



Report of the Presiding Member, Monitoring Officer & Head of Democratic Services

Annual Council - 16 May 2024

Amendments to Council Constitution - Review of Council Procedure Rules 22, 23 & 24 relating to Councillors Questions

Purpose:	To make amendments to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution. To amend Council Procedure Rules 22, 23 & 24 relating to Councillors Questions.
Policy Framework:	Council Constitution.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that Council approves: 1) Council Procedure Rules 22, 23 & 24 of the Council Constitution be amended to reflect the proposals outlined in Paragraph 4 of the report. 2) The changes shall take effect following the end of the June 2024 Council Meeting.
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1. Introduction

- 1.1 The Chief Executive & Leader of the Council asked that a review of Councillors Questions be undertaken. Council Procedure Rules (CPR) 22, 23 & 24 sets out the way that the Council deals with Councillors Questions. These CPR include the procedure for “Supplementary Questions” and “Questions Not Requiring Supplementary Questions”. **Appendix 1** sets out the Council Procedure Rules 22, 23 & 24.
- 1.2 The Constitution Working Group on 22 February 2024 considered the report of the Head of Democratic Services and asked the proposal to create a Part C “Technical Questions or Questions that require additional time to provide a response” be merged into Part B “Questions Not Requiring Supplementary Questions” to ensure a simple procedure.
- 1.3 The Constitution Working Group also asked for a flow chart to be created to assist with the process.
- 1.4 The Constitution Working Group considered the issue further on 1 May 2024 and recommended that Council adopt the amendments outlined within the report.

2. Issues with Councillors Questions

- 2.1 Several issues have arisen over time relating to Councillors Questions. These include:
 - i) Questions must be submitted too far in advance of Council meeting. At least 17 clear working days’ notice must be given.
 - Councillors argue that this doesn’t allow current issues to be raised. Explanation of 17 clear working days using Council on 7 December 2023 as example:
 - Submission of Question Deadline. Noon on 13 November 2023 (17 clear working days prior to meeting).
 - Submission of Cleared Report Deadline. 5.00pm on 24 November 2023. **Note:** Deadline regularly missed. DS Team often give extension until Monday, but that is a risk.
 - Agenda Circulation Deadline. 29 November 2023 (5 clear working days before the meeting).
 - **Reality:** Officers have 9 working days to draft response and obtain relevant Officer (Director, Access to Services, Finance & Legal) & Political (Cabinet Member(s)) clearance. The deadline is already difficult.
 - ii) The allocated time for Councillors Questions may be insufficient.
 - 30 minutes has been allocated. However, there is no limit on the number of questions that may be submitted or the length of those questions and associated preamble.
 - Some responses can lead to long answers thus preventing supplementary questions being asked for the latter questions.

- iii) The correlation of Councillors Questions and Public Questions allows for the same or similar questions to be repeated.
- iv) Council often has 20-30 Councillors Questions to consider. Far too many for any effective response to supplementary questions.

3. Procedures in Other Authorities

- 3.1 There are several differences with Councillors Questions procedures with other Authorities; however, the one that significantly stands out relates to the timescale to submit questions. Swansea Council requires questions at least 17 clear working days prior to a meeting; whilst many other Council require just a few days' notice.
- 3.2 The simple difference being that Swansea publishes the Councillors Questions and response in the Council Summons; whilst others do not.
- 3.3 The Swansea Council model has worked well for several years, and it is suggested minor tweaks only are required rather than a whole scale change.

4. Proposals to improve Councillors Questions

- 4.1 The proposals below outline suggestions to improve the Councillors Questions procedure:
 - i) Submission of Councillors Questions remains as 17 clear working days prior to the Council Meeting.
 - ii) The 30-minute period for consideration of Councillors Questions be retained. Note: The Presiding Member already has the discretion to extend the time.
 - iii) It is proposed to amend Part B Questions as outlined:
 - a) **Part A “Supplementary Questions”**. Councillors are permitted to ask supplementary questions on these.
 - b) **Part B “Technical Questions & No Supplementary Questions”**.
 - i) These questions & response be published in the Council Summons. If the response takes additional time to draft, the response may be provided at the following Ordinary Meeting of Council.
 - ii) The Presiding Member in consultation with the Monitoring Officer, Section 151 Officer and relevant Director shall determine if the submitted question will take additional time to draft and determine which Council Meeting it will be presented at.

iii) Supplementary Questions are not permitted.

iv) A maximum of 12 Part A Councillor Questions be permitted. Part A questions to be split as follows:

3	Largest Opposition Group. Currently Liberal Democrat & Independent Opposition Group (18 Councillors).
2	Ruling Group. Currently Labour Group (45 Councillors). Note: Cabinet Members, Presiding Member & Deputy Presiding Member are removed from the Proportional Representation calculations when calculating the allocation of any remaining Part A questions. The amended figure becomes 32 Councillors.
-	1 each per Remaining Political Groups.
1	Conservative Group (8 Councillors)
1	Uplands Group (4 Councillors).
1	Non-Aligned Councillors. To be shared between any Non-Aligned Councillors. Note: In the event of more than one Non-Aligned Councillor, the Head of Democratic Services shall draw lots to determine whose question goes forward.
8	Total

The remaining **x4** Part A questions be allocated on a proportional representation basis with the Cabinet Members, Presiding Member and Deputy Presiding Member being removed from the calculations. Currently, this would allow:
Labour x2, Liberal Democrat & Independent Opposition x1, Conservative x1.

Overall Breakdown of the 12 Part A questions being:

- Labour x4.
- Lib Dem & Ind Opposition x4.
- Conservative x2.
- Uplands x1.
- Non-Aligned x1.

