

Committee:	Governance, Audit and Performance Committee	Date:	Monday, 22 November 2021
Title:	Review of pilot scheme Rule 2.4: Time permitted for questions to the Executive and Committee Chairs		
Report Author:	Ben Ferguson, Democratic Services Manager bferguson@uttlesford.gov.uk		

Summary

1. At the Annual Council meeting held on 18 May 2021, Members approved a pilot scheme in relation to [Rule 2.4 – 'Time permitted for questions to the executive and Committee Chairs'](#) at Full Council meetings.
2. It was agreed to trial the scheme for two Full Council meetings. The scheme was trialled at the meeting held on 20 July 2021, and was trialled for a final time at the meeting on 5 October 2021.
3. At the [Governance, Audit and Performance Committee \(GAP\) meeting held on 28 September](#), Members agreed to establish a Task & Finish Group to review the pilot scheme and make a final recommendation to GAP regarding Rule 2.4.
4. The Task & Finish Group was composed of Councillors Driscoll, Emanuel and Khan. A fourth member was not appointed.
5. The Task & Finish Group considered a report regarding the pilot scheme and summarising the headline areas to be reviewed. The report is attached as Appendix B.
6. The headline areas for review included:
 - a. The provision of supplementary questions instead of clarification questions.
 - b. Whether a formal mechanism is required that allows follow-up questions to be asked/published if they are not reached within the 30 minutes.
 - c. To allow questions on matters that have occurred on the day of the meeting. Currently, 9.00am on the day off the meeting is the cut-off for urgent questions.
 - d. Whether non-urgent oral questions are to be permitted, alongside written questions.
7. The Task & Finish Group met on 8 November 2021. A summary of their comments can be found in the background section of this report.

8. The Group considered the piloted Rule 2.4 and associated protocol and have made a recommendation to GAP. The amended Rule and protocol have been attached as Appendix A. Tracked changes have been left on to highlight the changes proposed.
9. The Group recommends that a mechanism be introduced to incorporate written responses to urgent oral and clarification questions that are not answered at the meeting itself. GAP are asked to determine whether written responses should be published within 5 or 10 working days after the meeting has taken place.
10. GAP are asked to recommend the revised Rule and protocol to Full Council. The recommendation will be brought to the Full Council meeting on 7 December 2021.

Recommendations

11. That the Committee recommends to Council that the Constitution be amended in regards to Rule 2.4 of the Council Procedure Rules and the associated protocol as set out in Appendix A to this report, subject to resolving whether written answers be provided after the meeting within 5 or 10 working days.

Financial Implication

12. None.

Background Papers

13. [Full Council report considered on 18 May 2021 and appendices \(Item 14\).](#)
14. [Governance, Audit and Performance Committee report considered on 28 September](#)

Impact

- 15.

Communication/Consultation	The Task & Finish Group initially met on 26 February to discuss the options available. Their proposals were subsequently considered and recommended for approval by both GAP and Full Council. A further Task & Finish Group met on 8 November to consider the pilot scheme and to make final recommendation to GAP.
Community Safety	None
Equalities	None
Health and Safety	None

Human Rights/Legal Implications	Notice of questions will allow for advance consideration of any legal implications.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	The workplace impact of collating written questions and answers will continue to be monitored.

Background

16. The Task & Finish Group met on 8 November to discuss the draft Rule and protocol. There was complete agreement between the three Members that the pilot scheme was an improvement on the previous Question Time procedure and that minor revisions were needed, rather than full scale changes.
17. Specifically, there was support for the written question and answer aspect of the procedure, as the Group felt that the quality of answers provided at Full Council had greatly improved and there were fewer questions that required answering outside of the meeting.
18. It was understandable that the piloted scheme had worked far better at the second trial meeting on 5 October as Members had become more familiar with the process.
19. Members discussed the headline areas for review relating to the pilot scheme.
20. **The provision of supplementary questions instead of clarification questions** – the Group considered the issue of follow-up questions and whether there was a need to permit any supplementary question, as opposed to a question of clarification relating to the written response as currently allowed. There was a consensus that the Rule on questions of clarification should remain unchanged; providing notice of questions had led to informed and detailed answers but, by permitting follow up questions that were not related to the written response, there was a risk of going back to a situation whereby a high number of answers would be provided after the meeting had taken place. This was of no benefit to the public and follow up questions should continue to be limited to questions of clarification.
21. **Whether a formal mechanism is required that allows follow-up questions to be asked/published if they are not reached within the 30 minutes** – the Group considered whether a formal mechanism should be put in place to deal with questions of clarification that had not been reached within the 30 minutes designated for Question Time. Members agreed that a mechanism should be introduced and the amendment can be found at point 1.1. Appendix B. In short, questions of clarification which were not reached within the 30 minutes could be submitted the day following the meeting. Written responses would then be circulated and published on the website within 5 or 10 working days. The Group asks GAP to decide on whether answers should be provided within 5 or 10 working days. During this discussion, the Group also requested that the same mechanism be extended to any response that could not be given at the meeting itself. The amendment can be found at clause iv point 1.4. Appendix B.

22. **To allow questions on matters that have occurred on the day of the meeting. Currently, 9.00am on the day of the meeting is the cut-off for urgent questions** – the current scheme stipulates that urgent oral questions need to be provided no later than 9.00am on the day of the meeting. The Group discussed this issue and agreed it was conceivable that matters could arise on the day of a meeting which would warrant a question at Full Council. The Group hoped such cases would be extremely rare and were reassured that the Chair had a role in consenting to urgent questions. Therefore, the Group agreed to allow scope for late questions where it was not possible to anticipate the question before the deadline of 9.00am on the day of the meeting. The amendment can be found at point 1.3 Appendix B.
23. **Whether non-urgent oral questions are to be permitted, alongside written questions** – the Group discussed the issue of whether oral questions should be permitted alongside written questions and the consensus was that they would not add any value to the current process. There was already a provision for urgent oral questions and oral questions of clarification, which provided a degree of dynamism during Question Time, but the priority should be ensuring that well informed and detailed answers were produced in the public interest. The point was raised that the written question procedure would become redundant if non-urgent oral questions were re-introduced.

Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
That the current Rule provides elected members insufficient time to ask questions of the executive and Committee Chairs.	3	3	To extend question time to 30 minutes as recommended.
That the pilot scheme is not fit for use at UDC and/or incompatible with the culture at UDC.	3	3	The scheme has been piloted for two trial meetings and views and comments have been collated. The scheme has been reviewed by the Task and Finish Group and minor improvements have been recommended.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.