



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

Governance Committee

Wednesday, 10th June, 2020 at 5.30 pm
via Remote Video Link

Councillors:

Andrew Baldwin
Toni Bradnum
Philip Circus
Leonard Crosbie

Tim Lloyd
Christian Mitchell
Kate Rowbottom
David Skipp

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

In line with Government guidance, Horsham District Council's office at Parkside is closed until further notice. Public meetings will go ahead with Councillors participating via remote video link and the public via an audio link. The meeting will be livestreamed on the Council's YouTube Page [here](#)

Agenda

	Page No.
1. Election of Chairman of the Committee for the Municipal Year 2020/21	
To elect a chairman of the committee for the municipal year 2020/21	
2. To elect a Vice - Chairman of the committee for the Municipal Year 2020/21	
To elect a vice- chairman of the committee for the municipal year 2020/21.	
3. Apologies for absence	
To receive any apologies for absence.	
4. Minutes	3 - 4
To approve as correct the minutes of the meeting held on the 26 th November 2019.	
(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.)	

5. **Declaration of Members' Interests**
To receive any declarations of interest from Members of the Committee
6. **Announcements**
To receive any announcements from the Chairman of the Committee or the Chief Executive
7. **Review of Billingshurst Polling Stations**
To receive a verbal update from the Chairman or Monitoring Officer.
8. **Covid 19 Emergency - Changes to the Constitution agreed at Council 22 April 2020** 5 - 22
To consider a report from the Monitoring Officer on changes to the Constitution to clarify and reflect Councils temporary powers to hold remote meetings.
9. **Updates to Finance and Contract Procedures in the Constitution** 23 - 44
To note a report on updates to Finance and Contract Procedures.
10. **Public speaking at Full Council and formal Cabinet meetings** 45 - 60
To consider a table of comparison of public speaking rules at other Councils.
11. **To approve the time of meetings of the Committee for the ensuing year**
To agree the time of the meetings of the Committee for the year.
12. **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
26 NOVEMBER 2019

Present: Councillors: Andrew Baldwin, Toni Bradnum, Tim Lloyd,
Christian Mitchell, Kate Rowbottom and David Skipp

Apologies: Councillors: Philip Circus and Leonard Crosbie

GO/16 **MINUTES**

The Minutes of the meeting held on the 29th October 2019 were approved and signed as a correct record.

GO/17 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interests.

GO/18 **ANNOUNCEMENTS**

None.

GO/19 **REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS**

The Monitoring Officer presented a report and said that the Electoral Registration and Administration Act 2013 required a review of all polling districts and polling places to be completed by 31 January 2020. Subsequent compulsory reviews had to be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2018.

A major review of polling districts and polling places had been undertaken last year to take account of the new District wards introduced with effect from May 2019. For this reason few changes to polling places and no changes to polling districts were proposed in the current review. An additional mini-review would be conducted prior to the May 2020 elections in order to take account of any issues that arose from the forthcoming Parliamentary General election.

The consultation process in respect of the current review was now complete and the recommendations were set out in Appendix 3 of the report.

After a brief discussion, it was RESOLVED:

That:

- (i) A recommendation to Council to approve the revised schedule of polling districts, polling places and polling stations, as set out in Appendix 3, following the review carried out this year be approved; and;

- (ii) An additional mini-review would be conducted prior to the May 2020 elections to take account of any issues arising from the forthcoming Parliamentary General election.

GO/20 **URGENT BUSINESS**

None.

The meeting closed at 18.05 having commenced at 17.34

CHAIRMAN

Report to Governance Committee

10th June 2020

By the Monitoring Officer

INFORMATION REPORT

(delete whichever is not applicable)

Not Exempt



**Horsham
District
Council**

Covid 19 Emergency - Changes to the Constitution agreed at Council Meeting of 22 April 2020

Executive Summary

At Full Council on the 22 April 2020 approval was given to agree the following amendments to the Constitution from 22 April 2020 until the end of the COVID-19 emergency:

To allow meetings of the Council to be conducted remotely in line with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392.

