

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 24th January 2013
Report of: Interim Borough Solicitor
Subject/Title: Questions to Cabinet

1.0 Report Summary

1.1 The Leader has called for a report to be considered by the Committee which would lead to a new provision in the Constitution providing for questions to be put to Cabinet members at Cabinet meetings by members of the Council.

1.2 This report sets out proposals for a change to the Procedure Rules, which would enable this to happen.

2.0 Decision Requested

2.1 That the Committee recommend to Council that the draft provisions referred to in paragraphs 8.4 & 8.5 of the report be adopted and that the Interim Borough Solicitor be authorised to make such changes to the Constitution as he considers are necessary to give effect to the wishes of Council.

3.0 Wards Affected

3.1 All Council wards are affected.

4.0 Policy Implications

4.1 The recommendations of this report have no direct policy implications.

5.0 Financial Implications

5.1 The recommendations of this report have no direct financial implications.

6.0 Legal Implications

6.1 If the recommendations of this report are accepted, Council must be asked to approve the consequent changes to the Constitution.

7.0 Risk Management

7.1 No risks would appear to be associated with the recommendations of this report.

8.0 Information

- 8.1 At the meeting of Council on 13th December 2012, the Leader seconded a proposal by Councillor David Newton that a new provision should be included in the Council Procedure Rules which would allow questions to be put to Cabinet members by members of the Council, at Council meetings, without notice first being given.
- 8.2 This proposal was agreed, and will now be included in the Constitution.
- 8.3 The Leader has called for a similar provision to be put in place, which would allow for questions, without notice, to be put to Cabinet members by members of the Council at meetings of Cabinet.
- 8.4 This report therefore proposes that the Constitution should be amended to include a provision, which would allow 20 minutes for questions to be put to Cabinet members by members of the Council at Cabinet meetings. Notice of these questions would not need to be given in advance of the meeting.
- 8.5 The Rules previously agreed by Council, which applied to questions at Council would be adapted appropriately for the purposes of questions to Cabinet members:
- Questions must relate to the powers, duties or responsibilities of the Cabinet.
 - Questions put to Cabinet members must relate to their portfolio responsibilities.
 - The Leader will determine how Cabinet question time should be allocated where there are a number of members wishing to ask questions.
 - Questions will be brief, clear and focussed.
 - Questions which the Leader deems to be inappropriate, frivolous, derogatory or vexatious will not be allowed.
 - Questions will not be allowed which repeat, or which are substantially the same as questions asked at a meeting of Council or Cabinet within the preceding 3 months.
 - Where any question might be disallowed under the agreed provisions, the Leader, as chairman of Cabinet will have absolute discretion to determine whether or not to do so.
 - Questions will be asked and answered without discussion. In replying, the Cabinet member responding will use their reasonable endeavours to address the matters raised in the question. The Cabinet member responding may decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer.
 - Following each answer, the questioner may ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer. The Leader may choose

to disallow a supplementary question if, in his opinion, it is inappropriate or unduly lengthy. The Cabinet member answering the supplementary question will decide whether or not to reply.

- Where a question relates to a matter which appears on the agenda of the Cabinet meeting in question, the Leader may allow the question to be asked at the beginning of consideration of that item.
- Whilst formal notice of questions is not required; until such time as the operation of these arrangements can be reviewed, any member wishing to ask a question as part of Cabinet question time should be asked to give an advance indication of their intention to do so, providing at least one working day's notice and a reasonable indication of the subject matter of their intended question.

9.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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