



Committee and Date

Council
24th February 2022

Item

Public

Member and Public Questions Procedure

**Responsible
Officer**

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1. Synopsis

This report presents some proposals from the Constitution Working Group to improve public and member question time at Council/Cabinet/Committee meetings.

2. Executive Summary

As a result of various concerns being raised that the public and member question time process needed to be reviewed, the Constitution Working Group (made up of the Leader and Deputy Leader of the Council and the other Group Leaders) considered various issues and have proposed a number of recommendations as set out below.

3. Recommendations

That Council approve the Proposed Recommendations with regard to Issues 1 – 9 as set out in Section 4 below and to delegate authority to the Monitoring Officer to make any necessary amendments to the Constitution

REPORT

4. Issues Considered by the Constitution Working Group

Issue 1 – lengthy public and member question time at meetings

Question time often takes up a large percentage of meeting time – reducing the opportunity a committee has to focus on its primary business.

The Group acknowledge the importance of striking a balance between this issue and the need to ensure both the public and members have ample opportunity to ask their questions. It was agreed that it would be sensible to set a word limit for questions and following a debate it was agreed that this should be set at a maximum of 250 words. There was concern expressed that if the word count was set lower than this it might lead to more petitions/protests.

Proposed Recommendation: That questions are subject to a word limit of 250

Issue 2 - lengthy multi-faceted questions

Questions submitted by both public and councillors are often multi-faceted and contain a large number of questions and a lengthy preamble. These have been generally accepted to date without challenge

Members of the Council and members of the public are allowed to submit up to two questions each – this sometimes means the limit of 6 is reached and others are prevented from asking a question.

A guide will be produced to assist the public and members in asking effective questions.

Proposed recommendation: The constitution is amended to clarify that only one question may be submitted per person per meeting and that any multi-part questions will be refused if they do not all relate clearly to the main topic.

Issue 3 – different deadlines / time available to prepare responses

Questions often arrive close to the current deadline of 48 hours before the meeting for members of the public or two clear working days for members. This is a very limited amount of time for responses to be prepared and approved and can be extremely demanding on officers, diverting them from their immediate priorities. It was acknowledged by the Constitution Working Group that it is permissible for the response to a question to be late because of the exceptional circumstances making it difficult to collate an answer to the question, that it will be provided at the

following meeting

The Group agreed that different deadlines for members of the public and members of the council cause confusion

Proposed recommendations:

- The new deadline for members of the council and members of the public is **3 clear working days ahead of the meeting (i.e not counting the day the question is received or the day of the meeting)** (It was further agreed that there should be an option to ask an urgent question on less notice in an emergency situation (subject to approval by the Chief Executive))
- If a question relates to a report on the agenda and the report is published late, questions should be accepted for up to 24 hours after the report is published.

Issue 4 – Asking questions in person

If a member of the public or council is not present either physically or online, to ask their question (which is often because of the pandemic) the current practice is for an officer to read the question out on their behalf. This is quite a staid and lengthy process with the same voice reading out multiple questions and quite contrary to the interactive process which public question-time is meant to be. This can take up a significant amount of time at a meeting on a topic that may only be of interest/significance to a few. Various options will be offered to public questioners such as attending the meeting in person, using MS Teams and/or phoning into the meeting and it will only be if none of those are practicable, that the question will be read out by an officer.

Where possible, questions (and where available, the answers) will be displayed on screens in the relevant meeting

Proposed recommendations:

- That access to the public question time part of the meeting via Teams be permitted to members of the public, for an initial trial period of 3 months which will be made permanent if no ICT security or other concerns emerge during this time.
- If a member of the public or a member of the council is not able to attend the meeting either remotely or in person, their question will be read out on their behalf by an officer. All questions and responses provided will be made available on the webpage for the meeting.

Issue 5 – sight of questions and answers before and after meetings

For Cabinet, Scrutiny, Pensions and Audit Committee meetings, some members ask to see the questions and the responses before the meeting. Often the latter are approved and finalised only minutes before the meeting due to the timescales involved.

Sometimes Portfolio Holders or Chairs do not use the prepared response and respond on an ad hoc basis meaning the questioner cannot access the written response.

Proposed recommendations:

- Questions received are appended to the webpage following the deadline for submission. The answers to be added as soon as possible.
- If an ad hoc response is given, the questioner is directed to the recording of the meeting in addition to the written question

Issue 6 – No log in one place of questions previously asked

Members and officers may find it useful to check whether a question has been asked previously but it is currently not easy to check without looking back at each meeting

Proposed recommendation: A list of all questions and supplementary questions and responses provided (from February 2022 onwards) is made available in one document on the Members' Gateway. Questions for each meeting to continue to be published on each web page for the benefit of the public.

Issue 7 – recording of supplementary questions

Proposed recommendation: Supplementary questions will be referred to in the minutes (although not recorded in detail) and the questioner directed to the recording of the meeting. If further information is promised for outside the meeting, this will be added to the log of questions raised on the Members' Gateway.

Issue 8 – dealing with in excess of 6 questions

If more than 6 questions are received for a meeting, deferment to next meeting (or an alternative meeting if more appropriate) or a written response is offered.

Proposed recommendation: If a written response is requested, the question is added to the question log on the member gateway so it is obvious when a response has been provided

Issue 9 – Vexatious Individuals and Vexatious Questions

Currently there is no explicit prohibition within the Council Procedure Rules to prevent individuals classed as vexatious (because of their contact with the Council) from nevertheless submitting public questions. In addition, the Rules do not reference how to treat a question which might reasonably be regarded as vexatious in itself. Whilst the position in such circumstances can be implied from the Unreasonably Persistent and Vexatious Customers Procedure, in the interests of clarity, it should be made explicit within the Rules.

Proposed recommendation: individuals classed as vexatious because of their contact with the Council should be barred from asking questions. Provision should also be made for questions deemed vexatious in themselves to be rejected.

5. Risk Assessment and Opportunities Appraisal

- 5.1. There is a risk attached to allowing members of the public into meetings which are live streamed. Officers will be able to mute or remove participants from a meeting where there is cause for concern.
- 5.2. Making the amendments proposed is an opportunity to refocus debates and improve the interactive nature of the process.

6. Financial Implications

There are no financial implications resulting from these recommendations.

7. Climate Change Appraisal

There are no climate change implications resulting from these recommendations.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council Constitution – Council Procedure Rules

Cabinet Member (Portfolio Holder)

Lezley Picton, Leader

Local Member

n/a

Appendices

none