To authorise the Chief Executive (and Directors if the Chief Executive is not available) to cancel and to call meetings of Council and meetings of nonexecutive committees and sub-committees in consultation with the Council Leader, including cancelling meetings where there would be insufficient business for a meeting to take place.

To agree to suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972.

This report provides the detail of the proposed changes needed to clarify and reflect those changes.

Recommendations

The Committee is recommended to consider the proposed amendments to the Constitution as set out in paragraph 3 and shown Appendix 1 & 2 and if agreed to recommend that these changes to the Constitution are noted by Full Council.

Reasons for Recommendations

To provide the detail of changes to the Constitution to incorporate the Rules and Procedure for the holding of virtual meetings.

Background Papers

The Constitution of Horsham District Council 7 December 2016 (Amended July 2019)

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392. <https://www.legislation.gov.uk/uksi/2020/392/contents/made>

Wards affected: All

Contact: Sharon Evans, Monitoring Officer

Background Information

1 Introduction and Background

- 1.1 Until recently the Law governing Council and Committee meetings required Councillors to be present together in a physical location. Meetings were largely governed by the Local Government Act 1972 and the Local Authorities (Executive Arrangement)(Meetings and Access to Information) (England) Regulations 2012. Such legislation did not anticipate a global pandemic and the current impact of Covid-19 and social distancing guidance which has made it impractical to run Council and Committee meetings in the usual way.
- 1.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. The Regulations provide Councils with the power to hold their Council and Committee meetings remotely, by electronic means, between 4th April 2020 and 6th May 2021.
- 1.3 Consequently, during this period of time, to enable Councillors, Officers and the public to social distance themselves, Council and Committee meetings can lawfully be held on remote platforms by access via electronic devices, rather than being held in a physical location, such as our Council Offices.
- 1.4 At Full Council on the 22 April approval was given to agree the following amendments to the Constitution from 22 April 2020 until the end of the COVID-19 emergency:

To allow meetings of the Council to be conducted remotely in line with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392.

To authorise the Chief Executive (and Directors if the Chief Executive is not available) to cancel and to call meetings of Council and meetings of nonexecutive committees and sub-committees in consultation with the Council Leader, including cancelling meetings where there would be insufficient business for a meeting to take place.

To agree to suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972.

New Rules of Procedure and a Protocol has been drafted to incorporate the conducting of virtual meetings by the Council.

2 Relevant Council policy

- 2.1 Horsham District Council Local Code of Corporate Governance

3 Details

- 3.1 The Rules of Procedure for all meetings of the Council can be found at Part Four in the Council's Constitution. The Rules of Procedure specific to virtual meetings of the Council have been drafted as an addition to the existing rules and are to be read in conjunction with Sections 4a to 4h at Part 4 of the Council's Constitution and they will be found at Section 4i.
- 3.2 The full proposed Part 4 – Rules of Procedure, Section 4i – Virtual Procedure Rules can be found at Appendix 1 of this report.
- 3.3 A proposed protocol for how virtual meetings will be conducted has also been drafted, which is intended to give practical guidance on the implementation of, and arrangements for the holding of remote meetings. This should be read in conjunction with the revised Rules of Procedure.
- 3.4 'The Protocol For Council Meetings Held Remotely by Electronic Means' can be found at Appendix 2 of this report.

4 Next Steps

- 4.1 At the Full Council Meeting of 22nd April 2020 approval for the Monitoring Officer to make changes to the Constitution to reflect the holding of virtual meetings of the council was given. This report provides the detail of the proposed changes necessary. The Governance Committee is asked to consider these changes. After consideration by this Committee and noting by Full Council the Monitoring Officer will publish the amendments on the Council's website.

5 Outcome of Consultations

- 5.1 Consultation has taken place with the Head of Paid Service, Director of Corporate Resources and Director of Planning and Democratic Services Manager.

6 Other Courses of Action Considered but Rejected

- 6.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 suspends the Council's current standing orders to allow for the holding of remote meetings of the Council. Without the proposed changes the Council would not be acting unlawfully, however, clarity on the procedure and detail of protocols to be adopted aids in better governance of the Council.

