

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

09 April 2024

Report of the Monitoring Officer

Part 1- Public

Matters For Decision

1 CHANGES TO THE CONSTITUTION – COUNCIL PROCEDURE RULE 5.5 – QUESTIONS FROM MEMBERS

The report recommended that Council Procedure Rule 5.5 be amended to improve the process around submitting questions to Full Council

1.1 Questions from Members

1.1.1 The rules around questions to Full Council are set out in the Council and Committee Procedure Rules in Part 4 (Rules) of the Constitution.

1.1.2 Council Procedure Rule (CPR) 5.5 of the Constitution currently provides that:

- A member of the Council may, upon giving the requisite notice, ask the Mayor, the Leader or the Chair of a committee a question on any matter in relation to which the Council has powers or duties or which affects the Borough.
- Notice of the question shall be given to the Chief Executive not later than 1100 hours on the closest working day prior to the day of the meeting. Notice may be given in writing or by electronic mail.
- The Mayor, the Leader or the Chair of a committee may invite another member of the Council or a Chief Officer to respond to the question on their behalf and the Leader may also invite another member of the executive to respond. 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 to the appropriate committee. Once seconded, such a motion will be voted on without discussion.

1.1.3 Following the meeting of Council on 24 October 2023 a request was received to review the current deadline for submitting questions as it was felt that late receipt did not always allow sufficient time for detailed answers to be provided.

1.1.4 This review was undertaken by the Interim Monitoring Officer, the Interim Chief Executive and the Principal Democratic Services Officer. The Leader of the Council sought feedback from all Group Leaders about the proposals.

1.1.5 The opportunity was also taken to clarify other elements of CPR 5.5 relating to the number of questions per Member per meeting, the maximum number of questions per meeting, how the questions should be answered and the introduction of supplementary questions.

1.2 Proposed Changes to CPR 5.5

1.2.1 The proposed changes to CPR 5.5 are set out in Annex 1 and for convenience are set out in red.

1.2.2 The main changes can be summarised as follows:

- Deadline for questions to be submitted is changed to 1600 hours, 10 working days before the date of the meeting. This is consistent with CPR 5.27 (Motions on Notice);
- There will be a limit of 1 question per member per meeting;
- There will be a maximum of 5 questions allowed per meeting; and
- No discussion will take place on any question although the Member asking the question will be given the opportunity to ask a supplementary question. This must be directly related to the initial question asked or the published response.

1.3 Legal Implications

1.3.1 Article 10 of the Constitution sets out the procedure for review and revision of the Constitution. Except in specified circumstances, changes to the Constitution may only be approved by full Council after consideration of a report on the proposal from the Council's Monitoring Officer.

1.4 Financial and Value for Money Considerations

1.4.1 None

1.5 Risk Assessment

1.5.1 The changes to the Constitution proposed in this report are intended to clarify the operation of the rules relating to members asking questions.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Policy Considerations

1.7.1 None

1.8 Recommendations

- 1.8.1 That the changes to Council Procedure Rule 5.5, detailed in Annex 1, and summarised above be approved; and
- 1.8.2 That the Monitoring Officer be authorised to make the changes to the Constitution as detailed in Annex 1 and summarised in the report.

Background papers:

Nil

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