

**Question and Answer Sessions for Members and Members
of the Public at Council and Committee Meetings**

Final Decision-Maker	Council
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Classification	Public
Wards affected	All

Executive Summary

This report responds to the motion from Council on question and answer sessions. Setting out the available options for how question and answer sessions are to be conducted so that the Committee can determine which is their preferred option for recommendation to Council.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the Committee determine which option they would prefer for Question and Answer sessions; and
2. That officers draft the amendments to the constitution (if any) to enact the agreed option, for submission direct to Council for approval;
3. Alternatively, with the timings of the work on Executive Arrangements and a new Constitution being developed in 2021/22, the status quo (Option 3(i)) be taken but with officers taking on board Member feedback for the development of the new Constitution.

Timetable

Meeting	Date
Democracy and General Purposes	30 June 2021
Council	14 July 2021

Question and Answer Sessions for Members and Members of the Public at Council and Committee Meetings

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Public and Member engagement at Council and Committee meetings has an indirect impact on the delivery of all Council priorities.	Democratic and Electoral Services Manager
Cross Cutting Objectives	Public and Member engagement at Council and Committee meetings has an indirect impact on the delivery of all Council objectives.	Democratic and Electoral Services Manager
Risk Management	The risks associated with all options presented are considered to be within the Council's risk appetite.	Democratic and Electoral Services Manager
Financial	Whilst some of the options present additional work for the Democratic Services team, there is not considered to be extra funding required to deliver them. However consideration should be given to the heavy programme of work to be undertaken in 2021/22 and up to 2024 to deliver a number of Democratic Services related initiatives (Executive Arrangements, Whole Council Elections, Local Government Boundary Review, Community Governance Review et al) where additional resourcing may be required and will considered as part of those decisions.	Democratic and Electoral Services Manager
Staffing	Whilst some of the options present additional work for the Democratic Services team, there is not considered to be extra staffing required to deliver them. However consideration should be given to the heavy programme of work to be undertaken in 2021/22 and up to 2024 to deliver a number of Democratic Services related initiatives (Executive Arrangements, Whole Council Elections, Local Government Boundary Review, Community Governance Review et al) where additional resourcing may be required and will considered as part of those decisions.	Democratic and Electoral Services Manager

Legal	The options presented to the Committee are all in accordance with relevant legislation. Any amendments to the constitution to facilitate the chosen option will be drafted and evaluated prior to submission to Council.	Democratic and Electoral Services Manager
Privacy and Data Protection	There are no implications.	Policy and Information Team
Equalities	There are no implications.	Democratic and Electoral Services Manager
Public Health	There are no implications.	Democratic and Electoral Services Manager
Crime and Disorder	There are no implications.	Democratic and Electoral Services Manager
Procurement	There are no implications.	Democratic and Electoral Services Manager
Biodiversity and Climate Change	There are no implications.	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 At its meeting on 10 March 2021 the Committee considered a reference from Council requesting a review of the terms of reference for question and answer sessions, including the platform on which questions should be answered.
- 2.2 At its meeting in February 2021 Council set out its concerns in considering the motion these can be broadly summarised as:
- i. That the Minuting of question and answer sessions should be a balance of being effective, but not too onerous;
 - ii. That question and answers put to Chairman needed to be reviewed to ensure that they delivered on transparency and accountability when a Chairman could only speak as an individual Member, not as a decision maker or as the Committee, under the current system.

- 2.3 The options presented in this report therefore consider two types of option. Firstly whether question and answer sessions can be amended to deliver the necessary accountability, or whether they should be stopped, and secondly, if continued, the format of the question and answer sessions and the way in which they are recorded and Minuted.

Purpose of Question and Answer Sessions and a Comparison of Executive and Committee Arrangements

- 2.4 The purpose of questions is to increase engagement with the Council's business and specifically to increase accountability and access to decision makers for the public and Members. However, under the current question and answer provisions in a Committee system, questions are directed at, and answers given by, Committee Chairmen. The fundamental issue this creates is that the Chairman cannot speak on behalf of the committee on matters that haven't specifically been through the committee and had a committee view expressed.
- 2.5 Under executive arrangements question and answer sessions can meet their aims as individual Cabinet Members, on questions that relate to their own portfolios, are the decision makers and can provide information on the direction of their thinking, or give commitments on the back of questions.
- 2.6 Whilst this is not achievable under the Committee system, the committee system inherently offers opportunities for direct engagement through Committee meetings and agendas. Mechanisms already exist for the public or Members (as Visiting Members) to attend a committee meeting and speak on agenda items.
- 2.7 The other element to questions and answers is the ability to introduce new concerns and bring new matters to the decision maker's attention. There is an existing mechanism by which this can be achieved more effectively outside of question and answers but is often overlooked. Each Service Committee agenda has the Committee Work Programme as an item, and there is no reason why a Member of the public, or a Visiting Member, could not register to speak on that item and make a statement to bring new matters to the Committee's attention. The Committee as a whole can then consider that matter and determine whether it should be added to the Committee's work programme.

Consideration of Resource and Other Implications of Minuting

- 2.8 These matters were considered by Council as part of the briefing note that was circulated for the meeting on 24 February 2021. That note is attached at Appendix A.
- 2.9 Resource considerations – the administration of questions at Council and Committee does have resource implications for senior officers and Democratic Services. However, in the context of the options below these are not considered significant factors in whether questions and answers should be retained and in what form.