7 Resource Consequences

- 7.1 There are no cost implications arising from these changes.

8 Legal Consequences

- 8.1 Under Section 9P of the Local Government Act 2000 (as amended by the

Localism Act 2011), it is a legal requirement for the Council to have a Constitution. It is the responsibility of the Monitoring Officer to monitor and review the operation of the Council's Constitution to ensure that the aims and principles of it are given full effect and to make recommendations for ways in which the Constitution could be amended in order to enable decision to be taken efficiently and effectively.

9 Risk Assessment

- 9.1 The recommendations within this report are part of mitigating corporate risk by ensuring that the Constitution is up to date, consistent and user friendly.

10 Other Considerations

- 10.1 The Constitution and its Procedures, Rules and Codes act as an enabling tool in helping the Council meet its obligations under the Human Rights Act 1998 and the Equality Act 2010.
- 10.2 Consideration of how projects and proposals can secure environmental, social and economic benefits and reduce negative consequences should be an integral part of decision-making and the Constitution will facilitate such considerations.

APPENDIX 1

**PART 4 – RULES OF PROCEDURES
(SECTION 4i – VIRTUAL MEETING PROCEDURE RULES)**

Approved xx June2020

**PART 4 – RULES OF PROCEDURES
(SECTION 4i – VIRTUAL MEETING PROCEDURE RULES)**

**To be read in conjunction with Sections 4a to 4h at Part 4 of the Council's
Constitution**

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- 1. Introduction
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- 5. Public access
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- 7. Access to documents
- 8. Conduct of meetings
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- 10. Voting
- 11. Questions by the Public.....
- 12. Public Speaking at Development Control Committee.....

PART FOUR – RULES OF PROCEDURE is set out as follows

SECTION 4a - Council procedure rules

SECTION 4b - Cabinet procedure rules

SECTION 4c - Overview and Scrutiny procedure rules

SECTION 4d - Budget and policy framework procedure rules

SECTION 4e - Financial procedure rules

SECTION 4f - Contract procedure rules

SECTION 4g - Access to information procedure rules

SECTION 4h - Officer employment procedure rules

SECTION 4i - Virtual Meeting Rules

1. Introduction

- 1.1** New meetings arrangements are in place for the period 4 April to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to allow formal, virtual meetings.

2 Interpretation

- 2.1** These Procedure Rules clarify the Council's temporary legal powers to hold meetings via telephone audio conference, video conference or other electronic means to avoid convening public gathering during the public health emergency. In any instance where these Procedure Rules conflict with other Procedure Rules or other sections of the Constitution, these Procedure Rules prevail until 7 May 2021.

3 Notice of Meetings

- 3.1** The Chief Executive (and Directors if the Chief Executive is not available) to cancel and to call meetings of Council and meetings of nonexecutive committees and sub-committees in consultation with the Council Leader, including cancelling meetings where there would be insufficient business for a meeting to take place.

4 Attendance

- 4.1** All references to Members being 'present' at a meeting include participating through virtual methods, including audio conferencing or video conferencing.
- 4.2** All references to Members 'attending' a meeting include participating through virtual methods, including audio conferencing or video conferencing.
- 4.3** To qualify as a formal, virtual meeting, Members must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other Members in attendance at the meeting. All other members of the public must as a minimum be able to hear and (where practicable see) the meeting.
- 4.4** All references to meeting locations include an entirely virtual meeting by audio conference or video conference with no published fixed location.
- 4.5** These rules suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972 as approved at Council Meeting on 22nd April 2020.

5 Public Access

- 5.1** All formal meetings will be accessible to the public through live webcasting of the audio or video content, except where exempt or confidential items are being discussed.

6 Communications

- 6.1** All references to 'writing' can include by email, instant message or other electronic methods of communication.

7 Access to documents

- 7.1** All references to the 'supply' of documents or 'inspection' of documents at the 'council offices' will be via electronic methods such as on the Council's website in the first instance, or via email where permissible. Where practicable, hard copies of documents by post may be available on request for those who do not have internet provision.

