

<b>TITLE</b> <i>Name/description of the issue being assessed</i>	<b>Proposed Changes to Council Rules on questions at Council Meetings</b>
<b>DATE</b> <i>Date the DIA is completed</i>	<b>13.10.2015</b>
<b>LEAD OFFICER</b> <i>Name of person responsible for carrying out the DIA.</i>	<b>Neil Davies, Chief Executive</b>
<b>1 Summary description of the proposed change</b> <ul style="list-style-type: none"> <li><i>What is the change to policy/service/new project that is being proposed?</i></li> <li><i>How does it compare with the current situation?</i></li> </ul>	
<p>The following changes to the rules on questions at Council meetings are proposed:</p> <ol style="list-style-type: none"> <li> <p>           Closer alignment of the rules for questions at Council meetings from the public and Members (but with the retention of 30 minutes for public questions and 20 minutes for questions from Members) – in addition to the changes set out below this change introduces grounds on which questions from Members as well as the public may be rejected. The main aim of the proposals is to create capacity to deal with more public questions in the timescale available for them at Council meetings. Currently notice of questions has to be received 7 working days before the day of the meeting and all qualifying questions are published on the agenda and on the Council’s website.         </p> </li> <li> <p>removal of a facility for second and supplementary questions by the public and Members</p> </li> <li> <p>limiting any person, organisation or Member to no more than one question at each Council meeting – currently two each are allowed for the public and organisations. Members are currently restricted to one each under current rules.</p> </li> <li> <p>discontinuation of the practice of allowing substitutes to ask questions if a member of the public or a Member of the Council who has submitted a question cannot be present. All qualifying questions are published on the agenda. If a member of the public or a Member of the Council cannot attend in person it is proposed to send a written answer after the meeting which will also be published on the Council’s website. (Currently there is no formal rule allowing substitutes to ask questions but it has, over time, become established practice to allow this).</p> </li> <li> <p>introduction of a rule which limits the time allowed for answers provided to questions at Council meetings to three minutes. Currently there is no time limit for answers.</p> </li> <li> <p>amendment of Council rule 8.3 so that the final sentence reads “Any questions <b>that have not received a response</b> within the time limits will receive a written reply after the meeting”, as a response to the</p> </li> </ol>	

suggestion of the Independent Person under the Councillor Conduct regime. This provides greater clarity as the current rules refer to any questions “that have not been dealt with” which is open to interpretation.

## **2 Summary of evidence used to support this assessment**

- *Eg: Feedback from consultation, performance information, service user records etc.*
- *Eg: Comparison of service user profile with Medway Community Profile*

The information the Council has about the number of questions at Council meetings and the number of supplementary questions. The Council cannot assess how many people who have previously asked questions at Council meetings have protected characteristics because this information has not been collected. At the four Council meetings since October 2014 a total of 7 people have been unable to attend to ask their question; five male, two female.

## **3 What is the likely impact of the proposed change?**

*Is it likely to :*

- *Adversely impact on one or more of the protected characteristic groups?*
- *Advance equality of opportunity for one or more of the protected characteristic groups?*
- *Foster good relations between people who share a protected characteristic and those who don't?*

*(insert ✓ in one or more boxes)*

<b>Protected characteristic groups</b>	<b>Adverse impact</b>	<b>Advance equality</b>	<b>Foster good relations</b>
<b>Age</b>	Y		
<b>Disability</b>	Y		
<b>Gender reassignment</b>			
<b>Marriage/civil partnership</b>			
<b>Pregnancy/maternity</b>	Y		
<b>Race</b>			
<b>Religion/belief</b>			
<b>Sex</b>	Y		
<b>Sexual orientation</b>			
<b>Other (eg low income groups)</b>			

#### 4 Summary of the likely impacts

- *Who will be affected?*
- *How will they be affected?*

It is considered that the proposal to discontinue the established practice of allowing members of the public or Councillors to nominate a substitute to ask a question in their absence is the only change to Council rules that might impact on some groups with protected characteristics; older people, people with disabilities or those who are pregnant or female. Arguably, these groups may be more likely to be unable to attend for reasons associated with their health or caring responsibilities. The impact would be loss of an opportunity to nominate a substitute to ask a question should a member of the public (or a Councillor) be unable to attend a Council meeting. This would not however affect the opportunity for the public and Councillors to submit questions in accordance with Council Rules, or to receive an answer to their questions.

55 public questions have been asked at the four Council meetings since October 2014. The number of substitutes has been low. 7 people (five male and two female) have nominated substitutes in this period. It is unusual for any notice of substitution to be provided before the meeting so it is not possible to provide an analysis of the reasons for questioners to be unable to attend. However, experience over the last year does not suggest a disproportionate adverse impact in terms of female questioners as outlined above.

#### 5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

As set out in the legal advice at paragraph 8.4 of the report on the Council agenda it is a matter for the Council to determine arrangements for questions at Council meetings. In taking a decision on this matter the Council should have regard to the rights of local people to participate in public question time at Council meetings as set out in Article 1 of the Constitution and to the need for Council rules which facilitate the efficient conduct of other Council business.

Whilst removing the facility for public questioners to nominate a person to substitute for them the proposed new rules provide for an answer to be supplied in writing after the meeting which will also be published on the Council's website. In addition it is proposed to invite information from those who submit public questions in future for monitoring purposes and to keep the process (if new rules are adopted) under review in the context of any particular issues arising for groups with protected characteristics as a consequence of more systematic monitoring.

## 6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

Action	Lead	Deadline or review date
1. Collection of monitoring information from those who submit public questions in future (noting that people can only be invited and not compelled to provide this information)	Head of Democratic Services	Annual
2. Review of process in light of any particular issue being exposed for protected groups by collection of monitoring information	Head of Democratic Services	Annual
3. Update the Council's guide to asking a question at Council to reflect any changes to practice.	Head of Democratic Services	Annual

## 7 Recommendation

*The recommendation by the lead officer should be stated below. This may be:*

- *to proceed with the change implementing action plan if appropriate*
- *consider alternatives*
- *gather further evidence*

*If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.*

It is a matter for Members to decide whether or not to change the rules on questions at Council meetings. As long as Members have regard to the public sector equality duty, the proposal to remove the facility for substitutes is a lawful course of action. The proposal for written answers to be provided and published when a questioner cannot be present will mitigate any likely adverse impact. The collection and regular review of monitoring information in future will also provide mitigation.

## 8 Authorisation

*The authorising officer is consenting that:*

- *the recommendation can be implemented*
- *sufficient evidence has been obtained and appropriate mitigation is planned*
- *the Action Plan will be incorporated into service plan and monitored*

**Assistant Director**

**Date**

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443 email: [annamarie.lawrence@medway.gov.uk](mailto:annamarie.lawrence@medway.gov.uk)

C&A: (Children's Social Care) contact your normal P&I contact

C&A (all other areas): phone 1481 email: [paddy.cahill@medway.gov.uk](mailto:paddy.cahill@medway.gov.uk)

BSD: phone 2472/1490 email: [corppi@medway.gov.uk](mailto:corppi@medway.gov.uk)

PH: phone 2636 email: [david.whiting@medway.gov.uk](mailto:david.whiting@medway.gov.uk)

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication ([corppi@medway.gov.uk](mailto:corppi@medway.gov.uk))