

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP	
DATE:	18 October 2010

TITLE	Oral Questions at Council
REPORT OF	Mel Peaston, Acting Committee Services Manager

PURPOSE	To consider changes to the Council Procedures for Oral Questions
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ORIGIN OF PROPOSAL	Council meeting of 16 September 2010
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RECOMMENDATIONS:

- (1) that the Advisory Group considers which option or combination of options set out below it would like to adopt;
- (2) that in the event of selecting option A Removal of the requirement for Oral Questions to be written down, arrangements be put in place to pilot this approach at a Council meeting before recommending the associated changes to the Constitution, with a review of its success to be considered at a future Advisory Group meeting.
- (3) that if current procedure at Council whereby oral questions are accepted on reports, and not confined to recommendations, is to continue, the Constitution should be amended by adding the words "or report" after "recommendation" in Part B paragraph 12.1.1 as shown in Appendix A.

SUPPORTING INFORMATION

1. At the meeting of Council on 16 September, 2010 a comment was made about the way oral questions were prepared and a suggestion was made that the procedure could be improved.

Current Procedure

2. Oral questions are noted down by each Councillor on a piece of paper which they place in a box up to 5 minutes before the start of the Council meeting. At the appropriate point during the Council meeting questions are taken from the box one by one and in each case the relevant Councillor is invited to put their question.

Difficulties which may arise

3. There are difficulties at various stages of this process, as follows:
4.
 - Currently the questions are handwritten. An electronic solution has not (yet) been offered.
5.
 - Questions are in two categories: questions of the Leader, Deputy Leader and Portfolio holders (no more than 30 minutes); and questions of a Chairman of a Committee or member representing the Police or the Fire authority (no more than 15 minutes).
6. There is currently no means of distinguishing between the two kinds of question as they are removed from the box. Custom and practice has led to the Monitoring Officer assisting the Chairman by looking at the questions and checking which kind they are, and offering one from the correct category depending on what section of time the Council has reached.
7. This may detract from the intention to present a “without fear or favour” tone to the proceedings.
8. It is difficult to ensure that the time limits are not breached without keeping the two different kinds of question separate so that the first 30 minutes are devoted to the first kind of question and the last 15 minutes are devoted to the second.
9. The Constitution sets out the arrangements for oral questions at Part B5 paragraph 12.7.1 (detailed in **Appendix A**).

The Purpose of Oral Questions

10. The purpose of Oral Questions at Council is:
 - to assist the democratic process by enabling matters of interest to be raised openly “without fear or favour” and for the response to be a matter of record

- to demonstrate that Council, whilst sitting as a body, is in touch with matters of public interest and takes them seriously
 - to give the public an opportunity to see the full Council at work on matters of interest at each meeting.
11. Not only are the questions themselves a matter of importance, but the way that they are handled contributes to the theatre of a formal Council meeting. The procedures must enable the public to see questions handled in a clear and purposeful way.

Options to Consider

A: Removing the requirement for questions to be written down and instead the Chairman to ask for indication of a question (ie hands up)

12. This would have the advantages of:
- removing the need for questions to be prepared in advance – handwritten or typed – and placed in the box
 - there would be no public removal of questions from the box – so no need to check whether a question was of the right kind, possibly leading to an impression that questions were being vetted
 - the Chairman could first select people who had not previously asked a question until everybody who wished to had asked one, before calling on people who had a second question
 - the specific category of question could be called for by the Chairman within the appropriate section of time
13. but the following disadvantages:
- questions may not be so carefully thought out in advance as there would be no need to do so, and could be less clear as a consequence. This could lead to an appearance of muddle
 - any Chairman presiding over the “hands up” method of putting questions, where questions were not necessarily thought out and written down in advance, would need to be confident in their chairing skills to seek clarification if necessary, interject if questions were too lengthy or involved, inappropriate or over-political; and handle any matters of order
 - the possibility of more volatile meetings and any negative impression this may give to the public

- the theatre of the Chairman taking questions at random from a box, demonstrating the “without fear or favour” nature of putting questions, would be lost. Instead, the proceedings could be reminiscent of the classroom
 - the Chairman would have to select the order of people putting questions and could be subject to criticism as to his choices, particularly if the time ran out before all the questions had been put.
14. To achieve the removal of the requirement for questions to be prepared and put in a box for drawing out at random, the Constitution would need to be amended by the deletion of paragraph 12.7.1.5 at Part B5.