- 2.10 The exception to this is the Minuting of questions and answers, where full Minuting would increase the time required to Minute meetings, particularly those meetings that attract more questions than others (Policy and Resources Committee, Strategic Planning and Infrastructure Committee and Council). This would be absorbed into the existing structure in Democratic Services, but in light of the programme of work that Democratic Services face, particularly in 2021/22 this could have the knock on impact of requiring further resource and spending less time on other significant projects such as Executive arrangements, Whole Council Elections, and the Local Government Boundary Review.
- 2.11 If the option to remove questions and answers was taken this would have a small impact on freeing resource within Democratic Services as the sessions would not need to be administered or recorded, but as engagement would be encouraged via other means (such as statements and contributions to the Committee Work Programme) a commensurate increase in workload would be expected to offset this.

Question and answer research from other Authorities

- 2.12 A summary table of research into how other Kent authorities manage question and answers is provided at Appendix B. The table gives an indication of a range of choices Kent authorities have made, but it is important to be aware that there is an even wider range of different approaches through Council constitutions on matters such as submission of questions, how they are allocated and answered, and lengths of time for questions.
- 2.13 Of the other authorities in Kent only Canterbury City Council currently have a Committee system. Canterbury have public questions at Council meetings only, and those questions require fifteen signatories to be submitted.
- 2.14 It is the significant majority case that public questions are not provided for at committee meetings.
- 2.15 There are a combination of ways in which questions and answers are Minuted across Kent. Many authorities Minute them in full, but many authorities also do not have webcasting of physical meetings so have no separate record of the answers to support the Minutes.
- 2.16 A majority of councils have time limits on questions at Council of 30 minutes or less.
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3. AVAILABLE OPTIONS

- 3.1 Option 1 - Remove questions and answers to Chairmen and encourage increased participation through the Council and Committee framework.
- (a) increased public speaking on individual agenda items, and
 - (b) (at committee) using the committee work programme item for Members and the public to suggest new items under the committee's remit.
- 3.2 Option 2 (i, ii, iii) - Remove questions and answers at Committees, but retain at Council, the time limit at Council could be varied, for example down to 30 minutes.
- (i) Minute as now
 - (ii) Minute with summaries
 - (iii) Minute in full
- 3.3 Option 3 (i, ii, iii) - Retain all questions and answers, the time limit at Council could be varied, for example down to 30 minutes.
- (i) Minute as now (status quo)
 - (ii) Minute with summaries
 - (iii) Minute in full

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The overall recommendation in this report has been left neutral as all options are deliverable and it is for the Committee to consider the value of questions and answers and how they are recorded.
- 4.2 Option 1 - Remove questions and answers to Chairmen and encourage increased participation through the Council and Committee framework.
- (a) increased public speaking on individual agenda items, and
 - (b) (at committee) using the committee work programme item for Members and the public to suggest new items under the committee's remit.
- 4.3 Option 1 –has the greatest impact in terms of reducing resourcing for Minuting, whilst recognising the dichotomy inherent in the Committee system of the false expectation created by receiving individual Member, rather than decision maker, responses versus the value inherent in the Committee system for public and Member engagement in decision making.
- 4.4 When considering this option it is important to distinguish between participation, and engagement. Maidstone Borough Council receives a significant volume of participation through questions particularly at three of

its meetings; Policy and Resources, Strategic Planning and Infrastructure and Council. The aim of option 1, routing statements direct to the committee prior to decision, and directing requests for items to be included on future agendas through the work programme, is to convert participation to engagement. In order for this to happen Democratic Services would have to push the underused existing engagement options with Members and the public.

- 4.5 Options 2 (i, ii, iii) and Options 3(i, ii, iii) - The briefing note at Appendix A sets out other considerations relating to Minuting of question and answer sessions. Democratic Services are trained professional clerks and are capable of Minuting answers, summaries can also be used and the time taken is minimised if the responder to a question uses the scripted reply given to them. However, this is not always the case and often Members will use the information provided to them but amend it as they reply.
- 4.6 Rather than providing a verbatim record of proceedings the Council has decided to use webcasts available via Youtube. Youtube recordings of webcasts provide a direct and accessible verbatim record of replies given, including tone and delivery.
- 4.7 In order of resourcing requirements the options are:

(Most) Option 3(iii), option 3(ii), option 2(iii), option 2(ii), option 3(i), option 2(i), option 1 (least).
- 4.8 Whichever option is taken forwards, how questions and answers are managed from 2022 onwards will form part of the consideration of Executive Arrangements and the development of the new Constitution to support those arrangements. Having Executive arrangements is a significant change with regards to public and Member engagement in decision making, both because it provides for single Member decision makers who can be held directly to account through questions, and because it potentially reduces inherent opportunities for engagement in committee meetings.

5. RISK

- 5.1 All of the available options within this report are considered to be within the Council's risk appetite.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Council provided its views at its meeting on 24 February 2021.
- 6.2 Democracy and General Purposes considered the reference from Council on this matter on 10 March 2021.
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7 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If required, the Constitution will be amended to reflect the choice of the Committee, this will then be presented to full Council July 2021 for approval. The reason for carrying it out in this way is to maximise the length of time and impact of the change by making it as soon as possible prior to the new Constitution coming into force for Executive Arrangements in 2022.
- 7.2 If the Committee go with the option of status quo, the comments from Members will be taken into account as the Constitution is developed for Executive arrangements.
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8 REPORT APPENDICES

Appendix A: Briefing Note – Minuting of Question and Answer Sessions
Appendix B: Summary of Kent Authority Q&A Research

9 BACKGROUND PAPERS

None