
NORTH AYRSHIRE COUNCIL

7 November 2018

Council

Title: **Short Life Working Group on Questions and Motions**

Purpose: To report the findings of a short-life working group of Elected Members on Questions and Motions to Council, and to invite the Council to consider its recommendations.

Recommendation: It is recommended that Council approves the changes to Standing Orders as set out in the Appendix, and considers whether there should be any change to Standing Order 12.3 to remove the Leader of the Opposition from the categories of Members to whom questions may be addressed.

1. Executive Summary

- 1.1 Concern was expressed by Elected Members at the last Council meeting on 27 June 2018 about the inclusion of 'congratulatory' motions on Council Agendas, as well as questions characterised as 'vainglorious'.
- 1.2 A politically representative short-life working group of Elected Members met twice in August 2018 to consider the above and prepare recommendations for the Council's consideration. The detailed recommendations are set out at Appendix 1 and include a number of proposed changes to the Standing Orders Relating to Meetings and Proceedings of the Council and Committees.

2. Background

- 2.1 The undernoted Minute extract from the Council meeting of 27 June 2018 reflects the outcome of discussion by Members on the types of questions and motions submitted to recent meetings:-

"Referring to the inclusion of congratulatory motions as part of Council Agendas, the Leader of the Council expressed the view that a more appropriate mechanism be found to bring such matters to public attention. The Chief Executive undertook to put in place suitable arrangements for presenting alternatives for the Council's consideration.

Councillor Gurney requested that such consideration be extended to examining the appropriateness of including vainglorious questions on Agendas. The Chief Executive undertook so to do." ['Vainglorious' questions being questions by a Member of one political group to another Member of the same group].

- 2.2 Following the Council meeting, the Chief Executive proposed that the matter be progressed via the formation of a short life Member working group, supported by the Head of Democratic Services, the Senior Manager (Legal Services) and the Committee Services Team Leader. Membership of the group reflected the political make-up of the Council, with three Labour Group representatives (Councillors Robert Foster, John Sweeney and Donald Reid), three SNP Group representatives (Councillors Marie Burns, Anthea Dickson and Tony Gurney), two Conservative and Unionist Group representatives (Councillors Timothy Billings and Tom Marshall) and one Independent Member (Councillor Ian Murdoch). An initial meeting of the working group took place on 13 August 2018, with a follow-up meeting held on 27 August 2018 to conclude its findings and recommendations to Council.
- 2.3 Notes of the meetings held on 13 and 27 August 2018 are available as background papers.
- 2.4 At its meeting on 19 September 2018, the Council agreed to continue consideration of the recommendations of the working group, as set out in Appendix 1 to this report, to the next meeting, pending a Member seminar. The seminar took place on 23 October 2018 and was attended by 14 Elected Members.
- 2.5 The key issue raised at the seminar related to the procedure for congratulatory motions. It was important that Standing Orders reflected a simplified procedure whereby:-
- The Provost asks if the agenda item was agreed. In the absence of dissent, Council simply moves onto the next agenda item;
 - Only if a Member expressed disagreement with a particular group or individual would there be a vote. There should be no debate prior to that.

The proposed amendment to clause 13 of Standing Orders contained in the Appendix has been amended to reflect this.

3. Proposals

- 3.1 It is recommended that Council approves the changes to Standing Orders as set out in the Appendix, and considers whether there should be any change to Standing Order 12.3 to remove the Leader of the Opposition from the categories of Members to whom questions may be addressed.

4. Implications

Financial:	None arising from this report.
Human Resources:	None arising from this report.
Legal:	From a governance perspective it is important that Standing Orders are regularly reviewed and facilitate the efficient and fair progress of meetings. Questions and Motions form an important part of this governance structure as they are the means by which Members can get an item onto the Council agenda.

Equality:	None arising from this report.
Children and Young People:	None arising from this report.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	Not applicable.
Community Benefits:	Not applicable

5. Consultation

5.1 No additional consultation required.



Craig Hatton
Chief Executive

For further information please contact Melanie Anderson, Committee Services Team Leader on telephone number 01294 3214131.

Background Papers

Note of Meeting of Working Group – 13 and 27 August 2018

Recommendations of the Short Life Working Group on Questions and Motions

The Council is invited to consider the following recommendations of the working group and, in terms of Standing Order 22.1(b), approve the proposed changes to the Standing Orders Relating to Meetings and Proceedings of the Council and Committees:-

Congratulatory Questions and Motions

1. Amend Standing Order 9.1 to insert a new provision xi at 9.1 (Order of Business):-

“Requests to recognise the work of individuals or groups within North Ayrshire”

2. Amend Standing Order 12 to include as a new 12.6 the following wording:-

“It shall not be competent to ask a question which seeks to congratulate, commend or recognise any individual or group in relation to their achievements or activities in North Ayrshire”, with the remaining sub-paragraphs renumbered accordingly

3. Amend Standing Order 13 to include as a new 13.3 the following wording:-

“Any motion or request signed by at least two Members which seeks to congratulate, commend or recognise any individual or group in relation to their achievement or activities within North Ayrshire shall be included in the agenda item detailed in Standing Order 9.1 (xi). That item will simply detail the name of the person or group to be recognised and the reason for the recognition. In the absence of any dissent, the agenda item will be treated as approved. If there is any dissent as regards any particular individual or group, the matter shall proceed to a vote, without any questions or debate”.

