



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Governance Committee

Wednesday, 27th September, 2023 at 5.30 pm
Lewes Room, Parkside, Chart Way, Horsham

Councillors: Belinda Walters (Chairman)
James Brookes (Vice-Chairman)
Tony Bevis
Jon Campbell
Paul Clarke
Jay Mercer
Roger Noel
David Skipp
Mike Croker

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes To approve as correct the minutes of the meetings held on 6 February 2023 and 24 May 2023 <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	3 - 6
3. Declaration of Members' Interests To receive any declarations of interest from Members of the Committee	
4. Announcements To receive any announcements from the Chairman of the Committee or the Chief Executive	
5. Temporary Appointments to Parish Councils To receive a report of the Monitoring Officer	7 - 10

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|-----|---|---------|
| 6. | Electronic Voting | 11 - 14 |
| | To receive a report of the Head of Customer and Digital Services | |
| 7. | Public Speaking at Council Meetings | 15 - 32 |
| | To receive a report of the Monitoring Officer | |
| 8. | Public Speaking at Cabinet Meetings | 33 - 48 |
| | To receive a report of the Monitoring Officer | |
| 9. | Delegations to Chief Finance Officer (Section 151 Officer) | 49 - 54 |
| | To receive a report of the Monitoring Officer | |
| 10. | Urgent Business | |
| | Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances | |

Governance Committee
6 FEBRUARY 2023

Present: Councillors: Philip Circus (Chairman), Tony Bevis, Ray Dawe, Christian Mitchell, Kate Rowbottom and David Skipp

Apologies: Councillors: Peter Burgess, Michael Croker and Sam Raby

GO/8 **MINUTES**

The minutes of the meeting held on 8 June 2022 were approved as a correct record and signed by the Chairman.

GO/9 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

GO/10 **ANNOUNCEMENTS**

There were no announcements.

GO/11 **INTERIM REVIEW OF POLLING PLACES AND CONSTITUTION AMENDMENT**

Councillor Philip Circus, Chairman of Governance Committee, stated that an interim review of polling stations for the 4 May 2023 elections had been required because of changes since the last full review in 2019. The disruptive impact of the COVID-19 lockdowns on children's education had led to a number of schools being reluctant to close on polling day and alternative venues had been identified, as set out in Appendix 1 of the report. Members had agreed at a previous meeting of the Committee that it was reasonable to avoid using schools to avoid disruption.

It was noted that Parish Councils had raised no objections during the consultation on the proposed changes.

Councillor Circus confirmed that a full review of polling stations, which was required by January 2025, was scheduled to take place.

Members discussed the third recommendation, which proposed a change to the constitution to allow for temporary changes to polling stations as required without having to seek the Committee's approval.

Councillor Tony Bevis proposed that the new wording for the constitution, as set out in 4.2 of the report, should be included in the recommendation to Council for ease of reference and to allow full transparency. The proposal was seconded by Councillor Ray Dawe.

RESOLVED

- (i) To approve the revised schedule of polling places (i.e., geographical area, usually the building) and polling stations (i.e., actual area where the process of voting takes place) for elections on 4 May 2023, as set out in Appendix 1, following the consultation carried out this year.
- (ii) To delegate authority to the Returning Officer, in consultation with Ward Members, to make temporary changes to the schedule of polling places and polling stations for all elections and, if approved;

TO RECOMMENDED TO COUNCIL

- (iii) To approve the proposed amendment to the constitution at Paragraph 3.5.1, namely:

“1(a) Will, in consultation with relevant Ward Members, redesignate new Polling Places, where such becomes unavailable or unsuitable before an election.”

and if approved authorise the Monitoring Officer to make the required changes to the Constitution.

REASON

To ensure that polling places and polling stations are relevant and fit for purpose.

GO/12 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 5.56 pm having commenced at 5.30 pm

CHAIRMAN

Governance Committee
24 MAY 2023

Present: Councillors: James Brookes, Jon Campbell, Paul Clarke, Mike Croker, Jay Mercer, Roger Noel, David Skipp and Belinda Walters

Apologies: Councillors: Tony Bevis

GO/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Belinda Walters be elected Chairman of the Committee for the ensuing Municipal Year.

GO/2 **ELECTION OF VICE CHAIRMAN**

RESOLVED

That Councillor James Brookes be elected Vice-Chairman of the Committee for the ensuing Municipal Year.

GO/3 **TIMES OF MEETINGS FOR THE MUNICIPAL YEAR**

RESOLVED

That meetings of the Committee be held at 5.30pm for the ensuing municipal year.

The meeting closed at 6.47 pm having commenced at 6.44 pm

CHAIRMAN

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Report to Governance Committee

Wednesday 27 September 2023

By the Monitoring Officer

DECISION REQUIRED

Not Exempt



**Horsham
District
Council**

Temporary Appointments to Parish Councils

Executive Summary

This report recommends that the power to make temporary appointments to parish councils under section 91 of the Local Government Act 1972 be delegated to the Council's Returning Officer.

Recommendations

That the Committee is recommended:

- i) To ask Council to delegate authority to the Returning Officer to make temporary appointments to parish councils under section 91 of the Local Government Act 1972; and
- ii) To note that the Monitoring Officer will reflect the delegation in the Constitution (pursuant to her authority to do so, per Article 13, paragraph 13.3 b) 3 of the Constitution) should the recommendation be approved.

Reasons for Recommendations

Granting the Returning Officer authority to make temporary appointments to parish councils should (i) minimise the period within which a parish council is inquorate and so unable to carry out any business, as Council would otherwise be required to meet and approve the temporary appointment, and, (ii) negate the requirement to convene council meetings to consider and make such appointments.

Background Papers

Report of the June 2022 meeting of Full Council, 'Temporary Appointment of Councillors to Parish Councils'

Minutes of the June 2022 meeting of Full Council

Horsham District Council Constitution

Wards affected: All

Contact: Bradley Daymon, Democratic Services Officer, 01403 215466

Background Information

1 Introduction and Background

- 1.1 This report recommends that the power to make temporary appointments to parish councils under section 91 of the Local Government Act 1972 be delegated to the Council's Returning Officer. This should ensure that the period within which a parish council is inquorate and so unable to carry out any business is kept to a minimum. In addition, it will negate the requirement to convene council meetings to consider such matters.
- 1.2 The Council's Returning Officer is currently Jane Eaton.

2 Relevant Council policy

- 2.1 The Council is duty bound to ensure that parish councils can properly function.
- 2.2 A great place to live: continue creating well balanced communities that meet residents' needs per the Corporate Plan.

3 Details

- 3.1 Earlier this year, due to the resignation of a number of parish councillors, Nuthurst Parish Council became 'inquorate' i.e. the Parish Council had an insufficient number of councillors to hold a legally valid meeting. This meant that, not only was the Parish Council unable to carry out its usual business at meetings, it was also unable to co-opt anyone onto the Parish Council in order to make itself quorate.

In order to resolve this situation, the Council approved the temporary appointment of one of its councillors, Councillor Dennis Livingstone, to Nuthurst Parish Council, pursuant to section 91 of the Local Government Act 1972, to make the Parish Council quorate to enable it to hold a meeting where it could co-opt further parish councillors to the said parish.

