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## **PUBLIC QUESTIONS AT MEETINGS OF SCOTTISH BORDERS COUNCIL**

**Report by Acting Chief Executive**

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### **SCOTTISH BORDERS COUNCIL**

**27 October 2022**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval for a process to allow members of the public to submit questions to be answered at meetings of Scottish Borders Council.**
- 1.2 It was agreed at the August Council meeting that a further report be considered at the next Council meeting with details of how the submission of questions from members of the public to full Council meetings could work. At its meeting held on 23 September 2022, the Members' Cross Party Working Group: Scheme of Administration, considered a draft procedure, template and contact form. Details of the draft procedure are given in Appendix 1 to this report. The question template and contact details form are given in Appendices 2 and 3 respectively.
- 1.3 It is hoped that by including an item on the Council agenda for questions from members of the public, this will be another avenue for public engagement with the Council. It will also be complementary to the Open Questions item for Elected Members which is included in each Council agenda.

#### **2 RECOMMENDATIONS**

- 2.1 **It is recommended that Scottish Borders Council agrees:-**
  - (a) to approve the procedure for Questions from the Public at Council meetings, as detailed in Appendix 1;**
  - (b) to approve the template for the submission of questions from the public, as detailed in Appendix 2;**
  - (c) to approve the contact details form to accompany any question submitted by a member of the public, as detailed in Appendix 3;**
  - (d) to delegate authority to the Clerk to the Council to make the necessary changes to the Scheme of Administration; and**

- (e) that the submission of questions by members of the public for Council is reviewed after one year, to ascertain the benefits and consider whether such a process should continue.**

### **3 BACKGROUND**

3.1 At its meeting on 25 August 2022, Scottish Borders Council considered a report on initial changes to the Scheme of Administration and subsequent changes to Standing Orders. Part of the report also referred to consideration by the Members' Cross Party Working Group: Scheme of Administration of direct public engagement at Council meetings. At the moment, Elected Members submit questions to Executive members for response at these meetings and the Group discussed whether members of the public should also be able to submit questions in a similar way. This could be a way forward and a different approach but it would need to be a controlled process, with criteria for questions and limits to the number of public questions at each meeting. It was therefore agreed at the August Council meeting that a further report be considered at the next Council meeting with details of how this process could work.

### **4 QUESTIONS FROM THE MEMBERS OF THE PUBLIC**

4.1 At its meeting held on 23 September 2022, the Members' Cross Party Working Group: Scheme of Administration, considered a draft procedure, template and contact form for members of the public submitting questions to be answered at Council meetings. In terms of procedure, each question (maximum of 150 words) needs to be submitted separately on the template form and there are a number of exclusions of the type of question that can be accepted. It is proposed that a maximum of 5 questions from the public would be asked at any one Council meeting, with the responses read out by the relevant Portfolio holders. The member of the public asking the question is not entitled to speak at the meeting and is not entitled to ask any supplementary question regarding the response. Further, no Councillor may ask a supplementary question to a response given to a question from a member of the public. Details of the draft procedure are given in Appendix 1 to this report. The question template and contact details form are given in Appendices 2 and 3 respectively.

4.2 In their consideration of this matter, the Working Group added in to the process:

- Disproportionate cost would be added as another exclusion
- The answer to a question from the public could not form a final decision of a course of action agreed by Council e.g. any response which would result in changes to policy, budget or service provision could not be considered a final decision until a report with full costs and implications was considered at a Council or other committee meeting
- No reference should be made to political parties, Administration or Opposition in questions or responses
- No question will be answered where an FOI request has been made at the same time
- A privacy notice would be added to the template and form so the public knew their name and town would be made public in the papers being presented to Council
- Verification would be sought on someone's identity to stop any questions being submitted from a false source

- The Convener and Leader would be consulted on any question which did not meet the criteria and was being rejected
- 4.3 It is hoped that by including an item on the Council agenda for questions from members of the public, this will be another avenue for public engagement with the Council. It will also be complementary to the Open Questions item for Elected Members which is included in each Council agenda. It is further proposed that a review of the submission of questions from the public to Council is carried out after one year, to ascertain the benefits and consider whether this process should continue. The functions of Council in the Scheme of Administration will require to be amended to allow questions from the public to be considered.

## **5 IMPLICATIONS**

### **5.1 Financial**

There are no costs attached to any of the recommendations contained in this report.

### **5.2 Risk and Mitigations**

There is a reputational risk to the Council if it does not continue to review how it engages with the public and Border communities. By adding questions from the public to the agendas for Council meetings, this gives another avenue for the public to seek answers from the Council.

### **5.3 Integrated Impact Assessment**

No Integrated Impact Assessment has been carried out on the Interim Scheme of Administration although it is anticipated that there are no adverse equality issues. Any member of the public resident in the Scottish Borders may submit a question to Council.

### **5.4 Sustainable Development Goals**

It is anticipated that the introduction of questions from the public at Council meetings may assist in UN Goal No. 16 "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels" by becoming more responsive to communities and increase public access to information.

### **5.5 Climate Change**

There is no impact on Climate Change from the proposals in this report.

### **5.6 Rural Proofing**

There is no specific impact on the rural area from the proposals contained in this report.

### **5.7 Data Protection Impact Statement**

The contact form for the submission of questions to Council includes a privacy statement. The individual's name and town will be published as part of the Council papers but no other information will be released. The personal details on the contact form will only be used in relation to the public questions at Council procedure. A Data Protection Impact Assessment has not been carried out.

## 5.8 **Changes to Scheme of Administration or Scheme of Delegation**

A change is required to the Scheme of Administration to include the responses to questions from the public in the functions of Council, which is included in the recommendations in this report.

## **6 CONSULTATION**

6.1 *The Acting Chief Financial Officer, the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), and Corporate Communications are being consulted on and any comments received will be reported at the meeting.*

### **Approved by**

**David Robertson**

**Acting Chief Executive**

### **Author(s)**

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**Background Papers:** Nil

**Previous Minute Reference:** Scottish Borders Council, 25 August 2022

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

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