

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

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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.