Note: Part A questions will be considered as follows. Political Groups are asked to list their questions in priority order:

Group	Part A Question No.
Lib Dem & Ind Opposition	1, 6, 9, 11
Labour	2, 7, 10, 12
Conservative	3, 8
Uplands	4
Non-Aligned	5

- v) Part A “Supplementary Questions” shall take no longer than 1-Minute (120 words approx.) to ask and the response shall not exceed 1-Minute.
- vi) Public Questions shall not be permitted in relation to Councillors Questions.
- vii) All written Councillors Questions (Part A & B) shall receive a written response included in the relevant Council Summons.
- viii) The Executive (Cabinet) / Presiding Member and Deputy Presiding Member shall not be allowed to ask Part A or Part B Councillor Questions.

5. Implementation of Change

- 5.1 Should Council adopt the changes suggested, it is proposed that the July Council Meeting be the first Council Meeting that the changes apply to. The reason being that the deadline for submitting Councillor Questions for the June Council Meeting is 9 May 2024.

6. Financial Implications

- 6.1 All financial impacts of this report are contained within existing budgets.

7. Legal Implications

- 7.1 There are no further legal implications other than those set out in the report.

8. Integrated Assessment Implications

- 8.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage.
 - Consider opportunities for people to use the Welsh language.
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 8.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 8.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also considers other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 8.4 An IIA screening form has been completed and has determined that a full IIA report will not be required as this is a minor amendment to the Council Constitution.

Background Papers: None

Appendices:

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| Appendix 1 | Extract from Council Procedure Rules 22, 23 & 24 |
| Appendix 2 | Councillors Questions - Flowchart |

Extract from Council Procedure Rules 22, 23 & 24

22 Councillors Questions

- 1 A Councillor who wishes to ask a question must give notice of the text thereof in writing to the Proper Officer by Noon at least 17 clear working days before the date of the meeting of the Council at which the question is to be considered.
- 2 Following the close of receipt of Councillors Questions, the Presiding Member shall meet with the Proper Officer or his/her representative and draw lots for the order in which Supplementary Questions (Part A Questions) will be considered at Council.
- 3 The Presiding Member shall set a date in consultation with the Proper Officer.
- 4 Subject to Council Procedure Rules 22 (1) and 22 (2) above the questioner may ask the Leader or any Cabinet Member within their portfolio or the Chair of any Body one or more questions on matters within the purview of that Body.
- 5 Questions submitted by Councillors and the written response to those Questions will appear with the relevant Council Summons.
- 6 Councillor Question Time will be dealt with in 2 parts, the first (Part A Questions) dealing with those questions on which Supplementary Questions may be asked and the second dealing with those Questions where Supplementary Questions shall not be asked (Part B Questions). These questions will henceforth be referred to as Part A and Part B Questions.
- 7 When submitting Questions, Councillors shall be required to make it clear whether their questions will be the subject of Supplementary Questions or not. If no such indication is given (or subsequently obtained 12.00 noon, 2 clear working days prior to the Council Summons being published) then they will be considered as Part B Questions.

Note:

- a) All questions will be answered.
- b) The Executive (Cabinet) / Presiding Member and Deputy Presiding Member shall not be allowed to ask questions / Supplementary Questions.

23 Supplementary Questions (Part A Questions)

- 1 The first Supplementary Question on each question will be invited from one of those Councillors listed as asking that question. All contributions shall be in the form of questions. Statements and speeches shall not be allowed. A maximum of 1 minute will be allowed for such Supplementary Questions.
- 2 Answers to Supplementary Questions shall take no more than 3 minutes per question. The Presiding Member shall have the discretion to extend the time.
- 3 Thereafter with the consent of the Presiding Member that Councillor or any other may ask further supplementary questions on the same matter. A maximum of 1 minute will be allowed for such supplementary questions. There shall be no debate on any answer given.
- 4 Supplementary Questions shall be put and answered without discussion, but the person to whom a question has been put may decline to answer in public session. They may also and in addition provide a written answer. Such written answers will be made available to all Councillors.
- 5 Supplementary Questions will be considered within a 30-minute period. The Presiding Member shall have the discretion to extend this time period.

24 Questions Not Requiring Supplementary Questions (Part B Questions)

- 1 No Supplementary Questions shall be allowed to questions asked under Part B Questions.

**Councillors Questions
Flowchart -May 2024**

Councillors Questions must be submitted at least 17-clear working days prior to the Council Meeting.

Councillors Questions must be submitted at least 17-clear working days prior to the Council Meeting. **Note:** Council is published 5-clear working days prior to meeting.

Is it a Part A “Supplementary Question” or a Part B “Technical Question & / or Supplementary Question”?

Part A “Supplementary Questions”.		Part B “Technical Questions & / or Supplementary Questions”
30 Minutes to respond to all.		i) No limit on number of questions submitted. ii) Questions & response be published in the Council Summons. If the response takes additional time to draft, the response may be provided at the following Ordinary Meeting of Council. iii) The Presiding Member in consultation with the Monitoring Officer, Section 151 Officer and relevant Director shall determine if the submitted question will take additional time to draft and determine which Council Meeting it will be presented at. iv) Supplementary Questions are not permitted.
12 Questions (Qs) Maximum.		
Group	Part A Question No.	
Lib Dem & Ind Opposition (4 Qs)	1, 6, 9, 11	
Conservative (4Qs)	2, 7, 10, 12	
Labour (2Qs)	3, 8	
Uplands (1Q)	4	
Non-Aligned (1Q)	5	