



Report of: **Assistant Chief Executive (Governance and HR)**

Meeting of	Date	Agenda Item	Ward(s)
Council	October 2015		All

Delete as appropriate	Exempt	Non-exempt
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Subject: **Constitution Update**

1. Synopsis

- 1.1 This report proposes changes to the question time procedure in the council's Constitution.

2. Recommendations

- 2.1 To approve the amendments to the Constitution set out in the attached Appendix.
- 2.2 To authorise the Assistant Chief Executive (Governance and HR) to make any consequential amendments to the Constitution she considers necessary

3. Background

- 3.1 Twelve months ago changes were made to the council's constitution to increase public participation in full Council meetings. Further changes are now proposed to further increase the number of members of the public able to engage in the new question time.
- 3.2 The changes proposed will in particular:

- Enable questions to be included in the agenda provided they are submitted at least 7 days in advance of the council meeting rather than at least 10 days as now;
- Set aside approximately 30 minutes for public questions to be asked provided there are sufficient questions;
- Provide for the youth council to have a specific 20 minute slot for questions rather than this being part of the overall hour set aside for questions as now;
- Clarifying the length of time permitted for questions and responses

3.3 Appendix 1 contains a copy of extracts from the Constitution on which proposed changes are marked, by crossing through in the case of deletions and by underlining in the case of additions. A minor change to the Petitions section is also proposed.

5 Conclusion and recommendations

6.1 A number of changes to improve the operation of question time at full Council meetings are proposed to the Constitution in this report for approval by the council

11 Implications

Financial Implications

There are no financial implications arising directly from this report.

Legal Implications

There are no legal implications arising from these proposals.

Resident Impact Assessment

These changes will mean it will be easier for residents to ask questions in full council meetings.

Environmental Implications

There are no environmental implications arising directly from this report.

Background papers:

None.

Attachments:

Appendix – Extracts from the Constitution

Final Report Clearance

Signed by

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Date

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Appendix 1

19. PETITIONS, QUESTIONS AND DEPUTATIONS

19.1 Petitions

- (a) Petitions signed in hard copy or through an e-petition created on the council's website by 5 or more people who live, work or study in Islington, may be submitted to the council department responsible for the service the petition concerns or may be presented to the Council by any member of the Council, or any member of the public who has notified the Petitions Officer before 5pm on the day of the meeting that he or she wishes to do so.¹
- (b) Subject to paragraph (f) below, any member of the public presenting a Petition shall be entitled to address the Council on the matter which is the subject of the petition for up to two minutes.
- (c) Subject to paragraph (d) and (e) below, once a member of the public has finished speaking, receipt of the petition shall be acknowledged but there shall be no ~~further~~ debate on the petition, which shall stand referred to the Corporate Director of the department responsible for the matter to which the petition relates. The Corporate Director shall determine what action, if any, shall be taken and shall ensure that the person presenting the petition receives a response within a reasonable time, with a copy to the relevant Executive member or Chair of committee.
- (d) Where a Petition has received at least 2000 signatures a debate shall be held on the petition for up to 15 minutes, normally at the following ordinary Council meeting.
- (e) Where a Petition has received between 1000 and 2000 signatures, the member of the public presenting the Petition shall be entitled to meet with the Leader of the Council or the Executive member with the relevant portfolio responsibilities to discuss the issues raised in the petition at a mutually agreed time.
- (f) Petitions falling with paragraphs (d) or (e) shall be considered first. If the Mayor considers, in light of the rest of the agenda, that there is insufficient time for all those presenting other petitions to speak on them, s/he may rule that no further speeches be heard and any remaining petitions shall stand referred in accordance with the procedure set out in paragraph (c) above.

19.2 Questions

¹ Guidance on submitting petitions is available on the council's website

- (a) Subject to Rule 19.4, members of the public may ask the Leader, another member of the Executive or the Chair of any scrutiny committee questions on any matter in relation to which the Council has powers or duties or which affects the borough.
- (b) There is no requirement to submit questions in advance of the council meeting.
- (c) Written notice of a question may be delivered to the Proper Officer and if notice of a question is received not later than ~~2p-10am~~ on the day which falls ~~7~~ ~~10~~ clear working days before the date of the meeting, the question will be notified to the councillor which may facilitate a more detailed answer at the council meeting.
- (d) The time set aside for questions shall be 60 minutes. Up to 30 minutes of this time shall be reserved for the public to ask questions. Provided a question has begun to be asked within the 30 minutes the full question may be asked and the answer given. All remaining time for questions shall then be available for members questions submitted under Rule 19.2(c). At the meeting following the Annual meeting and at each alternate meeting for the rest of the municipal year, ~~up to an additional~~ 20 minutes ~~of this time~~ shall be set aside for questions from the Youth Council.
- (e) No member may ask more than two questions at a council meeting.
- (f) No member of the public may ask more than one question at a council meeting and the asking of the question (or of any supplementary question where permitted under Rule 19.3) shall not take longer than 2 minutes.
- (g) Questions of which notice has been given shall be printed on the agenda in the order of receipt, but where there are more than one on any particular subject or closely related subjects, the Mayor may rule that they be taken together and a joint reply given.
- (h) The Proper Officer shall have power to edit or amend written questions to make them concise but without affecting the substance, following consultation with the questioner.
- (i) An answer may take the form of:
 - (i) A direct oral answer;
 - (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (iii) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner within 5 working days provided the questioner has given contact details.

- (j) ~~No priority shall be given to questions notified in advance and~~ Questions shall be asked in the order determined by the Mayor but priority shall normally be given to questions notified in advance.
- (k) Replies to questions shall not exceed 3 minutes (or two minutes in the case of supplementary questions under Rule 9.3).
- ~~(l)~~ (lk) An answer will not be given orally if the questioner is not present in the Chamber or if the time allowed for questions has elapsed. In such cases, a written reply will be sent to the questioner.
- ~~(m)~~ Questions not answered at a meeting may, at the request of the questioner, be withdrawn and resubmitted to the next or future meeting of the Council, provided that an answer has not already been supplied.

19.3 Supplementary question

A person asking a question under Rule 19(c) may ask one supplementary question without notice, of the member who answered the question. The supplementary question must arise directly out of the original question or the reply.

19.4 Scope of questions

The Proper Officer may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the area;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question asked within the last six months;
- (d) requests the disclosure of information which is confidential or exempt; or
- (e) names, or clearly identifies, a member of staff or any other individual.