8 Conduct of meetings

- 8.1** The Chairman of a virtual meeting will manage the meeting with clear instructions and requests to participants. The Chairman or Democratic Services Officer will introduce or ask each participant to identify themselves at the start of the meeting. Members will request to speak via electronic means.
- 8.2** Council Procedure rule 4a.28 will apply to all virtual meetings which confirms that speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 (?) minutes in length without the consent of the Chairman.
- 8.3** If the Chairman speaks, any other Members shall stop speaking and will await instruction from the Chairman.
- 8.4** If a Member is asked to stop speaking and to no longer be heard in accordance with Procedure Rule 4a.34 the Chairman will stop all other speakers until that speaker has agreed to stop speaking or leaves the virtual meeting.
- 8.5** Requests to raise points of order or points of personal explanation as provided for in Procedure Rule 4a.28 must be communicated to the Chairman and must be allowed as soon as practicable.

9 Interests

- 9.1** Members will have regard to the Code of Conduct in any meeting. If a Member has a pecuniary or prejudicial interest in an item, they must leave the virtual meeting for the duration of that item, after which they will be invited to re-join the meeting.

10 Voting

- 10.1** At a virtual meeting, all votes called in accordance with Procedure Rule 4a.31 will be taken by the officer or a Chairman calling each member in turn to cast their vote verbally, or by electronic methods, and the Chairman will read out the result when it has been collated.

11 Questions by the Public

- 11.1** Procedure Rules 4a.8 and 4b.11 will continue to apply. These allow questions to be asked in person but are replaced with any questions submitted being read out by the Chairman or Democratic Services Manager at the relevant point in the meeting. Questions will need to be sent in to Democratic Services no later than 2 clear days prior to the day of meeting. Responses will continue to be provided to questioners in line with the existing Procedure Rules.
- 11.2** As this provision removes the questioner's right to a supplementary question at the meeting, such a question can be submitted to the Leader or relevant Cabinet Member for written response within 5 working days of the meeting.

12 Public Speaking at Planning Committee

- 12.1** The number and order of speakers confirmed at Public Speaking Rule 4a.19 will continue to apply. However, the provisions to speak in person are replaced with written statements not exceeding 2 minutes which will then be read out by the Chairman or Democratic Services Officer at the relevant point in the meeting. Or video / audio recorded statements not exceeding 2 minutes to be play at the relevant part of the meeting. Or the member of the public will be provided a link to join the meeting remotely and make their statement, not exceeding 2 minutes, in person at the relevant part of the meeting. All request to speak will need to be submitted 2 clear days prior to the start of the meeting.
- 12.2** The same applies for Parish and Neighbourhood Councils but statements are limited to 5 minutes.

DRAFT

PROTOCOL FOR COUNCIL MEETINGS HELD REMOTELY BY ELECTRONIC MEANS

(to be made available via the Website and link within the Constitution)

1.0 INTRODUCTION

1.1 Legislation

Until recently the Law governing Council and Committee meetings required Councillors to be present together in a physical location. Meetings were largely governed by the Local Government Act 1972 and the Local Authorities (Executive Arrangement)(Meetings and Access to Information) (England) Regulations 2012. Such legislation did not anticipate a global pandemic and the current impact of Covid-19 and social distancing guidance which has made it impractical to run Council and Committee meetings in the usual way.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. The Regulations provide the Councils with the power to hold their Council and Committee meetings remotely, by electronic means, between 4th April 2020 and 6th May 2021. Consequently, during this period of time, to enable Councillors, Officers and the public to social distance themselves, Council and Committee meetings can lawfully be held on remote platforms by access via electronic devices, rather than being held in a physical location, such as our Council Offices.

The new Regulations can be found here

<https://www.legislation.gov.uk/uksi/2020/392/contents/made>

1.2 Rules of Procedure

The legislation provides a significant amount of flexibility as to how such meetings may be run. It provides Councils with the power to introduce their own arrangements by way of Standing Orders governing for example, the electronic platform to be used, the way in which voting takes place, the way in which members of the public attend meetings and public speaking rights.