B: Discriminating between the 2 different kinds of questions by using 2 different colours of paper or card. (Questions could be handwritten on or stapled to a piece of paper of the right colour when placing them in the box before the meeting.)

15. This would have the advantages of:
- increasing clarity and transparency: the Chairman could pull out a question and put it aside in a measured and public way as the Council and the public would be able to see from the colour that it is of the category not currently being dealt with
 - maintaining the “without fear or favour” tone of the proceedings
 - questions would have benefitted from consideration during the drafting process, possibly gaining in clarity
 - maintaining the current arrangements which do not cause the Chairman any untoward chairing difficulties
16. Although there is no need to amend the Constitution, provisions could be changed to address the complaint that there is currently no provision for questions to be anything but handwritten.
- Members could print questions out in advance ready to attach to the correct coloured card (placed available next to the box) before putting them in the box.
 - Those Members who do not want to print questions at home could e-mail their question to Members Services or Committee Services in advance, who would print them out ready for the Member to attach the right coloured card and place in the box. (Responsibility for placing questions in the box should remain with Members.)

- Members may use the hot-desks available in Priory House to print out their questions whilst at Priory House and attach to the coloured card and place in the box.
 - Correctly coloured proformas would be available on which Members could handwrite their questions if they wish.
17. There would be no need to amend the Constitution to discriminate between the kinds of questions using colour as the Constitution currently only requires the documentation “on the relevant pro forma”.

C: Removing the distinction between different types of question by requiring that all questions on Fire or Police Authority matters are taken when the report from that authority is received.

18. Currently under Part B5 paragraph 3.2.1.9 (set out at **Appendix A**) the Constitution provides for questions to be asked on recommendations contained within reports of the Executive and the Police and Fire Authorities.
19. This could be amended to enable all questions on the Police and Fire Authorities to be taken when their reports are considered, whether or not there are any recommendations in them. Questions in relation to any Executive recommendations would be taken at the appropriate point on the agenda, and other questions relating to the Executive would be referred to the appropriate portfolio holder under the procedure for Oral Questions.
20. It would be appropriate to put a time limit on the period available for questions on matters relating to the Fire and Police Authorities functions. 10 minutes is suggested. An amendment to provide for this is included in new para 3.2.1.10 as shown in **Appendix A**.
21. Currently, custom and practice is that hands are raised to ask questions relating to the Police and Fire Authorities.
22. Consideration could be given to continuing with this practice or to using a colour coded procedure for questions to be drafted before the meeting.
23. If questions on Fire and Police matters may only be asked when those reports are presented, the provision for oral questions relating to these authorities at B5 12.7 must be removed.
24. Separating out these periods when oral questions are permitted would have the advantages of:
- providing clarity about when questions relating to the Fire and Police authorities are permitted, and the period of time available for them

- (if continuing to raise hands to ask questions) removing the need to distinguish between the two different types of question during the period for Oral Questions; this would mean a colour coded process would not be necessary and there would be no pressing need to change the current arrangements for Oral Questions .

25. There are no clear disadvantages of taking this course of action.

Pilot Process

26. It is suggested that if Members are minded to choose Option A Removal of the requirement for oral questions to be drafted in advance, that rather than proceeding directly towards a recommendation to Council to amend the Constitution, the approach is piloted at a Council meeting. The Advisory Group could then review how successful the pilot had been and move to appropriate action accordingly.

Additional amendment to reflect current procedure

27. Currently the Chairman does not confine oral questions to recommendations of the forums mentioned in paragraph 12.1.1 but allows questions on reports. If this procedure is to be accepted the wording in paragraph 12.1.1 should be amended as shown in **Appendix A** by the addition of the words “or report” after the word “recommendation”.

Contact Officer Details:
Mel Peaston Acting Committee Services Manager Tel: 0300 300 6076

Key Background Papers:
None