. Members have requested that a change to the constitution be considered in relation to questions for Council, Standing Order 13.
This request follows changes previously recommended by the Centre for Governance and Public Scrutiny and implemented by the Council.

Questions to Council

- 7. The current rule on Questions to Council is contained at Standing Order 13 of the Constitution.
- 8. It contains very broad rights for questions to be placed to the Leader and Executive Cabinet. It identifies questions may be on Notice (SO 13.2) and sets out a procedure for submission; or without Notice (SO 13.3) which confirms in such a case no immediate answer need be given.
- 9. SO 13.4 confirms the scope of the permitted questions, which only limits them to matters which are the responsibility of the Executive Member to whom they are addressed.
- 10. Supplementary Questions are permitted (SO 13.6) and whilst each question provides a time limit of 5 minutes (3 minutes for the substantive question SO 13.5 and 2 minutes for a supplemental SO 13.6). There are no limits on the number of questions that can be asked, nor a limit on the time this agenda item is permitted to take.
- 11. The form of responses to questions with Notice are confirmed at S) 13.7 which may be verbal, a direction to a published document or by written response circulated to the questioner and all members after the meeting.
- 12. Finally, SO 13.8 permits the Mayor, in consultation with the Chief Executive to refuse to accept questions in certain circumstances.
- 13. Members have rights to question Council, or in particular the Executive Cabinet in a number of committees, including Cabinet itself in which all Councillors are invited to attend and raise questions on reports presented and Scrutiny Committee. On Council agendas are the Reports of Executive Cabinet which provide a further opportunity to question Cabinet on their business and the reports of other committees where a similar opportunity arises. Finally, there are the business reports of the council for decision where all members have the right to participate in the debate and test the decision before them. The current arrangements for Member Questions to Council duplicates these opportunities unnecessarily.
- 14. It is proposed therefore that the existing wording for Standing Order 13 be deleted and the following adopted from the Annual Meeting in May 2024;

13 Questions from Members

13.1 Questions without Notice

13.1.1 *When a report of the Executive or a Committee of the council is under consideration or being received at a meeting of the council, a member may, without prior notice, as a question upon an item within the report. No supplemental questions may be asked and any further questions must relate to a different item in the report.*

13.1.2 *A response will be provided by the Executive Leader, Committee Chair or other member submitting the report of moving its acceptance.*

13.1.3 *The Member to whom the question is put may decline to answer, or if they consider it appropriate, and with their agreement, refer it to another member for response.*

13.2 Questions with Notice

13.2.1 *A Member may ask a question on any matter in relation to which the Council has powers or duties or which affects the Borough but must first give notice in accordance with 13.2.2 below.*

13.2.2 *Notice of any Question must be in writing and state the full wording of the question and should identify to whom it is addressed either the Mayor, Executive Leader, a Member of the Executive Cabinet or relevant Committee Chair.*

13.2.3 *Notice must be given to the Chief Executive and be received by him at least 1 clear day before the date of the meeting (under the existing practice of Council Meetings on a Wednesday at 6pm, Questions must be received by the Chief Executive no later than 5pm on the Monday preceding the meeting).*

13.2.4 *The Question shall be put at the meeting and answered without discussion.*

13.2.5 *The Member to whom the question is put may decline to answer or refer the question to another member. In the absence of the Member to whom the question is put a written response will be provided.*

13.2.6 *The answer to the question put will usually be in writing circulated to all members after the meeting but may be in the form of*

(a) a direct oral answer; or

(b) a referral to a publication of the council or other published work.

13.3 Order of Consideration of Questions

13.3.1 *Questions with Notice will be presented to the Council meeting for consideration and response in the order received by the Chief Executive.*

13.4 Maximum time for Questions with Notice to Council

13.4.1 *The maximum time permitted for question with Notice to Council under Standing Order 13.2 is 30 minutes. Any question unanswered at that time will receive a written response.*

13.5 Mayoral Discretion

13.5.1 *The Mayor, in consultation with the Chief Executive, and in exceptional circumstances may*

- (a) *accept late questions where they deem it to be of importance to the Borough;*
and
 (b) *decline to accept questions which are deemed out of order which include being vexatious, abusive or otherwise inappropriate, or have been asked and answered within the preceding 6 months.*

15. The proposed amended wording permits without notice questions on matter already before the council meeting. Questions put on notice can be constructively responded to in an efficient and effective manner with the issues raised being properly addressed.

Climate change and air quality

16. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

17. There are no adverse implications under this heading. If a member has a particular need to raise questions in a particular way this can be addressed under the Mayoral Discretion.
18. The suggested approach seeks to promote inclusivity with the requirement to provide copies of questions to members on notice enabling all members to engage with each other on a fair and balanced basis.

Comments of the Statutory Finance Officer

19. There are no direct financial implications arising from this report.

Comments of the Monitoring Officer

20. The report proposes changes to the constitution which would normally be considered by Governance Committee. However, the changes as explained in the report are narrow in nature and whilst they may limit the ability to ask question of council it does not remove it and the limitation applies only to the part of the Council Agenda and not in other committees or agenda items.

Background documents

There are no background papers to this report.

Report Author:	Email:	Telephone:	Date:
Chris Moister (Director of Governance)	chris.moister@southribble.gov.uk	01257 515160	February 2024