The Council have amended their Rules of Procedure, effective from ? 2020, to implement the new Regulations and enable remote meetings to be held.

These amended Rules of Procedure form part of the Council's constitution (Part 4) and can be found on the Council's website at

1.3 Protocol

This Protocol, which is intended to give practical guidance on the implementation of, and arrangements for the holding of remote meetings, should be read in conjunction with the revised Rules of Procedure.

This Protocol forms part of the Council's Constitution (Part 4) and can be found on the Council's website at

<https://horsham.moderngov.co.uk/documents/s13860/HDCConstitutionV18Dec2016amendedJuly2019.docx.pdf>

2.0 REMOTE PLATFORMS

2.1 Participation in Meetings

The Regulations enable the Council to hold their Council and Committee meetings with persons attending the meeting by way of remote access. This means by enabling Members to participate in the meeting by electronic means, including by telephone conference, video conference, live webcasts and live interactive streaming.

The Council has chosen to use 'Zoom' as their platform for remote meetings. The software will enable members in remote attendance to hear and be heard, see and be seen, by other Members in attendance and also by any member of the public attending the meeting with a right to speak. Those Member's participating in Council and Committee meetings by virtue of being a Member of that meeting, will be provided with a calendar invitation to the meeting with a link to enable them to access the Zoom meeting.

Any members of the public, with a right to speak at the meeting, for example to ask a public question, can submit their question in writing to be read out or will also be provided with a link to enable them to join the Zoom meeting.

2.2 Observation of Meetings

The Regulations provide that a meeting must be open to the public (unless they have been excluded due to exempt or confidential material being discussed). However, being open to the public now means simply that the public must be able to hear, and where practicable see, the Members of the meeting. Therefore, the meeting will also be livestreamed via You Tube and members of the public, who do not have a right to speak at the meeting, will be able to 'attend' by observing the live streaming via an electronic device.

3.0 PRACTICAL ARRANGEMENTS FOR THE REMOTE MEETING

3.1 Joining the meeting by remote access

For Members who are participants of a Council or Committee meeting, by virtue of being a Member of that meeting will be provided with an outlook calendar invitation to the meeting by Democratic Service Officers. The invitation contains a link to the Zoom meeting.

Members will have already received appropriate hardware, software and Zoom training from Democratic Services Officers. But any queries should be directed by email to DemocraticServicesStaff@horsham.gov.uk in advance of the meeting

The summons to the meeting will advise of the start time of the meeting. All participants should have remotely accessed the meeting at least 10 minutes before the start time. The remote meeting will be accessible 30 minutes before the start time of the meeting and Officers will be available.

Any Member, not a Member of a Committee meeting, but attending under a provision in the Rules of Procedure enabling them to do so, would need to contact Democratic Services officers on DemocraticServicesStaff@horsham.gov.uk by noon on the day prior to the meeting to obtain joining instructions.

3.2 Security

Anyone provided with access details to the Zoom meeting should ensure they are kept confidential and not shared with any other person.

Should a Member wish to invite another person to the Zoom meeting, they should discuss with Democratic Services Officers, who will, if that person has a right to participate in the meeting, issue them with their own individual joining instructions.

3.3 The remote environment

The Zoom meeting will be live streamed and viewed by the public (unless it is in private session). A Member attending will be using the camera and microphone on their electronic device eg laptop or ipad.

When attending a remote meeting a Member should ensure they are sitting comfortably, in front of their electronic device so that they can be seen and heard clearly. Members and officers need to make sure you do not have a strong light source behind or to the side of them so you can be clearly seen. Those using Laptops or iPad need to ensure it is positioned so your hand does not cross the camera every time the screen is touched. The Member and officer should consider the background also captured by the camera and ensure it is appropriate to the meeting. Participants should take steps to ensure they will not be disturbed during the meeting as far as possible.

3.4 Officer Support to a Remote Meeting

A remote meeting will be attended by various Officers, but they will include a Legal Officer to provide the meeting with legal and constitutional advice, a Democratic Services Officer to record and minute the meeting and take a recorded vote, and a Meeting Host who will be able to control

the live streaming, provide and deny access to participants, mute and unmute participants microphones and raise and lower participants hands.