- 3.2 Part Three in the Council's Constitution contains a list of its functions and responsibilities. Specifically, paragraph 3.1 (4) thereof provides that Council will delegate responsibility "for other matters relating to elections set out in Part D of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000 to the Returning Officer."
- 3.3 One of the "other matters" referred to extends to the power to make temporary appointments to parish councils under section 91 of the Local Government Act 1972. Therefore, Council has the authority to make the delegation that is the subject of this report.
- 3.4 If Council approves the recommendation stated in this report, it will serve as confirmation that it has delegated this power to the Returning Officer, not merely that it will do so.
- 3.5 The advantage of delegating this power to the Returning Officer is that, should it be necessary to make a temporary appointment to a parish council in the Horsham

district in future, the appointment could be made at the earliest possible opportunity, in order to put the parish council back into a position where it is able to carry out its business and serve its residents.

4 Next Steps

- 4.1 If the recommendation is approved by the Governance Committee, Council will be asked to consider the same at its next meeting.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 This report does not relate to policy development and, as such, the views of Policy Development Advisory Groups have not been sought.
- 5.2 The Returning Officer, the Monitoring Officer and the Director of Resources have been consulted on the content of this report.

6 Other Courses of Action Considered but Rejected

- 6.1 The alternative course of action is not to grant the delegation. This is not considered appropriate as granting the delegation will achieve the same outcome but will have less of an impact on resources generally and will mean that any necessary parish council appointments can be made in a timely manner.

7 Resource Consequences

- 7.1 Granting the delegation referred to in this report will have a positive impact on resources if it avoids the need for Council approval each time the power under section 91 of the Local Government Act 1972 is required to be exercised. This is because Council meetings are resource intensive.

8 Legal Considerations and Implications

- 8.1 The Council can arrange for the discharge of any of its functions by an officer of the authority pursuant to section 101(1) of the Local Government Act 1972.
- 8.2 Council has the authority to make the subject delegation pursuant to paragraph 3.1 (4) of Part Three in the Council's Constitution.
- 8.3 The Council is required under section 37 of the Local Government Act 2000 to have a constitution and to keep it up to date.

9 Risk Assessment

- 9.1 The risk is that the longer a parish council is inquorate, the longer it is unable to hold meetings and take decisions for the benefit of its residents.

10 Procurement implications

- 10.1 There are no procurement implications.

11 Equalities and Human Rights implications / Public Sector Equality Duty

11.1 There are no equalities or human rights implications.

12 Environmental implications

12.1 There are no environmental implications.

13 Other considerations

13.1 There are no apparent GDPR, data protection or crime and disorder consequences.

Report to Governance Committee

27th September 2023
By the Monitoring Officer
DECISION REQUIRED



Not Exempt

Electronic Voting for Council Meetings

Executive Summary

There has been a request from the Chief Executive to investigate electronic voting for use in full Council Meetings to improve the accuracy of counting the votes.

Voting is currently achieved by Councillors raising their hands and a manual count being performed by Council Officers.

This proposal outlines the costs and work involved if the Council does move to electronic voting. This report recommends that electronic voting is adopted for use in its full Council Meetings.

Recommendations

That the Committee is recommended:

- i) To ask the Council to adopt and use an Electronic Voting system at its full Council Meetings.
- ii) Note that the Monitoring Officer will reflect the above-noted arrangement in the Council's Constitution (pursuant to her authority to do so as per Article 13, paragraph 13.3 b) 3 of the Constitution) should the subject recommendation be approved.
- iii) To ask Council to approve a £9,667 increase to the Technology Services' 2023/24 revenue expenditure budget to cover the one-off implementation costs.

Reasons for Recommendations

- i) To achieve accurate voting.
- ii) Full Council must approve all budget changes.

Background Papers

No background papers.

Wards affected: All Wards

Contact: Andrea Curson, Head of Customer and Digital Services, 01403215457

Background Information

1 Introduction and Background

- 1.1 The Council's Constitution provides that councillors must raise their hands in order to vote. Owing to the configuration of the meeting rooms used for full Council meetings, it can be difficult to ensure an accurate vote count.
- 1.2 The difficulty stems from the fact that the pillars in the meeting rooms obscure the view of Councillors' raised hands to the Democratic Services Team performing a manual count. The layout of the Council Meeting in the meeting rooms has been investigated to see if it could be changed to see if an unobscured view could be achieved and it was found that this was not possible.
- 1.3 Quotes were obtained by the Councils' IT Team from the AV-System Suppliers in relation to the provision of electronic voting. The Democratic Services Team participated in these conversations to ensure that the presented option was workable and would overcome the current difficulties faced by the Democratic Services Team.
- 1.4 If Electronic Voting is to be introduced, Councillors would vote by the touch of a button (For, Against and Abstain). Democratic Services Officers will see on screen the voting results and if someone has not voted and can ask them to do so. They will also see the result; it will involve no manual counting and therefore is likely to be more accurate.

2 Relevant Council policy

- 2.1 A more Modern and Flexible Council.

3 Details

- 3.1 To ensure an accurate vote count at full Council meetings, it is recommended that electronic voting be adopted. The cost of the electronic voting solution is £9,667 excluding VAT.
- 3.2 Democratic Services Officers believe that electronic voting will be beneficial because it will (i) negate the requirement to undertake a manual vote count and (ii) improve the accuracy of the vote.
- 3.3 Accordingly Councillors would not need to raise their hands to vote instead Councillors would vote by pressing a button on their microphones in the meeting room being used for the full Council meeting. The vote results will be displayed on a screen for the Democratic Services Officer to view and report accordingly.

3.4 Financial and other specific issues are dealt with under separate headings.

4 Next Steps

4.1 Should the subject recommendation be approved; it will be referred to full Council for approval.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

5.1 SLT have been consulted on this proposal.

5.2 The Monitoring Officer and the Director of Resources have been consulted to ensure legal and financial probity.

5.3 This report does not relate to policy development and as such, the views of any of the Policy Development Advisory Groups have not been sought.

6 Other Courses of Action Considered but Rejected

6.1 To remain with voting via raised hands. Rejected due to accuracy issues.

7 Resource Consequences

7.1 The financial consequences that £9,667 excluding VAT will need to be spent to facilitate this proposal.

7.2 The Director of Resources has been consulted on the financial implications and does not endorse the one-off cost to purchase the equipment as there is no payback. The simple cost-free, low-tech solution of extending one's arm up to its fullest extent will also work without technological difficulties.

7.3 The one-off cost of £9,667 will be added to the 2023/24 technology Services' revenue expenditure budget.

7.4 There will be some training required by IT Staff, Democratic Services Officer which will be provided as part of the costs by the supplier and for Councillors which will be provided by Officers.

7.5 No impact is expected on the number of Democratic Services officers that clerk the meeting.

8 Legal Considerations and Implications

8.1 The use of an electronic voting system will not deprive councillors from voting nor from requesting a recorded vote (names of Councillors are recorded against their vote).

- 8.2 The Council's Constitution would be updated to reflect the use of the Electronic Voting system.

9 Risk Assessment

- 9.1 The risks associated with this project are low, for example officers and Councillors may not engage with the new system, however, to minimise this risk, appropriate training will be provided to ensure that the new system is positively received.
- 9.2 If technical issues prevent an electronic vote from taking place, a manual vote and count will resume for that particular meeting.