The remaining sub-paragraphs will be renumbered accordingly.

Potential Measures to Streamline Consideration of Questions

4. Note that as long as the Member asking the question confirms at Council that it is still being asked, there is no obligation either to read out the question or response at Council, or to ask a supplementary question. The question and response could simply be ‘taken as read’.

Procedure Before Debate

5. Note the existing provisions of Standing Order 12.6 and recommend its enforcement to ensure that questions do not constitute debate:-

“Except when in debate any Member may ask a question at any meeting of the Council concerning any item of business arising upon the agenda. Such questions must be relevant to the item of business under consideration and must be directed to any senior officer seeking clarification of the terms of a report or to the mover or seconder of any motion or amendment seeking clarity of their motion or amendment.”

Supplementary Questions

6. Note the existing provisions of Standing Order 12.2 and recommend its enforcement to ensure supplementary questions are permitted only where they take the form of a question and relate to the response to original question:-

“...The Provost may at his or her discretion allow a supplementary question arising out of the answer given to the original question.”

Voting

7. Note that, prior to the debate stage, it is open to the mover and seconder of a motion to adopt all or parts of amendments with a view to achieving consensus. Once in debate, such changes require the consent of the Council. Amendments must be relevant to the motion and are not an opportunity to transform a motion into something entirely different from its original form.
8. The Direct Negative - Amend Standing Order 17 to include as a new 17.2 the following wording, with the remaining paragraphs of 17 renumbered accordingly:-

“When a motion and two or more amendments to it are before the meeting and any one of the proposals, in the opinion of the Provost, implies negation, the vote shall be taken on the proposal involving negation as soon as the debate is completed and before the vote, if any, on the remaining proposals is taken. The proposal involving negation shall be put to the meeting in the form of "proceed" or "not proceed". If "not proceed" is carried by a majority of votes, the remaining proposals shall drop, but if "proceed" is carried a vote shall be taken between the remaining proposals as hereinafter provided.”
9. The Working Group considered the alternative voting procedure adopted at the recent Local Development Plan Committee. In that case, each individual amendment to the LDP was taken in turn. In other words, a motion to change Policy RES3 was debated, voted on and determined. Thereafter, a motion to change Policy RES4 was determined and so on. This differs from the current process where ‘the winner takes all’. It was appreciated that, for most agenda items, this could add more complexity and time, but there may be circumstances where this would apply, budgets being an example. It would be helpful to amend Standing Orders to allow such a procedure to be used where appropriate.
10. Amend Standing Orders to provide a new Standing Order prior to the heading “Casting Vote”, to read:-

“Where there is more than one amendment, and two thirds of the members of Council present and voting so decide, Council may adopt the following alternative procedure to that detailed in 17.3 hereof:- if there are more amendments than one, the amendments will each be the subject of a separate debate, vote and determination, starting with the first amendment. If the first amendment is agreed, the substantive motion will be altered to give effect to the wording of that amendment, before debate, vote and determination of the second amendment and so on. Once the debate on the first amendment commences, no new motion or amendment shall be lodged, except in the circumstances set out in 15.3. Except as required to give effect to this paragraph, all remaining provisions of Standing Orders shall remain in full force and effect.”

11. Note that Group Leaders may take the opportunity at the Council Pre-Meetings to discuss and seek agreement on particular instances where it might be appropriate to exercise the alternative voting arrangements set out in the proposed new Standing Order referred to at 9. above.
12. Agree that a Member seminar be arranged to ensure that all Members are familiar with the voting procedures (now implemented).

Recipients of Questions

13. Note that the working group could not achieve consensus on whether questions directed at the Leader of the Opposition should be permitted. (Some Members considered that the focus of questions at Council should be on challenging the Administration and that questions directed at the Opposition, particularly those relating to matters of national policy in which the Council had no locus, did not serve the interests of the Council. Other Members were of the view that the current provision allowed an appropriate opportunity, particularly for 'backbench' Elected Members, to exercise their rights to question and challenge in the public setting of a Council meeting). If the provision allowing questions to the Leader of the Opposition was deleted, it should be noted that questions to the current Leader of the Opposition would still be competent in relation to her role as Chair of Audit and Scrutiny Committee.
14. In view of the failure of the working group to achieve consensus on this matter, invite the Council itself to consider whether there should be any change to Standing Order 12.3 to remove the Leader of the Opposition from the categories of Members to whom questions may be addressed. The current provision allows questions to the Leader of the Council, any Cabinet Member, the Chair of any Committee, the Leader of the Opposition or Council representatives on Outside Bodies, such questions relating to the functions of such office holder or member.
15. In relation to the issue of 'vainglorious questions' by a Member to another Member in their Group, it was agreed to recommend that no change should be made to Standing Orders, on the grounds that Members are individuals and might wish to raise constituency or local issues through such questions.