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| REPORT TO: | | Council | |
| DATE: | | 13 th November 2025 | |
| PORTFOLIO: | | Councillor Munsif Dad BEM JP, Leader of the Council | |
| REPORT AUTHOR: | | Executive Director (Legal & Democratic Services) | |
| TITLE OF REPORT: | | Proposed Amendments to the Council’s Constitution | |
| EXEMPT REPORT: | No | | |
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| KEY DECISION: | No | If yes, date of publication: | |

1. **Purpose of Report**

- 1.1 To seek approval for proposed amendments to the Council's constitution.

2. **Recommendations**

- 2.1 That Council approves the proposed changes to the "Question Time" held at full council meetings as described in paragraph 3.1 below and approves the proposed amendment to the paragraph A2.2 of the Council Procedure Rules attached as Appendix 1 to this report (with the new wording shown in red); and
- 2.2 That Council delegates authority to the Chief Executive to amend the Council's scheme of delegation to officers (in respect of non-executive decisions) to give effect to the outcome of the ongoing organisational review which will be determined by the chief executive as head of paid service in consultation with the Leader of the Council.

3. **Reasons for Recommendations and Background**

3.1 **Question Time**

There has recently been a significant increase in the number of questions submitted to full council as part of the "Question Time" arrangements, both from councillors and members of the public. Democratic engagement is welcomed, and the proposed amendments are designed to ensure that the process is manageable and operates fairly. The proposed amendments are intended to accommodate the increased number of questions, whilst ensuring that as many councillors as possible have an opportunity to have their questions responded to at council meetings given that Question Time only lasts for 30 minutes.

Where a councillor submits multiple questions, their first question will be listed on the agenda in the order of receipt. Their second question (and any subsequent questions)

will be taken only after the first questions from all other councillors have been dealt with. Where more than one councillor submits multiple questions, the second (and subsequent) questions from each of these councillors will be taken in turn and in order of receipt.

Given the increase in questions, it is increasingly likely that not all questions will be dealt with within the time available. Public questions that do not receive an answer at the meeting will receive a direct written response and contact details must be provided for that purpose.

3.2 **Scheme of delegation**

The proposed amendment to the scheme of delegation does not involve making any new or additional delegations to officers. Instead, it involves reallocating some of the existing delegations from one chief officer to another chief officer to reflect changes in management arrangements that may arise from the ongoing organisational review. As such, the amendments will essentially be procedural.

The Chief Executive is currently reviewing the organisational structure of the Council to ensure this puts the Council in the best position to operate effectively and deliver the priorities in the new corporate plan. As part of this process some service areas may switch from being the responsibility of one chief officer to another, which means that the scheme of delegation will require amendment to reflect the changes and ensure that delegated decisions are taken with the proper authority in place.

4. **Alternative Options considered and Reasons for Rejection**

4.1 No alternative proposal is suggested.

5. **Consultations**

5.1 The Leader's Policy Development Board has discussed the proposed changes to the Council Procedure Rules relating to Question Time and Cllr Dad and Cllr Khan have been further consulted.

5.2 The Chief Executive has consulted chief officers, service managers and other staff as relevant in respect of the organisational review and he has also consulted the Leader and Cabinet in respect of the proposals.

6. **Implications**

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| Financial implications (including mainstreaming) | None. |
| Legal and human rights implications | None. The scheme of delegation forms part of the Council's written constitution. Keeping the scheme up to date is an essential part of ensuring good governance arrangements are |

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| | in place. |
| Assessment of risk | None |
| Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i> | None |

7. Local Government (Access to Information) Act 1985:
List of Background Papers

None

8. Freedom of Information

- 8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

Appendix 1

Proposed new wording:

2.2 Business

- (vi) hold a Question Time with questions limited to the functions of the Council (which will last for up to 30 minutes).

Questions for the Leader of the Council, a member of the Cabinet or a committee chair may be submitted by councillors. Members of the public wishing to ask a question must do so by asking a councillor to raise the question, although councillors are not obliged to agree to such requests.

A councillor submitting a question on behalf of a member of the public must ensure that the name and contact details of the person raising the question are provided to the Democratic Services Team prior to the deadline for the submission of questions to enable a written response to be provided if necessary.

Questions must be submitted in writing or by electronic mail to the Democratic Services Team at least five clear days in advance of the meeting and must be received by twelve noon on the last day for receipt of the question. "Clear days" means working days and excludes the day the question was received and the day of the meeting.

Questions will be set out in the agenda for the meeting

Questions will be put by the chair of the meeting and will be taken in the order in which they are received by the Democratic Services Team.

Where a councillor submits more than one question (e.g. one of their own and one or more from members of the public, or two or more from members of the public), the chair will take the questions from the councillor in the order of receipt. All first questions will be taken in order of receipt and all second or subsequent questions will be taken only after all councillors' first questions have been put. If several councillors submit more than one question, the second and subsequent questions will be taken from each councillor in turn in the order of receipt. Questions will receive an oral answer. Questions that cannot be put within the allotted time will receive a written answer within 10 working days.

A member may put only one question of their own to each meeting, except with the consent of the Chair, but may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

The Chief Executive or the Mayor (as chair of the Council) may reject a question if it:

- i) is not about a matter for which the Council has a responsibility or which affects Hyndburn; or
- ii) is defamatory, frivolous or offensive; or

- iii) is substantially the same as a question which has been put at a meeting of the Council in the last 6 months; or
- iv) requires the disclosure of confidential or exempt information; or
- v) contains expressions of opinion; or
- vi) comprises multiple questions which would require a series of answers to be given.

Current wording:

2.2 Business

- (vi) hold a Question Time with questions limited to the functions of the Council (which will last for up to 30 minutes).

Questions for the Leader of the Council, a member of the Cabinet or a committee chair may be submitted by councillors. Members of the public wishing to ask a question must do so by asking a councillor to raise the question, although councillors are not obliged to agree to such requests.

Questions must be submitted in writing or by electronic mail to the Chief Executive at least two clear days in advance of the meeting and must be received by twelve noon on the last day for receipt of the question. "Clear days" means working days and excludes the day the question was received and the day of the meeting.

Questions will be set out in the agenda for the meeting

Questions will be put by the chair of the meeting and will be taken in the order in which they are received by the Chief Executive and will receive an oral answer. Questions that cannot be put within the allotted time will receive a written answer within 10 working days.

A member may put only one question to each meeting, except with the consent of the Chair, but may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

The Chief Executive or the Mayor (as chair of the Council) may reject a question if it:

- i) is not about a matter for which the Council has a responsibility or which affects Hyndburn
- ii) is defamatory, frivolous or offensive
- iii) is substantially the same as a question which has been put at a meeting of the Council in the last 6 months
- iv) requires the disclosure of confidential or exempt information

Questions must, in the opinion of the Chief Executive, or the Mayor, contain no expression of opinion.