10 Procurement implications

- 10.1 The contract value falls within the value for money threshold under the Council's procurement code and this contract represents the best value offering for the Council since it will effectively work with the pre-existing equipment.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 Equality analysis was undertaken to ascertain the potential impact on staff, service users, vulnerable groups and wider communities' groups that share protected characteristics and it is believed that other than some training for people using electronic voting there is no other impact.
- 11.2 The recommendation has no impact on any of the above groups.

12 Environmental Implications

- 12.1 No Environmental Implications.

13 Other Considerations

- 13.1 Other considerations such as GDPR/Data Protection; Crime & Disorder has been investigated and it was found that there were no implications relating to these areas for this project.

Report to Governance Committee

Wednesday 27 September 2023

By the Monitoring Officer

DECISION REQUIRED

Not Exempt



**Horsham
District
Council**

Public Speaking at Council Meetings

Executive Summary

This report is asking the Governance Committee to consider whether any changes should be made to the provisions that exist under the Constitution for public speaking at ordinary and extraordinary meetings of Council.

Recommendations

That the Committee is recommended:

- i) To consider whether the changes (as detailed in Appendix D) to the existing provisions (as contained in the Constitution) for public speaking at (a) ordinary and (b) extraordinary meetings of Council are appropriate; and
- ii) If the Committee considers that such changes are appropriate, to ask Council to approve and adopt the changes recommended by the Committee; and
- iii) To note, and to ask Council to note, that any adopted changes will be reflected in the Constitution per the Monitoring Officer's authority to implement any such revisions pursuant to Article 13, paragraph 13.3 b) 3 of the Constitution.

Reasons for Recommendations

To review public speaking rights at ordinary and extraordinary Council meetings and adopt any revisions considered appropriate.

It is good practice for councils to keep their constitutions and arrangements under regular review.

Background Papers

Horsham District Council Constitution, August 2023

Horsham District Council Constitution, Part 4A Rules of Procedure, December 2010

Constitutions of other district and borough councils within West Sussex as identified in Appendix C

Wards affected: All

Contact: Bradley Daymon, Democratic Services Officer, 01403 215466

Background Information

1 Introduction and Background

- 1.1 The Leader of the Council and the Chairman of the Governance Committee have requested that the rules regarding public speaking at meetings of Council be reviewed.
- 1.2 Accordingly, this report considers the provisions that exist under the Constitution for public speaking at meetings of Council, and how these compare to the provisions that exist at other district and borough councils within West Sussex.

2 Relevant Council policy

- 2.1 Broadly, members of the public may ask questions on matters relevant to the business of meetings.

3 Details

- 3.1 The rules relating to public speaking at ordinary meetings of Council are contained in Part 4 Rule 4a (Council Procedure Rules) and Part 4 Rule 4j (Public Speaking at Meetings Procedure Rules) of the Constitution.

- 3.2 Ordinary meetings

Part 4a.2 f) of the Council Procedure Rules provides that members of the public may ask questions at ordinary meetings of Council “in relation to matters which in the opinion of the Chairman are relevant to the business of the meeting”.

The procedure for asking such questions is contained in Part 4 Rule 4j 1 of the Public Speaking at Meetings Procedure Rules, which is set out in full in Appendix A to this report.

A comparison between the provisions that exist for public speaking at ordinary meetings of Council under the current Constitution and the provisions that existed under a previous version of the Constitution is contained in Appendix B to this report.

Information relating to the provisions that exist for public speaking at ordinary meetings of Council at other district and borough councils within West Sussex is contained in Appendix C to this report.

- 3.3 Extraordinary meetings

There is no express provision for public speaking at extraordinary meetings of Council in the Constitution.

Information relating to the provisions that exist for public speaking at extraordinary meetings of Council at other district and borough councils within West Sussex is contained in Appendix C to this report.

3.4 Option for consideration

A possible option available to the Governance Committee is set out in Appendix D to this report.

4 Next Steps

- 4.1 If the Governance Committee decides that changes should be made to the provisions relating to public speaking, Council will be asked to approve these changes at its next meeting.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 This report does not relate to policy development and as such the views of Policy Development Advisory Groups have not been sought.
- 5.2 The Monitoring Officer has been consulted on the content of this report.

6 Other Courses of Action Considered but Rejected

- 6.1 The alternative course of action is not to review the existing public speaking provisions contained in the Constitution. This has been rejected as it is considered good practice for councils to keep their constitutions and arrangements under regular review.

7 Resource Consequences

- 7.1 There are no resource consequences, save that changing the provisions relating to public speaking could affect the duration of Council meetings.

8 Legal Considerations and Implications

- 8.1 The Council is required under section 37 of the Local Government Act 2000 to have a constitution and to keep it up to date.

9 Risk Assessment

- 9.1 There are no apparent risks.

10 Procurement implications

- 10.1 There are no procurement implications.

11 Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no apparent equalities or human rights implications.

12 Environmental implications

- 12.1 There are no environmental implications.

13 Other considerations

13.1 There are no apparent GDPR, data protection or crime and disorder consequences.

Appendix A – Public Speaking at Meetings Procedure Rules

4j 1 Council meetings

4j 1.1 General

a) Members of the public may ask questions of Members of the Cabinet or Committee Chairmen at ordinary meetings of the Council, **in relation to matters which in the opinion of the Chairman of the Council are relevant to the business of the meeting.**

b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Chairman's discretion, there will be an overall limit of 15 minutes for public questions, or a total of six questions, whichever is the greater.

4j 1.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

4j 1.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 noon **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 1.4 Number of questions

At any meeting no person may submit more than **one question** and no more than one question may be asked on behalf of an organisation.

4j 1.5 Scope of questions

The Head of Paid Service may reject a question if it:

- a) is not about a matter for which the Council has a responsibility or which affects the District;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- d) requires the disclosure of confidential or exempt information.

4j 1.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

4j 1.7 Asking the question at the meeting

The Chairman will invite the questioner (**who must be present**) to put the question, as submitted, to the Councillor named in the notice.

4j 1.8 Response to the question

The Member responding to a question may speak for no longer than 2 minutes unless the Chairman consents to a longer period.

4j 1.9 Supplementary question

A questioner who has put a question may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise

directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds set out in 4j 1.5 above.

4j 1.10 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

4j 1.11 Reference of question to the Cabinet or a committee

Any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

4j 1.12 Summary for public speaking on agenda items

A maximum time of 15 minutes is to be allowed in the meeting to receive oral questions and answers (**not statements**) which, in the opinion of the person presiding at the meeting, are relevant to the business to be transacted at that meeting. A copy of any such questions must be submitted in writing no later than three working days prior to the relevant meeting.

Questions can only be asked by residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District. As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing within three working days of the relevant meeting.

Source: Horsham District Council Constitution, August 2023, Available at:

<https://horsham.moderngov.co.uk/documents/s24709/Horsham%20District%20Council%20Constitution.pdf>

Appendix B – Horsham District Council Constitution Comparison

This appendix provides an overview of some of the main provisions that exist for public speaking at ordinary meetings of Council under the current Horsham District Council Constitution (as set out in detail in Appendix A), and how these compare to the provisions that existed under a previous version of the Constitution.

