

Committee(s): Policy & Resources	Date: 20 October 2022
Subject: Public Questions	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1-12
Report of: Town Clerk	For Decision / Discussion

Summary

During previous debates concerning prospective amendments to its Standing Orders, several Members of the Court of Common Council indicated a desire to explore the potential for questions to be submitted directly by members of the public, for response by relevant Chairs.

There is currently no provision for public questions at meetings of the Court or its committees. Instead, the City Corporation's longstanding practice has been for questions to be raised via Common Councillors for relevant Wards, or through written correspondence.

There is a mixed position across the country in respect of councils allowing for the public to submit questions directly. A number of local authorities allow for questions in differing ways, with some allowing them at full Council meetings, some at committee meetings, orally, or in writing. Others operate similar practice to the Corporation's current one, i.e., no specific provision for direct public questions.

This paper presents four broad options for consideration in relation to public questions, with attendant considerations for Members' determination depending on the option selected.

Recommendation(s)

That Members identify which of the options set out at paragraph 9 they would wish to pursue and delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to work up proposals which reflect the Committee's decisions for consideration by the Court.

Main Report

Background

1. The possibility of introducing a form of “public questions” was initially raised by Members through discussions relating to the Court’s current Standing Orders in December 2021, viz.:-

“A number of Members also advanced support for the possibility of facilitating public engagement at Court meetings, perhaps through allowing an allocated item at which City residents, workers, students and so on could submit questions to leading Members. It was suggested that this practice was not uncommon elsewhere and might be facilitated through the review of Standing Orders.”

2. A report presenting a review of Standing Orders was subsequently presented to the Court in March 2022, with it recommended that proposals on this specific issue be brought to Policy & Resources for fuller consideration during the 2022/23 civic year.
3. Following an exchange at the Court of Common Council meeting in September 2022, an undertaking was made to bring this report to the October meeting of the Policy & Resources Committee for consideration.

Current Position

4. There is currently no provision for members of the public to submit questions directly to formal meetings of the Court of Common Council or its committees. Instead, the practice has been for queries to be raised either via correspondence or via Ward Councillors, who might then ask questions on voters’ behalf at meetings, should that be felt the most appropriate course of action.
5. There are a number of local authorities across the country which do provide for public questions at meetings, whether that be full Council, Cabinet, or relevant committees.
6. Equally, there are a large number of local authorities which do not facilitate public questions at formal meetings.
7. Where councils do make such provision, they generally allocate a specific portion of time at relevant meetings and establish a clear process by which questions can be submitted, including notice periods, parameters for selection, and so on. Some examples of Schemes operated by local authorities are set out in Appendix 1 by way of background and contextual information.
8. Should the Court of Common Council wish to make provision for public questions, it will be necessary to also set such guidelines. Within the options set out in this paper are a series of questions for consideration which will help to frame such guidelines, with it recommended that the Town Clerk be asked to draw up a protocol based upon the Committee’s views.

Options

9. There are four broad options, explored in further detail under the below sub-headings. In short, they are:-

- *Introduce public questions at Court of Common Council meetings* – this option would require a series of decisions around timeframes and parameters for questions for Members' determination. These are set out in the relevant sub-section below.
- *Introduce public questions at relevant Committee meetings* – recognising that meetings of the Common Council are not directly analogous to full Council meetings at local authorities (given its different constitutional basis and much broader remit, as well as its method of operation), another option would be to present questions directly to the relevant committees for more direct consideration. Again, questions and options relating to this are set out below.
- *Introduce a separate, dedicated forum for public questions* – an alternative approach would be to establish a small number of dedicated meetings for public questions, similar to the "People's Question Time" sessions operated by the London Assembly.
- *Retain the status quo* – i.e., keep the current system with no change. Given the instruction to explore public questions and the self-evident nature of this option, no further articulation of the advantages or disadvantages of this approach is set out in this paper.

Public questions at Court of Common Council

10. Should Members wish to facilitate questions from the public at Court meetings, it will be necessary to agree parameters for the submission and answering of questions. This transparency would be essential in ensuring the success of any arrangement, in order that those posing questions are clear on both expectations and process from the outset.

