

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 6
9 MARCH 2022	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Cereste, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

COUNCIL QUESTIONS PROCESS – WARD SPECIFIC QUESTIONS

RECOMMENDATIONS	
FROM: <i>Director of Law and Governance</i>	Deadline date: <i>N/A</i>
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Consider whether the process for Cabinet Member responding to questions on notice from Members at Full Council, as set out in Council Standing Orders, meets current requirements and recommend any changes to Full Council as appropriate. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Constitution and Ethics Committee following a request from Councillor Sandford.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is for the Committee to consider the process for dealing with questions from Members at Full Council, particularly questions that are ward-specific.

2.2 This report is for Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1, '*Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.*'

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

Current Standing Orders

4.1 Council Standing Orders set out the current process for Questions by Members at Council at Standing Order 18:

“18.2 Questions on notice at full Council

18.2.1 Subject to Standing Order 17.4, a member of the Council may ask:

- the Mayor;
- the Leader or member of the Cabinet;
- the chair of any committee or sub-committee; or
- any representative of the Council on the Combined Authority.

up to two questions on any matter in relation to which the Council has powers or duties or which affects the City and one question on any matter in relation to which the Combined Authority has powers or duties.

18.2.2 Scope of questions

If the monitoring officer considers a question:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information;

he or she will inform the Mayor who will then decide whether or not to reject the question.

18.2.3 The total time allocated for Questions under this item shall be limited to 30 minutes for questions to the Mayor, Leader or member of the Cabinet, or the chair of any committee or sub-committee, and 15 minutes for questions to any representatives of the Council on the Combined Authority.”

“18.4 Notice of questions

A member may only ask a question under Standing Order 17.2 or 17.3 if either:

- a) they have given at least five working days notice in writing of the question to the monitoring officer;
- b) the question relates to urgent matters, they have the consent of the Mayor to whom the question is to be put and the content of the question is given to the monitoring officer by noon on the day of the meeting;
- c) the question is not substantially the same as a question which has been put at a meeting of the Council in the past six months.

18.5 Response

An answer may take the form of:

- a) a direct oral answer of up to three minutes;
- b) by reference to published material of the Council which is readily available to Members; or
- c) where the reply cannot conveniently be given orally, a written answer will be circulated later to the questioner.

18.6 Supplementary question

Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the Member who put the question shall be allowed one supplementary question of up to one minute, provided that it arises directly out of the original question or the reply and does not introduce any new subject matter. The supplementary question

will be asked and answered orally, but the person to whom the supplementary question has been asked will have up to two minutes to answer or may decline to answer.

18.7 Questions received should relate to broader matters that affect the Council. Any Ward specific questions will still receive a written response and be published in the minutes.”

- 4.2 The caveat that ‘Any Ward specific questions will still receive a written response and be published in the minutes,’ was added into Council Standing Orders in 2019, following debate at the Constitution and Ethics Committee and recommendation to Full Council. This was agreed as part of changes to ensure as much time as possible was available at meetings to debate reports and motions.

Overview of Past 3 Years – Ward Specific Questions

- 4.3 In 2019/2020 there were 3 questions considered to be ‘Ward Specific’ asked over the course of 2 separate meetings. These questions related to a speed limit introduction at Fullbridge Road, the adoption of the Roman Field estate, and parking in Clayton, Orton Longueville
- 4.4 In 2020/2021 6 ward specific questions were asked at 4 separate meetings on the adoption of roads at Manor Drive, Leisure facilities, specific biodiversity areas, community centres, Section 106 trigger points in Hampton, and footpath sweeping.
- 4.5 In 2021/22 (to date) 2 ward specific questions have been asked at the meeting held on 28 July 2021, in relation to planting beds and Gladstone park facilities.

Comments from Councillor Sandford

- 4.6 In requesting that the Constitution and Ethics Committee consider the process in relation to questions on notice from Members, Councillor Sandford made the following points:

‘I think we should consider removing the distinction between ward based and other questions. Councillors are elected to represent their wards so it seems perverse that ward questions are somehow seen as less important. And the [meeting held on 26 January 2022] indicates that the distinction is not always clear.’

- 4.7 The Questions and Answers Report for the meeting held on 26 January 2022 can be found here, from page 15 onwards:

[Link to Questions and Answers Report 26 January 2022](#)

5. CONSULTATION

- 5.1 No additional consultation has been undertaken at this point. Any recommendations from the Committee to amend the process would need to be submitted to Full Council for approval.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 The outcome of the Committee considering the matter will be for the questions on notice process to be maintained in an up-to-date and appropriate manner.

7. REASON FOR THE RECOMMENDATION

- 7.1 The Constitution and Ethics Committee is recommended to consider whether the current process for questions from Members at Full Council meets current requirements, following a request from Councillor Sandford.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The alternative option would be not to consider the process for questions on notice from Members at Full Council, which was dismissed, as it had been requested by a Member of the Council that the Constitution and Ethics Committee discuss the topic, and it is good practice to review Council processes on a regular basis.

9. IMPLICATIONS

Financial Implications

- 9.1 There are no financial, legal, equalities or carbon impact implications arising from this report.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Peterborough City Council Constitution – Council Standing Orders

11. APPENDICES

- 11.1 None.