Date of Constitution	Who can ask questions?	Who can be asked questions?	Notice of questions	Scope of questions	Max. total time for questions	Max. time per question	Supplementary questions	Responses to questions	Statements
August 2023	<p>Questions may be asked by 'residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District.'</p> <p>NB. Questioner must be present at the meeting to ask the question.</p>	Cabinet Members or Committee Chairmen	Noon 3 working days before meeting	<p>Must be 'in relation to matters which in the opinion of the Chairman of the Council are relevant to the business of the meeting'.</p> <p>May be rejected by the Head of Paid Service on a number of grounds, including if it 'is not about a matter for which the Council has a responsibility or which affects the District' or 'is substantially the same as a question which has been put at a meeting of the Council in the past six months'.</p>	The greater of 15 minutes or 6 questions (at Chairman's discretion)	<p>2 minutes</p> <p>Max. 1 question per person or organisation</p>	1 supplementary question	<p>Member has discretion as to whether to respond orally or in writing.</p> <p>If there is insufficient time to respond at the meeting or the relevant Member is absent from the meeting, a response will be given in writing.</p> <p>Oral response: Member has 2 minutes to respond, which may be extended at the Chairman's discretion.</p> <p>Written response: Member has 3 working days to respond.</p>	Statements not permitted

<p>December 2010</p>	<p>Members of the public</p> <p>NB. Question may be asked by the Chairman if the questioner is unable to be present at the meeting.</p>	<p>The Leader of the Council or Ordinary Committee Chairmen</p>	<p>'12.00 on the last but one working day before the day of the meeting'</p>	<p>Representations may be made 'on any specific item on the agenda'.</p> <p>May be rejected by the Chief Executive on a number of grounds, including if it 'is not about a matter for which the Council has a responsibility or which affects the District' or 'is substantially the same as a question which has been put at a meeting of the Council in the past six months'.</p>	<p>15 minutes (at Chairman's discretion)</p>	<p>2 minutes (at Chairman's discretion)</p> <p>Max. 2 questions per person or organisation</p>	<p>1 supplementary question</p>	<p>If there is insufficient time to respond at the meeting or the relevant Member is absent from the meeting, a response will be given in writing.</p> <p>If question is asked by the Chairman in the absence of the questioner, a response will either be given in writing or will not be given at all.</p>	<p>Statements permitted –</p> <p>'9.11 Public speaking on specific items</p> <p>(a) Parish and neighbourhood councils in the District and members of the public may make a statement on any item on the agenda when the matter arises for debate and at the time appointed by the Chairman. Each speaker will be limited to two minutes in which to make representations. Unless the Chairman specifies otherwise, the total time for such representations by members of the public shall not exceed 12 minutes in respect of each item.</p> <p>(b) Speakers shall give notice by not later than 12.00 on the last but one working day before the meeting of their intention to speak.</p> <p>(c) Where the item concerns a planning or licensing application the rule in Rule 9.11(a) is modified to allow parish or neighbourhood councils two minutes each, objectors two minutes each subject to</p>
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									an overall limit of six minutes, applicants and supporters two minutes each subject to an overall limit of six minutes'.
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Sources:

Horsham District Council Constitution, August 2023, Available at:

<https://horsham.moderngov.co.uk/documents/s24709/Horsham%20District%20Council%20Constitution.pdf>

Horsham District Council Constitution, Part 4A Rules of Procedure, December 2010

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Appendix C – Public Speaking at Council Meetings at Other Local Authorities

This appendix provides an overview of some of the main provisions that exist for public speaking at (a) ordinary and (b) extraordinary meetings of Council at the other district and borough councils within West Sussex.

(a) Ordinary meetings of Council

Council	Who can ask questions?	Who can be asked questions?	Notice of questions	Scope of questions	Max. total time for questions	Max. time per question	Supplementary questions	Responses to questions
Adur	'Members of the public, who live, work or own property in the District'.	Cabinet Members	Midday 2 clear working days before meeting (can be asked without notice but Cabinet Member then has the option to respond in writing within 3 working days)	Must 'relate to a matter for which the Council has responsibility and/or which specifically affects the District'.	30 minutes	5 minutes (max. 2 questions per person or organisation)	1 supplementary question Max. 2 minutes Must be within 30 minutes allowed for questions	Response to a question on notice to be given at meeting if questioner and Cabinet Member both present and sufficient time. Otherwise, response to be given in writing within 3 working days.
Arundel <i>(NB. Committee model of governance – not Leader and Cabinet)</i>	Members of the public	Committee Chairs (or Vice-Chair if Committee Chair is absent)	5 working days before meeting	Must 'be relevant to matters for which the council has powers or duties' and 'should be limited to obtaining information or pressing for action'.	15 minutes (Chair may extend)	1 minute	1 supplementary question Max. 1 minute	Response to be given at meeting. Where this is not possible, response to be given in writing within 10 working days.
Chichester	'Questions can be asked by residents or non-domestic ratepayers of the district.'	Constitution infers Cabinet Members or Committee Chairmen	Noon 2 working days before meeting	Questions may be asked 'on issues of local concern'.	15 minutes (Chairman may extend)	3 minutes (Chairman may extend)	1 supplementary question (at Chairman's discretion)	Response may be given orally at the meeting or in writing. Other options include declining to respond or asking a senior officer to respond.

								If questioner or their representative is not present at the meeting, a response will be given in writing within 10 working days.
Crawley	Members of the public, who must confirm which ward they live in when submitting or asking a question.	The Mayor, Cabinet Members or Chairs of Committees	Noon 1 week before meeting for written questions (can also ask oral questions without notice)	May be rejected on a number of grounds, including if it is 'a statement and not a question' or does not 'relate to an issue for which the Council holds responsibility, or which specifically affects the Borough'.	30 minutes	No time limit but written questions may be rejected if more than 100 words	1 supplementary question	Written question on notice: Written response to be given on evening of meeting. Oral question without notice: Oral response to be given at meeting, unless there is insufficient time or information 'is not readily available', in which case a written response will be given.
Mid Sussex	Members of the public	Members of the Council	1pm 2 days before meeting	May be rejected on a number of grounds, including if it 'is not about a matter for which the local authority has a responsibility, or which affects the District' or 'is not in the format of a question'	15 minutes	No time limit but questions are limited to 100 words	1 supplementary question	If a full response is expected to exceed 2 minutes, an oral summary will be given at the meeting and a full response will be given in writing. If there is insufficient time to respond or the relevant Member is absent from the meeting, a response will be given in writing.
Worthing	'Members of the public, who live work or own	Cabinet Members	Midday 2 clear working days before meeting (can be asked	Must 'relate to a matter for which the Council has responsibility	30 minutes	5 minutes (max. 2 questions per	1 supplementary question Max. 2 minutes	Response to a question on notice to be given at meeting if

	property in the District’.		without notice but Cabinet Member then has the option to respond in writing within 3 working days)	and/or which specifically affects the Borough’.		person or organisation)	Must be within 30 minutes allowed for questions	questioner and Cabinet Member both present and sufficient time. Otherwise, response to be given in writing within 3 working days.
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(b) Extraordinary meetings of Council

Council	Is public speaking permitted at extraordinary meetings of Council?
Adur	Yes. ‘Extraordinary meetings of Full Council will ... [in] accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public’.
Arun	Public speaking at extraordinary meetings of Council is not expressly excluded in the Council’s Constitution.
Chichester	No, unless the Chairman of the Council directs that it shall be. ‘A special meeting of the Council shall not include Public Question Time, Questions to the Executive and Late Items unless the Chairman of the Council so directs.’
Crawley	No, except ‘the Mayor has the discretion to hold public questions if they consider it to be beneficial to the business specified in the request to hold the Extraordinary Meeting.’
Mid Sussex	Public speaking at extraordinary meetings of Council is not expressly excluded in the Council’s Constitution.
Worthing	Yes. ‘Extraordinary Meetings will ... [in] accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public’.

