

Subject: Proposed Amendments to the
Constitution – Questions by Members

Status: For Publication

Report to: The Council

Date: 27th March 2007

Report of: Head of Planning, Legal and Democratic Services

Portfolio

Holder: Portfolio Holder for Finance and Risk Management

Key Decision: No – Constitutional Matter for Council

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To consider amendments to the Constitution in respect of Questions to Members

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report are linked to and support the following corporate priority: Equipping Councillors to fulfill their leadership role in the community by ensuring that the views of the local community are heard through raising questions at Council.

3. RISK ASSESSMENT IMPLICATIONS

3.1 Failure to adopt these amendments may lead to a lack of proper discussion at Council meetings.

4. BACKGROUND AND OPTIONS

4.1 Council Procedure Rule 10 states -

QUESTIONS BY MEMBERS ON NOTICE AT FULL COUNCIL

A Member of the Council may ask:

- The Member of the Council appointed to a Joint Authority and nominated by the Council as a spokesperson for that Authority.

- The Member of the Council appointed as the Council's representative on an outside body or partnership.
- The Chair of the Cabinet or of any Committee or Sub Committee any question in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms or reference of the Cabinet, a Committee or Sub-Committee.

4.2 QUESTIONS BY MEMBERS TO THE LEADER

4.2.1 Council Procedure Rule 10A states -

10.A.1 A Member of the Council may address a Question to the Leader, to be answered by the Leader or, in his or her absence, the Deputy Leader or such other Member of the Cabinet elected by them to answer the Question.

10.A.2 Only Questions, not statements, are permitted.

4.3. QUESTIONS TO MEMBERS OF THE CABINET

4.3.1 Council Procedure Rule 10B states -

10.B.1 A Member of the Council may address a Question to a Member of the Cabinet, provided the Member gives three working days notice to the Democratic Services Manager.

10.B.2 The Question is to be answered by the Portfolio Holder.

4.4. The Leader has asked for a Report to Council asking that the requirement for written notice be removed and that the opportunity for Supplementary Questions be introduced.

4.5. Not to change the Rules would not open up the questions to Members.

4.6. It is, therefore recommended that Council Procedure Rules 10,10A and 10B to be replaced by:

Council Procedure Rule 10

QUESTIONS BY MEMBERS

10.1 Subject to Council Procedure Rule 10.2, a Member of the Council may put a Question to -

The Leader

A Member of the Cabinet

The Chairman of any Committee or Sub-Committee

The Member of the Council appointed to a Joint Authority and nominated as Spokesperson for the Joint Authority

The Member of the Council appointed as the Council's representative on an Outside Body

The Question must be on any matter for which the Council has a responsibility or which affects the Borough.

A Member may give three clear working days notice of the Question to the Committee and Member Services Manager.

The Chairman shall determine the relevance and the number of Questions to be put.

10.2 Answers

10.2.1 An answer to a Question (Council Procedure Rule 10.1) or to a Supplementary Question (Council Procedure Rule 10.3) may take the form of:

- (a) A direct oral answer, or
- (b) Where the information is in a publication of the Council or other published work, a reference to that publication or other work, or
- (c) Where the reply cannot conveniently be given orally, a written answer circulated later to the Question or Supplementary Question

10.2.2 The Leader shall determine which Member shall answer a particular Question.

10.2.3 The person to whom a Question is put may decline to answer.

10.2.4 Every Question shall be put and answered without discussion

10.2.5 Only Questions, not statements, are permitted.

10.3 Supplementary Questions

10.3.1 A Member putting a Question under Council Procedure Rule 10.1 may, with the consent of the Chairman, put one Supplementary Question to the Member to whom the first Question was put. The Supplementary Question must arise directly out of the original Question or the answer.

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

5.1 There are no financial implications.

6. COMMENTS OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

6.1 As in this Report.

7. COMMENTS OF THE HEAD OF HUMAN RESOURCES

7.1 There are no Human Resources implications.

8. CONCLUSION

8.1 It is in the interest of good practice to amend the Council Procedure Rules.

9. RECOMMENDATION

9.1 That the Council be requested to amend Council Procedure Rules 10, 10A and 10B by replacing them with the new Council Procedure Rule 10 in accordance with this report.

10. CONSULTATION CARRIED OUT

10.1 None

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Background Papers	
Document	Place of Inspection
Council Procedure Rules	Futures Park, Bacup