11. Items for consideration would be as follows:-

- *Deadline:* establishing a clear deadline for submission is essential in allowing for questions and expectations to be handled appropriately. From an administrative perspective, a suitable deadline is also necessary in order to review questions and ensure they meet with any other requirements, and to provide time for Chairs to prepare their responses. One option might be for the deadline which applies to Motions to be utilised here, for the sake of consistency (i.e., submitted to the Town Clerk by no later than 12 noon, nine working days before the meeting of the Court for inclusion in the Summons).
- *Method of submission:* The majority of local authorities require the submission of questions in writing (normally via a dedicated e-mail inbox). This mitigates against the risk of confusion or misunderstanding in relation to the wording of the question and also means that they are not subject to the vagaries of the postal system or telephony issues.

- *Parameters of acceptable questions:* it will be important to be clear to the public the parameters within which questions might be accepted or rejected. For instance, an initial set of working parameters might include the below:-
 - Questions must relate to matters for which the City Corporation has a responsibility, or which otherwise affect it;
 - Questions cannot require the disclosure of confidential or exempt information and must relate to the City's local or police authority functions;
 - Questions cannot be defamatory, offensive, or frivolous;
 - Questions must be substantially different from any question or item which has already been put to or considered by a meeting of the Council within a relevant preceding period (for instance, six months).

In determining the application of the above / any final parameters, consideration will also be required as to who should make such determination (for instance, whether this is the Town Clerk, the Comptroller & City Solicitor in his capacity as Monitoring Officer, the Lord Mayor as Chair, or a combination thereof).

An appropriate set of parameters will be particularly important given the potential subtleties of determining what is or is not to be considered acceptable question content: a balance will need to be struck in ensuring that questions do not veer inappropriately into operational matters. Similarly, it would not be appropriate to provide a public platform for mistruths or personal attacks to be promulgated; the occasional misuse of the public petitions for mockery rather than legitimate political debate in relation to the House of Commons is a pertinent example.

Wider questions around responsibility for administration and resourcing associated with the questions process will also be material.

- *Individual questions - Length and frequency:* Another consideration is whether there should be limits placed on the length of questions and the number of questions that might be posed at one or more meetings, in order to ensure that there is fair opportunity for all. For instance, some local authorities place a limit of one question submitted per person per Court meeting; a word limit (say of 50 words) is also sometimes employed to ensure questions are direct and can be answered clearly, without taking up time that would preclude others' questions being posed or responded to.
- *Ordering of questions:* A view is also required in respect of how questions are ordered. Many local authorities which allow public questions operate on a "first come first served" principle, ordering questions according to the order in which they are received (subject to them being valid). This avoids the engagement of subjective interpretation and associated controversy around determining the respective importance or thematic grouping of matters.
- *Who can ask questions?:* Thought is also necessary in respect of any limitations to be applied in respect of those permitted to ask questions. The majority of

local authorities limit questions to those within the relevant area, applying tests such as presence on the Ward List or proof of residency. The question for the City, therefore, also applies: should it be limited to voters on the Ward List, or widened? Can organisations ask questions, or is it restricted to named individuals? Should the individual be required to either demonstrate or in some way confirm that they are a resident / worker / student within the City, or should questions be opened to anyone with an interest? Who would be responsible for checking and verifying this?

- *Number and time allotted, impact on other business:* A determination in respect of the number and length of time permitted for public questions is also necessary. Members might wish to opt for a set number of questions per meeting or, instead, to allocate a set period of time; however, any decision will need to be mindful of the potential impact on the rest of the Court's business. For instance, Members' questions have a 40 minute window; providing another 20 minutes for public questions would mean an hour allocated each meeting, thereby limiting significantly the time available to the Court to consider "for decision" items, motions, and so on. It would also add to the overall length of the meeting generally.
 - *Treatment of "timed out" questions:* where too many questions are submitted for one meeting to be dealt with, how should excess questions be treated? For instance, should they be rolled over to the next meeting, responded to in writing, or simply disregarded and applicants required to re-submit revised questions?
 - *Delivery:* should questions be simply printed in the summons and responded to at the meeting, or should the questions be read out loud by the Town Clerk? Alternatively, should the individual be afforded the opportunity to ask the question in person, should they so wish?
12. Should Members wish to pursue this option, then steers in respect of the above, together with any other suggestions or points of consideration, would be welcome in aiding the creation of a formal protocol for public questions at Court meetings.