Sources:

Adur District Council Constitution, 17 August 2023, Available at:

<https://www.adur-worthing.gov.uk/media/Media,168761,smxx.pdf>

Arun District Council Constitution, Version 2.2, 27 January 2023, Available at:

<https://democracy.arun.gov.uk/documents/g1747/Public%20reports%20pack%2027th-Jan-2023%20Constitution.pdf?T=10&Info=1>

Chichester District Council Constitution, 2 June 2023, Available at:

<https://chichester.moderngov.co.uk/documents/g1081/Public%20reports%20pack%20Friday%2002-Jun-2023%2009.00%20The%20Constitution.pdf?T=10&Info=1>

Crawley Borough Council Constitution, 25 July 2023, Available at:

<https://democracy.crawley.gov.uk/documents/g2905/Public%20reports%20pack%2025th-Jul-2023%20Constitution.pdf?T=10&Info=1>

Mid Sussex District Council Constitution, 25 August 2023, Available at:

<https://midsussex.moderngov.co.uk/documents/g3216/Public%20reports%20pack%2025th-Aug-2023%2012.00%20Constitution.pdf?T=10&Info=1>

Worthing Borough Council Constitution, 17 August 2023, Available at:

<https://www.adur-worthing.gov.uk/media/Media,168762,smxx.pdf>

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Appendix D – Possible Option

4j 1 Council meetings

4j 1.1 General

a) Members of the public may ask questions of Members of the Cabinet or Committee Chairmen at ordinary meetings of the Council, **in relation to matters which in the opinion of the Chairman of the Council** the Council has responsibility for and/or which specifically affect the District.

b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Chairman's discretion, there will be an overall limit of 15 minutes for public questions, or a total of six questions, whichever is the greater.

c) Questions can only be asked by residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District.

4j 1.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

4j 1.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 noon **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 1.4 Number of questions

At any meeting no person may submit more than **one question** and no more than one question may be asked on behalf of an organisation.

4j 1.5 Scope of questions

The Head of Paid Service may reject a question if it:

- a) is not about a matter for which the Council has a responsibility or which affects the District;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a meeting or special meeting of the Cabinet in the past six months; or
- d) requires the disclosure of confidential or exempt information.

4j 1.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

4j 1.7 Asking the question at the meeting

The Chairman will invite the questioner (**who must be present**) to put the question, as submitted, to the Councillor named in the notice.

4j 1.8 Response to the question

The Member responding to a question may speak for no longer than two minutes unless the Chairman consents to a longer period.

4j 1.9 Supplementary question

A speaker who has put a question may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The speaker will be limited to one minute in which to ask their question. The Chairman may reject a supplementary question on any of the grounds set out in 4j 1.5 above.

4j 1.10 Written answers

- a) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.
- b) Any supplementary question which cannot be answered during the public question time, either because of lack of time, or the Member not having the knowledge or access to the information at the time, will be dealt with by a written answer.
- c) As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing, within three working days of the relevant meeting.

4j 1.11 Reference of question to the Cabinet or a committee

Any Member may move that a matter raised by a question or supplementary question be referred to the Cabinet or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

4j 1.12 Statements

Members of the public may ask questions in accordance with the rules contained in this procedure rule and are not entitled to make any statements.

4j 1.13 Conflicting provisions

The provisions contained in this procedure rule shall prevail in the event there is a conflict with other provisions contained in the constitution.

4j 2 Extraordinary Council meetings

4j 2.1 General

a) Members of the public may ask questions of Members of the Cabinet or Committee Chairmen at extraordinary meetings of the Council, **in relation to matters which in the opinion of the Chairman of the Council are relevant to the business of the meeting.**

b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Chairman's discretion, there will be an overall limit of 20 minutes for public questions, or a total of six questions, whichever is the greater.

c) Questions can only be asked by residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District.

4j 2.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

4j 2.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 noon **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 2.4 Number of questions

At any meeting no person may submit more than **one question** and no more than one question may be asked on behalf of an organisation.

4j 2.5 Scope of questions

The Head of Paid Service may reject a question if it:

- a) is not about a matter for which the Council has a responsibility or which affects the District;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a meeting or special meeting of the Cabinet in the past six months; or
- d) requires the disclosure of confidential or exempt information.

4j 2.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

4j 2.7 Asking the question at the meeting

The Chairman will invite the questioner (**who must be present**) to put the question, as submitted, to the Councillor named in the notice.

4j 2.8 Response to the question

The Member responding to a question may speak for no longer than two minutes unless the Chairman consents to a longer period.

4j 2.9 Supplementary question

A speaker who has put a question may not ask a supplementary question at an extraordinary meeting of the Council.

4j 2.10 Written answers

- a) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.
- b) As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing, within three working days of the relevant meeting.

4j 2.11 Reference of question to the Cabinet or a committee

Any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

4j 2.12 Statements and supplementary questions

Members of the public may ask questions in accordance with the rules contained in this procedure rule and are not entitled to make any statements or ask supplementary questions.

4j 2.13 Conflicting provisions

The provisions contained in this procedure rule shall prevail in the event there is a conflict with other provisions contained in the constitution.

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Report to Governance Committee

Wednesday 27 September 2023

By the Monitoring Officer

DECISION REQUIRED

Not Exempt



**Horsham
District
Council**

Public Speaking at Cabinet Meetings

Executive Summary

This report is asking the Governance Committee to consider whether any changes should be made to the provisions that exist under the Constitution for public speaking at meetings and special meetings of the Cabinet.

Recommendations

That the Committee is recommended:

- i) To consider whether the changes (as detailed in Appendix D) to the existing provisions (as contained in the Constitution) for public speaking at (a) Cabinet meetings and (b) special Cabinet meetings are appropriate; and
- ii) If the Committee considers that such changes are appropriate, to ask Council to approve and adopt the changes recommended by the Committee; and
- iii) To note, and to ask Council to note, that any adopted changes will be reflected in the Constitution per the Monitoring Officer's authority to implement any such revisions pursuant to Article 13, paragraph 13.3 b) 3 of the Constitution.

Reasons for Recommendations

To review public speaking rights at ordinary and special Cabinet meetings and adopt any revisions considered appropriate.

It is good practice for councils to keep their constitutions and arrangements under regular review.

Background Papers

Horsham District Council Constitution, August 2023

Horsham District Council Constitution, Part 4I Public Speaking at Meetings, December 2007

Constitutions of other district and borough councils within West Sussex as identified in Appendix C

Wards affected: All

Contact: Bradley Daymon, Democratic Services Officer, 01403 215466

Background Information

1 Introduction and Background

- 1.1 The Leader of the Council has requested that the rules regarding public speaking at Cabinet meetings be reviewed.
- 1.2 Accordingly, this report considers the provisions that exist under the Constitution for public speaking at Cabinet meetings and how these compare to the provisions that exist at other district and borough councils within West Sussex.

2 Relevant Council policy

- 2.1 Broadly, members of the public may ask questions on matters relevant to the business of meetings.

