

## QUESTIONS BY MEMBERS AT MEETINGS OF THE EXECUTIVE

### 1 PURPOSE OF REPORT

- 1.1 The Council is asked to consider a proposal by the Leader of the Council, Cllr M J Steptoe, to introduce the opportunity for non-Executive Members to raise questions at meetings of the Executive.

### 2 BACKGROUND

- 2.1 Cllr Steptoe addressed the Review Committee at its meeting on 11 June 2019 and advised that he wished to make meetings of the Executive more inclusive for non-Members of the Executive. He proposes the introduction of arrangements that would allow all Members of the Council to raise questions at Executive meetings.

### 3 QUESTIONS ON NOTICE

#### Proposals

- 3.1 All Members of the Council shall be able to ask questions at meetings of the Executive of Portfolio Holders on their area of responsibility under the agenda item 'Questions on Notice from Councillors', in accordance with the provisions set out below.
- 3.2 There will be a maximum of 3 Member questions at each meeting of the Executive; the total time for questions (including supplementary questions and responses, and any clarification) shall not exceed 30 minutes.
- 3.3 Members can raise questions on behalf of their constituents. Members of the public would be able to contact their Ward Councillor to request that a question be raised on their behalf; this facility would be publicised as appropriate.
- 3.4 Questions must be notified in writing or by electronic mail to the Managing Director no later than midday 2 working days before the day of the meeting and must relate to items that are on the agenda for that meeting.
- 3.5 A Member asking a question may ask one supplementary question without notice. The supplementary question must arise directly out of the original question or the reply.
- 3.6 If the Portfolio Holder is unable to provide an answer at the meeting, a written answer will be provided within 5 working days following the meeting.
- 3.7 A question may be rejected, both at Full Council and the Executive, if it is substantially the same as a question that has been put at a meeting of the Full Council or the Executive in the previous six months.

- 3.8 Draft wording for inclusion in Part 4 of the Council's Constitution, Executive Procedure Rules, showing the proposed changes, is attached as Appendix 1.
- 3.9 As a result of the proposals, Council Procedure Rules 10 and 12: Questions by the Public, paragraph 10.5, and Questions by Members, paragraph 11.2, respectively, have been amended to show that a question may be rejected if it 'is substantially the same as a question which has been put at a meeting of the Council or the Executive in the past six months'. These amendments are shown in appendix 2.

#### **4 RESOURCE IMPLICATIONS**

- 4.1 No resource implications arising out of this report.

#### **5 LEGAL IMPLICATIONS**

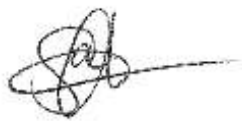
If agreed, the Constitution will be amended accordingly.

#### **6 EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

#### **7 RECOMMENDATION**

- 7.1 It is proposed that Council **RESOLVES** that the changes proposed in the report that will allow all Members of the Council to raise questions on notice at meetings of the Executive be agreed.



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#### **Background Papers:-**

None.

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If you would like this report in large print, Braille or another language please contact 01702 318111.



## **Executive Procedure Rules**

## **EXECUTIVE PROCEDURE RULES**

### **1. Executive Decisions**

#### **1.1 Who May Make Executive Decisions?**

Functions which are the responsibility of the Executive may be exercised by the Leader. The Leader may also delegate authority to exercise those functions to the extent he/she wishes:-

- i) to the Executive as a whole;
- ii) to a Committee of the Executive;
- iii) to an individual Member of the Executive;
- iv) to an officer;
- v) to joint arrangements; or
- vi) to another local authority.

#### **1.2 Delegation by the Executive**

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's Scheme of Delegation. The document presented by the Leader must contain the following information in so far as they relate to executive functions:

- i) the names, addresses and Wards of the people appointed to the Executive by the Leader;
- ii) the extent of any authority delegated to those Executive Members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of any such Executive Committees as the Leader appoints and the names of the Executive Members he/she appoints to them;
- iv) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of any Executive Member appointed to any joint committee for the coming year; and
- v) the nature and extent of any delegation of executive functions to officers with details of any limitation on that delegation and the title of the officer to whom the delegation is made.