Public questions at Committee meetings

13. Another option utilised in some local authorities is to provide the opportunity for public questions at certain meetings which are felt to be of more direct relevance to public interest than full Council.
14. Full Council meetings at local authorities are not directly analogous to Court of Common Council meetings, with the latter being fundamentally distinct and having a much broader remit and range of legal responsibilities. It is, therefore, important to recognise that a Court meeting is not simply a local authority full Council meeting by another name.
15. The structure of the Court, being comprised of independent Members operating on a consensus basis (rather than with political balances or whips), as well as the nature of its operations (i.e., with much more decision-making taking place and across a wide range of local and private functions) means that meetings can

be fairly lengthy and cover a broad range of topics. Important decisions are also often required to take place in non-public session at the end of the meeting, due to the nature of the business and with mind to the practical convenience of both Members and the public.

16. In practice, wherever a question at Court has the effect of the Chair undertaking to ask their committee to explore something, it is simply referred to the next meeting of that committee. Consequently, it might be argued that it would be more efficient to direct the question to the appropriate committee in the first instance, thereby short-cutting the referral process and providing a more direct route for the public to have their issues responded to.
17. The more modern and familiar format of committee meetings, together with their greater frequency, might also lend itself to facilitating greater and more timely public engagement.
18. Should Members prefer this option then, as with the preceding option, answers to the questions set out at paragraph 11 would also be beneficial in order to inform a protocol to be developed such that question slots do not impede on the ability of the committee to conduct its business or result in disproportionate administrative burdens. Additionally, consideration would need to be given as to which are the most appropriate committees to host such questions, in view of their respective responsibilities.

Introduce a separate, dedicated forum for public questions or debate

19. A possible alternative approach would be to establish a small number of dedicated meetings for public questions or debate. Such mechanisms are sometimes employed by broadly comparable public bodies with wider remits, such as the Greater London Authority or Houses of Parliament, which do not permit public participation at their formal meetings.
20. For instance, the “People’s Question Time” sessions operated by the London Assembly, which take place a few times a year, provide a specific forum for public questions; similarly, public petitions for Westminster Hall debates are used by the Houses of Parliament.
21. These sessions allow for a more involved and specifically purposed engagement, whilst also mitigating against valid logistical concerns about the current length of Court and committee meetings and the potential impact of adding further time to these through public questions.
22. Holding the sessions at fixed points would also mitigate against the risk of potentially undermining the day-to-day role of Members in acting on behalf of and asking questions for their constituents in regular meetings.
23. Similar questions in relation to the parameters and management of questions as presented above would apply; however, a dedicated session would allow greater latitude for lengthier or a greater number of questions.

Corporate & Strategic Implications

- *Financial and resource implications* – it should be recognised that the introduction of any form of public questions would have resource implications for officers of the City Corporation, as well as for individual Chairs. Whilst Chairs would be responsible for delivering their own responses, it is inevitable that these would need to be informed and supported by a range of statistical, qualitative or background information which would need to be provided by officers and thus require resource to produce.

Unlike most local authorities, the City Corporation (due to its non-party political status) does not have political support groups and so the requirement to source and provide background information to Chairs would fall on officers within the relevant service departments.

Similar questions apply to the administration of the process and liaising with questioners, assessing question validity, responding to queries and so on.

- *Legal and risk implications* – the importance of a clear protocol for the submission and selection of questions is important as a key mitigating factor in ensuring that no questions which stray into legally challenging waters would be accepted.
- *Equalities implications* – none.
- *Climate implications* – none.
- *Security implications* – none.

Conclusion

24. The opportunity for the public to ask questions of Members directly, in the formal committee or council setting, is something employed by various local authorities. Should the City Corporation wish to adopt such a procedure, Members are asked to determine whether or not they would wish this to be at Court or committee meetings, and to provide guidance on a series of questions to form a relevant protocol.

Appendices

- Appendix 1 – Selection of public question protocols applied by various local authorities

Hyperlinks to local authority public questions policies

- [Birmingham City Council](#)
- [Brighton & Hove City Council](#)
- [Cornwall Council](#)
- [Derby City Council](#)
- [East Lindsey District Council](#)
- [East Sussex County Council](#)
- [Royal Borough of Greenwich](#)
- [London Borough of Haringey](#)
- [Royal Borough of Kensington and Chelsea](#)
- [Mansfield District Council](#)
- [Pembrokeshire County Council](#)
- [Stoke-on-Trent City Council](#)