3 Details

- 3.1 The rules relating to public speaking at Cabinet meetings are contained in Part 4 Rule 4b (Cabinet Procedure Rules) and Part 4 Rule 4j (Public Speaking at Meetings Procedure Rules) of the Constitution.
- 3.2 Part 4 Rule 4b.11 d) of the Cabinet Procedure Rules provides that members of the public may ask questions at Cabinet meetings “in relation to matters which, in the opinion of the person presiding at the meeting are relevant to the business of the meeting, subject to an overall time limit of 15 minutes”.
- 3.3 The procedure for asking such questions is contained in Part 4 Rule 4j 3 of the Public Speaking at Meetings Procedure Rules, which is set out in full in Appendix A to this report.
- 3.4 A comparison between the provisions that exist for public speaking at Cabinet meetings under the current Constitution and the provisions that existed under a previous version of the Constitution is contained in Appendix B to this report.
- 3.5 Information relating to the provisions that exist for public speaking at Cabinet meetings at other district and borough councils within West Sussex is contained in Appendix C to this report.
- 3.6 There is no express provision for public speaking at special meetings of the Cabinet in the Constitution.
- 3.7 A possible option available to the Governance Committee is set out in Appendix D to this report.

4 Next Steps

- 4.1 If the Governance Committee decides that changes should be made to the provisions relating to public speaking, Council will be asked to approve these changes at its next meeting.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 This report does not relate to policy development and as such the views of Policy Development Advisory Groups have not been sought.
- 5.2 The Monitoring Officer has been consulted on the content of this report.

6 Other Courses of Action Considered but Rejected

- 6.1 The alternative course of action is not to review the existing public speaking provisions contained in the Constitution. This has been rejected as it is good practice for councils to keep their constitutions and arrangements under regular review.

7 Resource Consequences

- 7.1 There are no resource consequences, save that changing the provisions relating to public speaking could affect the duration of Cabinet meetings.

8 Legal Considerations and Implications

- 8.1 The Council is required under section 37 of the Local Government Act 2000 to have a constitution and to keep it up to date.

9 Risk Assessment

- 9.1 There are no apparent risks.

10 Procurement implications

- 10.1 There are no procurement implications.

11 Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no apparent equalities or human rights implications.

12 Environmental implications

- 12.1 There are no environmental implications.

13 Other considerations

- 13.1 There are no apparent GDPR, data protection or crime and disorder consequences.

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Appendix A – Public Speaking at Meetings Procedure Rules

4j 3 Cabinet meetings

4j 3.1 General

a) Members of the public may ask questions of Members of the Cabinet **in relation to matters which in the opinion of the Leader are relevant to the business of the meeting.**

b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Leader's discretion, there will be an overall limit of 15 minutes for public questions, or a total of six questions, whichever is the greater.

4j 3.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Leader may group together similar questions.

4j 3.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 pm **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 3.4 Number of questions

At any meeting **no person may submit more than one question** and no more than one question may be asked on behalf of an organisation.

4j 3.5 Scope of questions

The Head of Paid Service may reject a question if it:

- a) is not about a matter for which the Council has a responsibility or which affects the District;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- d) requires the disclosure of confidential or exempt information.

4j 3.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Cabinet Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be made available to all those attending the meeting.

4j 3.7 Asking the question at the meeting

The Leader will invite the questioner (**who must be present**) to put the question, as submitted, to the Cabinet Member named in the notice.

4j 3.8 Supplementary question

A questioner who has put a question may also put one supplementary question without notice to the Cabinet Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Leader may reject a supplementary question on any of the grounds set out in 4j 3.5 above.

4j 3.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Cabinet Member to whom it was to be put, will be dealt with by a written answer.

Source: Horsham District Council Constitution, August 2023, Available at:

<https://horsham.moderngov.co.uk/documents/s24709/Horsham%20District%20Council%20Constitution.pdf>

Appendix B – Horsham District Council Constitution Comparison

This appendix provides an overview of some of the main provisions that exist for public speaking at Cabinet meetings under the current Horsham District Council Constitution (as set out in detail in Appendix A), and how these compare to the provisions that existed under a previous version of the Constitution.

Date of Constitution	Who can ask questions?	Notice of questions	Scope of questions	Max. total time for questions	Max. time per question	Supplementary questions	Responses to questions	Statements
August 2023	Members of the public NB. Questioner must be present at the meeting to ask the question.	Noon 3 working days before meeting	Must be 'in relation to matters which in the opinion of the Leader are relevant to the business of the meeting'. May be rejected by the Head of Paid Service on a number of grounds, including if it 'is not about a matter for which the Council has a responsibility or which affects the District' or 'is substantially the same as a question which has been put at a meeting of the Council in the past six months'.	The greater of 15 minutes or 6 questions (at Leader's discretion)	2 minutes Max. 1 question per person or organisation	1 supplementary question	If there is insufficient time to respond at the meeting or the relevant Cabinet Member is absent from the meeting, a response will be given in writing.	No reference to statements
December 2007	Members of the public NB. Question may be asked by the Chairman if the questioner is unable to be	'12.00 on the last but one working day before the meeting'	Representations may be made 'on any specific item on the agenda'. May be rejected by the Chairman on a number of grounds, including if it 'is not about a matter for which the Council	15 minutes (at Chairman's discretion)	2 minutes (at Chairman's discretion) Max. 2 questions per person or organisation	1 supplementary question	If there is insufficient time to respond at the meeting or the relevant Member is absent from the meeting, a response will	Statements permitted – '3.8 Public speaking on specific items Parish and Neighbourhood Councils in the District and Members of the public may make a statement on any item on the agenda when the matter arises for debate and

	present at the meeting.		has a responsibility or which affects the District'.				be given in writing. If question is asked by the Chairman in the absence of the questioner, a response will either by given in writing or will not be given at all.	at the time appointed by the Chairman. Each speaker will be limited to two minutes in which to make representations. Unless the Chairman specifies otherwise, the total time for such representations by members of the public shall not exceed 12 minutes in respect of each item.'
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Sources:

Horsham District Council Constitution, August 2023, Available at:

<https://horsham.moderngov.co.uk/documents/s24709/Horsham%20District%20Council%20Constitution.pdf>

Horsham District Council Constitution, Part 4I Public Speaking at Meetings, December 2007

Appendix C – Public Speaking at Cabinet Meetings at Other Local Authorities

This appendix provides an overview of some of the main provisions that exist for public speaking at Cabinet meetings at other district and borough councils within West Sussex.*

Council	Who can ask questions?	Notice of questions	Scope of questions	Max. total time for questions	Max. time per question	Supplementary questions	Responses to questions
Adur	'Members of the public, who live, work or own property in the District may ask questions at any meeting of the Cabinet ... on any matter which is before that meeting, or for which the Cabinet ... has responsibility, subject to the matters referred to in 11.2.5 [Scope of Questions].'	Midday 2 clear working days before meeting (can be asked without notice but Cabinet Member then has the option to respond in writing within 3 working days)	Must 'relate to a matter for which the Cabinet ... has responsibility'. May be rejected on a number of grounds, including if it 'is substantially the same as a question which has been put to a meeting of the Full Council ... [or] the Cabinet ... in the past 6 months'.	30 minutes	5 minutes (max. 2 questions per person or organisation)	1 supplementary question Max. 2 minutes	Questions on notice: Response to be given at meeting if questioner is present and sufficient time. If questioner is present but insufficient time, response to be given in writing within 3 working days. Questions without notice: Cabinet Member has the option to respond in writing within 3 working days.
Chichester	'Questions can be asked by residents or non-domestic ratepayers of the district.'	Noon 2 working days before meeting	Questions may be asked 'on issues of local concern'. Some exceptions to questions that may be asked, including that these 'should not relate to matters personal to the questioner, his or her spouse, partner or relative'.	15 minutes (Chairman may extend)	3 minutes (Chairman may extend)	1 supplementary question (at Chairman's discretion)	If the questioner or their representative is not present, a response will be given in writing within 10 working days.
Crawley	Members of the public	Notice of questions not required	Should 'be relevant to the functions of the Cabinet and must not relate to an individual case	15 minutes	Not specified	1 supplementary question	The Leader, a Cabinet Member(s) or an officer will respond to questions asked at the meeting.