#### **1.3 Sub-delegation of Executive functions**

- (a) If the Leader delegates functions to the Executive, and unless he/she directs otherwise, then the Executive may delegate further to a Committee of the Executive, to an officer, to any joint arrangements or to another authority.

- (b) If the Leader delegates functions to a Committee of the Executive, and unless he/she directs otherwise, then the Committee may delegate further to an officer.
- (c) Where Executive functions have been delegated, the fact does not prevent the discharge of delegated functions by the person or body who delegated them.

#### 1.4 The Council's Scheme of Delegation and Executive Functions

The Council's scheme of delegation will be adopted by the Council at its annual meeting. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

During the year amendments to the Scheme of Delegation in relation to executive functions may be effected as follows:

- (a) The Leader may amend the Scheme of Delegation of executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer and report these changes to the next ordinary meeting of the Council. Where the Leader wants to withdraw or amend delegation to a Committee, notice will be served on that Committee when it is served on its Chairman.
- (b) The notice will set out the extent of the proposed amendments to the Scheme of Delegation, and whether this entails the withdrawal of any delegation from any person, body, Committee or Executive as a whole. The amendments will take effect on the service of the notice on the proper officer.

#### 1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

#### 1.6 Executive Meetings

The Executive will meet at least four times a year at times to be agreed by the Leader. The Executive shall meet at the Civic Suite offices or another location to be agreed by the Leader.

#### 1.7 Public/Private Meetings of the Executive

The Access to Information Rules in part 4 of this Constitution set out the requirements covering public and private meetings.

## 1.8 Quorum

The quorum for a meeting of the Executive, or a committee of it, shall be three Members of the Executive (including the Leader and/or Deputy Leader).

## 1.9 How are decisions taken by the Executive

- (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions by them shall be the same as those applying to those taken by the Executive as a whole.

## 2. Executive Meetings

### 2.1 Who Presides?

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside. If neither is present, then a person appointed to do so by those present shall preside.

### 2.2 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

### 2.3 Order of Agenda

At each meeting of the Executive, the following business will be conducted:-

- (i) consideration of the Minutes of the last meeting;
- ~~(ii)~~ declarations of interest, if any;
- ~~(ii)~~~~(iii)~~ questions on notice from Councillors, as set out in the Executive Procedure Rules in Part 4 of this Constitution, below in paragraph 3
- ~~(iii)~~~~(iv)~~ matters referred to the Executive (whether by the Review Committee or by the Full Council) for reconsideration by the Executive in accordance with the provisions contained in the Review Committee Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- ~~(iv)~~~~(v)~~ consideration of reports from other Committees; and matters set out in the agenda for the meeting and which shall indicate which



are key decisions and which are not in accordance with the Access to Information Rules set out in Part 4 of this Constitution.

## 2.4 Consultation

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the budget and policy framework must obtain details of the nature and extent of consultation with stakeholders and relevant Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## 2.5 Items on the Executive Agenda

The Leader will decide upon the schedule for the meetings of the Executive. The Leader may put on the agenda of any Executive meeting any matter, whether or not authority has been delegated to the Executive in respect of that matter. The Proper Officer will comply with the Leader's request in this respect.

Any Member of the Executive may propose to the Leader the inclusion of any item for the next available meeting of the Executive. The Proper Officer will comply with the requests of the Leader for inclusion of items on the agenda.

The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where the Review Committee or the Full Council have resolved that an item be considered by the Executive.

Any Member of the Council may ask the Leader to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. (This individual will be invited to attend the meeting, whether or not it is a public meeting. However, there may be only 3 such items per Executive meeting.)

