1.0 PURPOSE OF REPORT

1.1 This purpose of the report is to summarise the work that has been undertaken to provide the Commission with information about the Council’s Standing Orders that relate to the asking of Public Questions.

2.0 RECOMMENDATION/S

2.1 It is recommended that the Commission considers the report and agrees that, either;

1) Further work/review of the Council’s Standing Orders that relate to the asking of Public Questions should not be undertaken

Or

2) Further work/review of the Council’s Standing Orders that relate to the asking of Public Questions should be undertaken and a scope and priority agreed

3.0 THE REPORT

i. Background

3.1 At the Overview and Scrutiny Commission meeting held on 26 November 2018 a potential future item of work was proposed by a member of the public regarding a review of the Council’s Standing Orders that relate to the asking of Public Questions. The Commission considered that further
information was required prior to agreeing to take it forward as a piece of work. This report summarises the work undertaken so that the Commission can agree if any further work is required.

3.2 The Council’s Standing Orders for Public Arrangements – Questions (27) is attached at APPENDIX A. Significant work has been undertaken to compare the arrangements with CIPFA nearest neighbour Councils and a summary is attached at APPENDIX B.

ii. Comparison with other authorities

3.3 The main features of each Councils’ arrangements for public questions have been considered and summarised in the following paragraphs.

I. Meetings where public questions are permitted

3.4 The meetings where public questions were permitted were identified. It should be noted that comparisons with Licensing and Planning are difficult due to the nature of public participation at these meetings with separate procedure rules. When compared with other authorities Harrogate permits questions at similar meetings as the majority of other authorities.

II. How many questions are permitted per individual/organisation?

3.5 Harrogate permits one question per individual/organisation. The majority of other organisations permitted either one or two questions.

III. Was a supplementary question allowed?

3.6 The majority of other organisations permitted a supplementary question Harrogate was one of only two that did not permit them. It should be noted that this did not ensure a response was provided at the meeting as a written response to a supplementary question could be provided.

IV. What was the notice period required to submit a question prior to a meeting?

3.7 There were a range of different notice periods required for questions ranging from no advance notice to 5 days, Harrogate requires 48 hours’ notice. The most frequent notice period was no advance notice required. It should be noted that where no advance notice was required this does not ensure a response at the meeting as a written response to a supplementary question could be provided. In addition to this if a question was presented at a meeting it would potentially be the Chairman of the meeting that would decide if it was permitted.

V. Length of time permitted per individual/organisation

3.8 Harrogate does not specify a time limit per individual/organisation for a question. The time limits for other organisations ranged from 2 minutes to 5 minutes with one specifying 100 words.

VI. Length of time for questions in total
3.9 The length of time permitted for questions in total at Harrogate is 15 minutes this was consistent with the majority of other authorities.

VII. Can the same question be asked at a different meeting?

3.10 At Harrogate the same question cannot be asked within a six month period. This was the same as 10 other authorities, with another 2 indicating that the same question could not be asked but did not specify the time limit. Three authorities did not have any information.

VIII. Does the question have to be answered?

3.11 Harrogate requires that the question is answered and this was consistent with the majority of other Councils, 2 Councils did not require the question to be answered.

IX. Criteria for Refusal

3.12 The following are criteria for the refusal of a question at Harrogate:

- Is not about a matter for which the Council has responsibility/does not affect the district
- Is defamatory, frivolous or offensive
- Is substantially the same as a question which has been put at a meeting the past 6 months
- Requires the disclosure of exempt or confidential information

3.13 One Council did not provide any information. All other Councils had the same criteria for refusal and 7 of these other Councils had additional criteria, these included the following:

- Is about a planning, licensing or standards matter involving an individual or applicant for permission
- Is not in the format of a question
- It relates to an individual/group business or the questioner's own particular circumstances
- It relates to the activities and aims of a political party or organisation

X. Who can reject the question?

3.14 At Harrogate the responsibility for deciding whether a question is rejected is with the Head of legal and Governance. The responsibility in other Councils was not always clear as the arrangements indicate who the question is submitted to (Harrogate also details the arrangements in the same way). From the information available in the majority of Councils it was with the Chief Executive. In some cases it was with the Chairman or the Mayor however this was where questions were permitted at the meeting with no advance notice.
iii. Summary

3.15 The comparison with other Councils indicates that the arrangements for public questions at Harrogate are comparable with the majority of Councils in particular the six month restriction on the same question being asked and reasons for refusal. Each Council has slightly different arrangements usually around notice required, meetings where questions can be answered, and who can reject a question (although this would require further clarification). When comparing Harrogate with other Councils the main difference was the ability to ask a supplementary question where Harrogate was one of only two Councils that did not permit this.

3.16 It is recommended that the Commission considers the report and agrees that, either;

1) Further work/review of the Council’s Standing Orders that relate to the asking of Public Questions should not be undertaken

Or

2) Further work/review of the Council’s Standing Orders that relate to the asking of Public Questions should be undertaken and a scope and priority agreed

4.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

4.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

5.0 CONCLUSIONS

5.1 This report summarise the work that has been undertaken to provide the Commission with information about the Council’s Standing Orders that relate to the asking of Public Questions. This will enable the Commission to agree if any further work is required.

Background Papers –

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