			<p>which should be dealt with under the Council's Complaints Procedure or any other formal appeals procedure' and 'must not be in essence the same as a question which has been put to the Cabinet in the past 6 months'.</p> <p>Written questions may also be submitted on 'a matter affecting the Borough'.</p>				Written response to be given to questions submitted in writing.	
Page 42	Worthing	No provision for public speaking at Cabinet meetings						
	Worthing	<p>'Members of the public, who live, work or own property in the Borough, may ask questions at any meeting of the Cabinet ... on any matter which is before that meeting, or for which the Cabinet ... has responsibility, subject to the matters referred to in 11.2.5 [Scope of Questions].'</p>	<p>Midday 2 clear working days before meeting (can be asked without notice but Cabinet Member then has the option to respond in writing within 3 working days)</p>	<p>Must 'relate to a matter for which the Cabinet ... has responsibility'.</p> <p>May be rejected on a number of grounds, including if it 'is substantially the same as a question which has been put to a meeting of the Full Council ... [or] the Cabinet ... in the past 6 months'.</p>	30 minutes	5 minutes (max. 2 questions per person or organisation)	1 supplementary question Max. 2 minutes	<p>Questions on notice: Response to be given at meeting if questioner is present and sufficient time. If questioner is present but insufficient time, response to be given in writing within 3 working days.</p> <p>Questions without notice: Cabinet Member has the option to respond in writing within 3 working days.</p>

*Arun District Council operates a 'Committee' model of governance rather than a 'Leader and Cabinet' model, therefore it does not have a Cabinet and has not been included in this table.

Sources:

Adur District Council Constitution, 17 August 2023, Available at:

<https://www.adur-worthing.gov.uk/media/Media,168761,smxx.pdf>

Chichester District Council Constitution, 2 June 2023, Available at:

<https://chichester.moderngov.co.uk/documents/g1081/Public%20reports%20pack%20Friday%2002-Jun-2023%2009.00%20The%20Constitution.pdf?T=10&Info=1>

Crawley Borough Council Constitution, 25 July 2023, Available at:

<https://democracy.crawley.gov.uk/documents/g2905/Public%20reports%20pack%2025th-Jul-2023%20Constitution.pdf?T=10&Info=1>

Mid Sussex District Council Constitution, 25 August 2023, Available at:

<https://midsussex.moderngov.co.uk/documents/g3216/Public%20reports%20pack%2025th-Aug-2023%2012.00%20Constitution.pdf?T=10&Info=1>

Worthing Borough Council Constitution, 17 August 2023, Available at:

<https://www.adur-worthing.gov.uk/media/Media,168762,smxx.pdf>

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Appendix D – Possible Option

4j 4 Cabinet meetings

4j 4.1 General

a) Members of the public may ask questions of Members of the Cabinet **in relation to matters which in the opinion of the Leader** the Council has responsibility for and/or which specifically affect the District.

b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Leader's discretion, there will be an overall limit of 15 minutes for public questions, or a total of six questions, whichever is the greater.

c) Questions can only be asked by residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District.

4j 4.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Leader may group together similar questions.

4j 4.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 pm **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 4.4 Number of questions

At any meeting **no person may submit more than one question** and no more than one question may be asked on behalf of an organisation.

4j 4.5 Scope of questions

The Head of Paid Service may reject a question if it:

- a) is not about a matter for which the Council has a responsibility or which affects the District;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a meeting or special meeting of the Cabinet in the past six months; or
- d) requires the disclosure of confidential or exempt information.

4j 4.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Cabinet Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be made available to all those attending the meeting.

4j 4.7 Asking the question at the meeting

The Leader will invite the questioner (**who must be present**) to put the question, as submitted, to the Cabinet Member named in the notice.

4j 4.8 Supplementary question

A speaker who has put a question may also put one supplementary question without notice to the Cabinet Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The speaker will be limited to one minute in which to

ask their question. The Leader may reject a supplementary question on any of the grounds set out in 4j 4.5 above.

4j 4.9 Written answers

- a) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Cabinet Member to whom it was to be put, will be dealt with by a written answer.
- b) Any supplementary question which cannot be answered during the public question time either due to lack of time, or the Member not having the knowledge or access to the information at the time, will be dealt with by written answer.
- c) As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing, within three working days of the relevant meeting.

4j 4.10 Statements

Members of the public may ask questions in accordance with the rules contained in this procedure rule and are not entitled to make any statements.

4j 4.11 Conflicting provisions

The provisions contained in this procedure rule shall prevail in the event there is a conflict with other provisions contained in the constitution.

4j 5 Special Cabinet meetings

4j 5.1 General

- a) Members of the public may ask questions of Members of the Cabinet **in relation to matters which in the opinion of the Leader** are relevant to the business of the meeting.
- b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Leader's discretion, there will be an overall limit of 20 minutes for public questions, or a total of six questions, whichever is the greater.
- c) Questions can only be asked by residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District.

4j 5.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Leader may group together similar questions.

4j 5.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 pm **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 5.4 Number of questions

At any meeting **no person may submit more than one question** and no more than one question may be asked on behalf of an organisation.

4j 5.5 Scope of questions

The Head of Paid Service may reject a question if it:

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

c) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a meeting or special meeting of the Cabinet in the past six months; or

d) requires the disclosure of confidential or exempt information.

4j 5.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Cabinet Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be made available to all those attending the meeting.

4j 5.7 Asking the question at the meeting

The Leader will invite the questioner (**who must be present**) to put the question, as submitted, to the Cabinet Member named in the notice.

4j 5.8 Supplementary question

A speaker who has put a question may not ask a supplementary question at a special meeting of the Cabinet.

4j 5.9 Written answers

- a) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Cabinet Member to whom it was to be put, will be dealt with by a written answer.
- b) As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing, within three working days of the relevant meeting.

4j 5.10 Statements

Members of the public may ask questions in accordance with the rules contained in this procedure rule and are not entitled to make any statements.

4j 5.11 Conflicting provisions

The provisions contained in this procedure rule shall prevail in the event there is a conflict with other provisions contained in the constitution.

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Report to Governance Committee

Wednesday 27 September 2023

By the Monitoring Officer

DECISION REQUIRED

Not Exempt



**Horsham
District
Council**

Delegations to Chief Finance Officer (Section 151 Officer)

Executive Summary

This report recommends changes to the Chief Finance Officer's delegations contained in the Council's Constitution. It also incorporates a review of the delegation made by Council in June 2022 in relation to the receipt and expenditure of external grant funding.

