

CONSTITUTION WORKING GROUP – 11th FEBRUARY 2025

Extract of existing rules with suggestions as tracked changes;

“3.1.22 QUESTIONS FROM COUNCILLORS AND THE PUBLIC

Councillors and the Public have the right to put forward questions for answer at a Council meeting but not at a special/extraordinary Council meeting unless these relate to the business to be discussed. All questions must be submitted in writing (this to include transmission by e mail).

A maximum of 3 questions will be accepted from each member of the Public and from each Councillor (each question to have no more than 2 sub-sections). A question in multiple parts will be treated as a series of individual questions. Notice of the question must be given to the Monitoring Officer no later than close of business 4 clear working days before the day of the meeting (e.g. 5pm on a Thursday for a meeting on the following Thursday).

If a meeting is postponed, or adjourned, once an agenda has been published, all deadlines for public engagement associated with the original meeting still apply.

All questions will be circulated to Members of the Council and the public in advance of the meeting. There is no requirement of the questioner to read out the question, nor of the relevant Councillor to read out the answer if circulated. Where a written answer is circulated in advance, the relevant Councillor may add to that answer orally at the meeting.

A Councillor who is asked a question may

- nominate another Councillor to reply on his or her behalf;*
- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting, where practicable.*

Questions must only be asked of:

- a Cabinet Member (where the matter falls within his or her portfolio) or*
- the Leader of the Council or the Deputy Leader (about any aspect of Council policy and practice, service delivery or community interest) or*
- a/all Group Leader/s (about an issue not related to executive business)*
- a committee or Panel chair*

but not an individual Member of the Council who does not hold any of the above positions.

For Policy Development & Scrutiny Panels, and Committees, questions must only be asked of the Chair.

The Chair may rule on the adequacy of an answer given at the meeting by a Cabinet Member (or their nominee).

A question will not be accepted under this Rule if

- it is substantially the same as a question which has been put at a meeting of the Council in the past six months
- it is not about a matter for which the local authority has a responsibility or which affects the B&NES area;
- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- is defamatory, frivolous or offensive or of a personal nature in relation to a member of the Council or to its officers;
- it is from an employee concerning matters relating to their own or a colleague's employment.

The text of written questions to Council, and their written or published responses, should contain no reference to political groups/parties."

Commented [JM1]: This wording already features in the Glossary but needs to feature within the rules

"3.1.23 PETITIONS AND STATEMENTS FROM COUNCILLORS OR THE PUBLIC

Councillors and members of the Public have the right to put forward petitions and statements at a Council meeting but not at a special/extraordinary Council meeting unless these relate to the business to be discussed. Registering can only be done for the next upcoming meeting of the particular body. The submission must be relevant to the Council and/or the Bath & North East Somerset area. Advance notice of all statements (including those supporting a petition) must be submitted in writing (this to include transmission by e mail) stating the subject matter, and must be lodged with the Monitoring Officer no later than close of business 2 clear working days before the day of the meeting at which the submission is to be made (e.g. Monday 5pm for a meeting on a Thursday). Where possible, members of the public and Councillors are strongly encouraged to submit the text of their statement in advance to enable Members to read it before the meeting.

If a meeting is postponed, or adjourned, once an agenda has been published, all deadlines for public engagement associated with the original meeting still apply.

Commented [JM2]: This wording was omitted in error when the new Constitution was agreed and needs to mirror the equivalent existing rule in the Cabinet section.

Guidance is available on drafting/submitting a statement.

There is no minimum number of signatures required for a petition.

A submission under this Rule will not be accepted if

- it seeks to address exempt or confidential matters;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where this Procedural Rule might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- is defamatory, frivolous or offensive or of a personal nature in relation to a member of the Council or to its officers;
- it is from an employee concerning matters relating to their own or a colleague's employment.
- ~~it contains an allegation against, or comments about, the conduct of individual Councillors or officers.~~

~~There is a limit of one submission per item per individual member of the Public.~~

There is a limit of one hour for items from the Public, extended at the Chair's discretion.

The Chair also has discretion, in consultation with the Democratic Services Manager, to manage the list of public speakers so that a range of topics can be covered.

Individual submissions will be limited to a maximum of 3 minutes.

If the submission relates to a general matter not on the agenda for the meeting, it will be taken at the start of the meeting. If it relates to an item on the agenda for the meeting, the person making the submission will be invited to address the meeting either at the start of the meeting or immediately before the item is debated. [For Councillor items to Council, these are taken at the end of the agenda, in accordance with rule 3.1.6.]

Once the submission has been made, the Chair will ~~ask each~~ Group ~~Leader~~ Leaders ~~once, to indicate~~ if they ~~require need~~ any clarification on the ~~submission statement, to~~ ask via a factual questions of the person making the submission. The Group Leader can defer this right to another Member within the Group. The meeting will then determine what action it wishes to take on the matters contained in the submission.

[The above provision regarding Group Leader factual questions only relates to Council.]”

“3.1.25 NOTICE OF AGENDA MOTIONS

Except for motions which may be moved without notice, written notice of every motion, signed by or on behalf of the Member(s) giving notice, with the name of the political group shown after the Member's name (unless the motion is to stand in the name of the Member only) must be delivered to the Monitoring Officer (on behalf of the Chief Executive) not later than 7 clear working days before the date of the meeting.

- *Motions will be listed on the agenda in the order in which notice was received by the Monitoring Officer unless, after consulting the Group Leaders, the Chief Executive and the Chair, the Monitoring Officer decides that it would be more effective for the conduct of the Council's business to place them in a different order;*
- *Motions must be about matters for which Bath & North East Somerset Council has a responsibility or which affect Bath & North East Somerset Council, its functions, its area or part of it or the inhabitants of that area or part of it unless all Group Leaders agree to a cross-party motion on a non-local issue.*

If notice is given of any motion which the Monitoring Officer considers does not fall within the scope of the above or that is ultra vires or otherwise illegal, that motion will be submitted to the Chair. The Chair shall decide to either rule the motion as out of order or to place it on the agenda if he or she considers that the motion required to be properly considered by the Council with a view to determining its validity. In the event of a motion being rejected and not being placed on the agenda, the Monitoring Officer will inform the Member who gave notice of the motion as soon as possible.

A Councillor submitting an agenda motion has the right to speak to it at the Council meeting for no longer than 5 minutes. That Councillor, or their nominee may also attend at any meeting of any other committee or body to which the Council refers the matter. However, he or she will be able to speak to the matter only at the discretion of the Chair of the meeting to which the matter has been referred. The Councillor may not vote on the matter unless s/he is a voting Member of the meeting considering the matter and has no conflict of interest in respect of that matter.

The meeting has the right to determine with advice from Officers whether it wishes to defer the matter to a future meeting for further Officer report/advice.

Notices of motion will not be accepted at the Budget Council meeting, or the Annual meeting of Council.”