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of the Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

### **3 Questions by Members at meetings of the Executive**

#### **3.1 Questions on Notice at meetings of the Executive**

Non-Executive Members of the Council may submit questions of the Leader or a Member of the Executive on any agenda item due to be considered at the meeting that falls within the terms of the remit of that Member. This is subject to Councillors observing all relevant rules on the disclosure of interests. There will be a maximum of 3 Member questions at each meeting of the Executive; the total time for questions (including supplementary questions and responses, and any clarification) shall not exceed 30 minutes.

Members can also ask questions on behalf of their constituents.

#### **3.2 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Managing Director no later than midday 2 working days before the day of the meeting. Each question must:

- I. give the name of the Member, and
- II. name the Member of the Executive to whom it is to be put and,
- III. be relevant to items on the published agenda.

#### **3.3 Order of Questions**

Questions will be asked in the order notice of them was received.

#### **3.4 Scope of Questions**

The Managing Director, in consultation with the Leader, may reject a question if it is substantially the same as a question that has been put at a meeting of the Council or the Executive in the past six months.

Where it is considered that the question or the answer is likely to disclose confidential or exempt information, the question will be reserved until the exempt part of the agenda.

#### **3.5 Record of Questions**

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

#### **3.6 Asking the Question at the Meeting**

The Leader will invite the Member who has submitted a written question to put the question. If that Member is unable to be present, they may ask the Leader to put the question on their behalf.

### 3.7 Response

An answer may take the form of:-

(a) a direct oral answer;

(b) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner. Any question that cannot be dealt with at the meeting will be dealt with by a written answer within 5 clear working days of the date of the meeting.

### 3.8 Supplementary Questions

A Member asking a question may ask one supplementary question without notice of the Executive Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

## **10. QUESTIONS BY THE PUBLIC**

### **10.1 General**

Members of the public may ask 1 question of Members of the Council at the direction of the Chairman, at ordinary meetings of the Council. The maximum time limit for asking each question is 3 minutes.

The total time for public questions shall not exceed 15 minutes with a maximum of 5 people.

### **10.2 Order of Questions**

Questions will be asked in the order notice of them was received.

### **10.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Managing Director no later than midday 3 working days before the day of the meeting. Each question must:

- I. give the name and address of the questioner, and
- II. name the Member of the Council to whom it is to be put and,
- III. be relevant to items on the published agenda.

### **10.4 Number of Questions**

At any one meeting no person may submit more than 1 question and no more than 2 such questions may be asked on behalf of one organisation.

### **10.5 Scope of Questions**

The Managing Director in consultation with the Chairman may reject a question if it:-

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

### **10.6 Record of Questions**

The Managing Director will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

### 10.7 **Asking the Question at the Meeting**

The Chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf.

The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

### 10.8 **Supplemental Question**

No supplemental questions may be asked.

### 10.9 **Written Answers**

Any question which cannot be dealt with during public question time will be dealt with by a written answer within 5 clear working days of the date of the meeting.

### 10.10 **Reference of Question to the Executive or a Committee**

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate Committee or Sub-Committee. Once seconded, such a Motion will be voted on without discussion.

## **12. QUESTIONS BY MEMBERS**

### **12.1 On Reports of Committee**

A Member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the Executive or a Committee when that item is being received or under consideration by the Council.

### **12.2 Questions on Notice at Full Council**

A Member may only ask a question if either:-

- a) They have given at least 5 clear working days' notice in writing of the question to the Managing Director; or
- b) The question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Managing Director by midday on the day of the meeting.

A Member of the Council may ask:-

- The Chairman
- A Member of the Executive or
- The Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the district.

The Managing Director in consultation with the Chairman may reject a question if it is substantially the same as a question which has been put at a meeting of the Council or the Executive in the past six months.

### **12.3 Questions on Notice at Committees and Sub-Committees**

A Member may only ask a question if either:-

- (a) they have given at least 5 clear working days' notice in writing of the question to the Managing Director; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Managing Director by midday on the day of the meeting.

A Member of a Committee or Sub-Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that Committee or Sub-Committee.

### 12.4 **Response**

An answer may take the form of:-

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### 12.5 **Supplementary Questions**

A Member asking a question may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.