The recommendations extend to:

- Grants up to £100,000 for new projects or new service areas;
- Grants up to £249,999 for existing projects or existing service areas; and
- Any other changes to the Council's budget relating to income or expenditure up to £100,000.

Recommendations

That the Committee is recommended:

- i) To ask Council to approve that the delegation to the Chief Finance Officer (Section 151 Officer) in paragraph 10 of section 3.5.2 of Part Three of the Constitution be removed and replaced by the following:

"10. With the Leader of the Council, to approve the receipt and consequent expenditure and/or allocation (as the case may be) of grant monies for new projects or new service areas for which there is no provision in the Council's budget up to a threshold of £100,000 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee.

11. With the Leader of the Council, to approve the receipt and consequent expenditure and/or allocation (as the case may be) of grant monies for existing projects or existing service areas for which there is no provision in the Council's budget up to a threshold of £249,999 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee."

- ii) To ask Council to approve that an additional delegation to the Chief Finance Officer (Section 151 Officer) be included in section 3.5.2 of Part Three of the Constitution as follows:

"12. With the Leader of the Council, to be authorised to make decisions relating to any other income or expenditure for which there is no provision in the Council's budget up to a threshold of £100,000 in consultation with the Cabinet Member for

Finance and Resources and the Chairman of the Overview and Scrutiny Committee, such income or expenditure being the gross amount.”

- iii) To note that the Monitoring Officer will reflect the above-noted delegations in the Constitution (pursuant to her authority to do so, per Article 13, paragraph 13.3 b) 3 of the Constitution) should the recommendations be approved.

Reasons for Recommendations

The recommendations will further streamline the decision-making process by allowing certain decisions to be made by the Chief Finance Officer (Section 151 Officer) and the Leader of the Council in a timely manner without the need to obtain prior approval from Council. The Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee will have oversight of these decisions.

Background Papers

Report and minutes of the June 2022 meeting of the Governance Committee
Minutes of the June 2022 meeting of Full Council
Horsham District Council Constitution

Wards affected: All

Contact: Bradley Daymon, Democratic Services Officer, 01403 215466

Background Information

1 Introduction and Background

- 1.1 This report recommends changes to the Chief Finance Officer's delegations contained in the Council's Constitution, in order to further streamline the decision-making process.
- 1.2 These changes are to (i) extend a delegation made by Council in June 2022, and, (ii) introduce a new delegation.

2 Relevant Council policy

- 2.1 The recommendations in this report support section 5.3.4 of the 2019-2023 Corporate Plan: "Continue to manage our finances prudently and identify new sources of revenue to balance our budgets as funding from central government reduces."

3 Details

3.1 Receipt and expenditure and/or allocation of grant monies

- 3.1.1 Following a recommendation by the Governance Committee made on 8 June 2022, Council resolved at its meeting on 22 June 2022 to allow the Section 151 Officer and the Leader of the Council, in consultation with the (then) Cabinet Member for Finance and Parking and the Chairman of the Overview and Scrutiny Committee, to approve the receipt of grant monies, and consequent expenditure, up to £100,000. This was reflected in the Constitution as follows:

"With the Leader of the Council, to approve the receipt of grant monies and consequent expenditure up to a threshold of £100,000 in consultation with the Cabinet Member for Finance and Parking and the Chairman of Overview & Scrutiny Committee."

- 3.1.2 The Governance Committee agreed that, if Council accepted the recommendation, the decision would be reviewed in 12 months' time.
- 3.1.3 It is recommended that this delegation now be extended indefinitely to allow the receipt and expenditure and/or allocation of grant monies up to an increased threshold of £249,999 where such monies relate to existing projects or existing service areas. Decisions relating to grant monies often need to be made at short notice and increasing the threshold will obviate the need to obtain Council's approval in these circumstances. The rationale behind extending the delegation for existing projects or existing service areas only (as opposed to new projects and new services) is that a decision would likely already have been taken to undertake the project or provide the service to which the grant monies relate.
- 3.1.4 Any decisions involving the receipt and expenditure and/or allocation of grant monies for existing projects or existing service areas of £250,000 or above will likely constitute a material change to the Council's budget and, if so, would require

Council's approval unless the urgency provisions contained in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution apply.

3.1.5 It is recommended further that the threshold for the receipt and expenditure and/or allocation of grant monies relating to new projects or new service areas be set at £100,000. This reflects largely the current position albeit the present delegation does not distinguish between existing and new projects/services or include the allocation of grant monies.

3.1.6 Any decisions involving the receipt and expenditure and/or allocation of grant monies in excess of £100,000 for new projects or new service areas will likely constitute a material change to the Council's budget and, if so, would require Council's approval unless the urgency provisions in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution apply.

3.2 Other income and expenditure

3.2.1 The Section 151 Officer has limited authority to make financial decisions which fall outside of the Council's budget. For example, the postholder does not currently have the authority to make minor in-year changes to the budget for areas which reduce expenditure through efficiency or generate more income through changes made to effect growth in volumes.

3.2.2 In order to improve operational efficiency, it is recommended that the Section 151 Officer be delegated authority to make decisions relating to any income or expenditure up to a threshold of £100,000 and on the same terms as with grants i.e. with the Leader of the Council and in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee.

4 Next Steps

4.1 If approved by the Governance Committee, Council will be asked to consider the recommendations at its next meeting.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

5.1 This report does not relate to policy development and as such the views of Policy Development Advisory Groups have not been sought.

5.2 The Monitoring Officer has been consulted on the content of this report.

5.3 The Leader of the Council, the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee have been consulted on the content of this report.

6 Other Courses of Action Considered but Rejected

6.1 The alternative courses of action considered but rejected are:

- (i) not to extend the threshold applicable to grant monies for existing projects or existing service areas, or to extend the threshold by a lesser amount; and
- (ii) not to grant the delegation in respect of (i) grant monies for new projects of new services areas, or, (ii) other income and expenditure or to grant the delegation but with a lower threshold amount.

6.2 The recommended delegations and threshold amounts are considered reasonable and proportionate in the context of the Council's overall budget, and the value of the grants that the Council receives without notice from time to time, which is becoming more frequent, and, the fact that related decisions need to be taken in a timely manner and without delay.

7 Resource Consequences

7.1 Granting the delegations referred to in this report is expected to have a positive impact on resources if more decisions are able to be made without requiring Council approval. This is because Council meetings are resource intensive.

8 Legal Considerations and Implications

8.1 The Council can arrange for the discharge of any of its functions by an officer pursuant to section 101(1) of the Local Government Act 1972.

8.2 The Council is required under section 37 of the Local Government Act 2000 to have a constitution and to keep it up to date.

9 Risk Assessment

9.1 The requirement for the delegations to be exercised in conjunction with the Leader of the Council and in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee reduces any risks associated with granting them.

9.2 Not approving the subject delegations could mean that the Council will miss out on grant funding opportunities or need to convene meetings on short notice which will have an impact on resources, councillors' time and increase our carbon footprint.

10 Procurement implications

10.1 There are no procurement implications.

11 Equalities and Human Rights implications / Public Sector Equality Duty

11.1 There are no equalities or human rights implications.

12 Environmental implications

12.1 There are no environmental implications, save that granting the delegations could contribute to the reduction of the Council's carbon footprint if it avoids extra Council meetings having to be called.

13 Other considerations

13.1 There are no apparent GDPR, data protection or crime and disorder consequences.