3.5 Attendance and Apologies at a Remote Meeting

At the commencement of every remote meeting the Chairperson is likely to take a roll call of attendees and apologies for absence. When a Members name is called out they are required to unmute their microphone, respond "Present" and then mute their microphone again.

This is firstly to ensure at the outset of the meeting, that it is quorate, and secondly to provide transparency to the public as to which Members are in attendance.

3.6 Non-Attendance During a Remote Meeting

It may become necessary during a meeting for a Member to cease attending for a short temporary time, for any reason, but including a temporary loss of remote connectivity.

Non-attendance means either where a Member cannot hear the participants of the remote meeting or cannot be heard by them; a loss of visual connectivity would not lead to non-attendance.

The meeting host will ensure that a quorum is maintained and advise the Chairperson if it is not, when an adjournment will be required in accordance with the Rules of Procedure.

A Member who is not in attendance for the duration of any particular agenda item is prohibited from voting on that agenda item. If they are in attendance at the time the vote is taken, but have not been in attendance throughout the item, they are required to abstain from the vote.

3.7 Chat Function

The Zoom platform has a 'chat' functionality where messages can be typed to all or some selected participants of the remote meeting, during the meeting.

All Members, save for the Chairperson are asked not to use the chat functionality. The electronic chat is to be reserved only for communication between Officers and the Chairperson of the remote meeting, to enable them to effectively manage the remote meeting.

3.8 Public Questions

Members of the public may ask questions at a remote meeting in accordance with the Rules of Procedure as amended.

Should a member of the public wish to ask a question at a remote Council or Committee meeting, they must submit their question by email, together with their name, address and contact details DemocraticServicesStaff@horsham.gov.uk as directed in Part 4 Rules of Procedure 4i of the Constitution.

No questions will be permitted at the remote meeting unless the required advance notice has been given.

If the question is accepted the member of the public will be sent details of how to join the remote meeting on Zoom for the agenda item on public question time.

If the member of the public joins the meeting electronically, when invited to do so by the Chairperson, they may unmute their microphone, speak to put their question verbally and mute their microphone again. If the member of the public chooses not to join the remote meeting, or is unable to do so, their question will be read out to the meeting by the Chairperson or an Officer present. The question will be answered by the relevant person.

If the member of the public has joined the remote meeting, they are also entitled to ask a supplementary question arising out of the answer to their substantive question. If the member of the public has not joined the remote meeting, they shall not be entitled to ask a supplementary question.

At the end of the agenda item for public questions, the Chairperson will ask all members of the public to disconnect from the remote meeting. If they fail to do so, the Meeting Host will immediately cease their ability to access the meeting. The member of the public may continue to 'attend' the meeting by watching the live stream of the remainder of the meeting on You Tube.

3.9 Speaking at a Remote Meeting

When a Member joins a Zoom meeting, with the exception of the Chairperson, they should have their microphone set to mute.

When a Member wishes to speak they should indicate by using the 'Raise Hand' function in Zoom. The Chairperson can see all those indicating and will come to each person; the Chairperson has absolute discretion as to the order in which he takes speakers.

When a Member is invited to speak by the Chairperson, they should unmute their microphone to enable them to speak.

When the Member has finished speaking, they must remember to switch their microphone to mute once again and to use the 'lower hand' function in the system.

Both the Chairperson and the Meeting Host will have the ability to mute and unmute participants' microphones and raise and lower hands electronically

3.10 Rules of Debate

The usual rules of debate apply to remote meetings, and reference should be made to Procedure Rule 4a.28 as amended.

The Chairperson should announce each Member when inviting them to speak, to aid transparency and assist those attending by watching the live stream.

3.11 Point of Order and Personal Explanation

If a Member has a Point of Order or Personal Explanation to raise during a meeting, in accordance with Procedure Rule 4a.28 as amended, they must unmute their microphone and interrupt the meeting saying 'Personal Explanation' or 'Point of Order'. The Chairperson will then invite that Member to speak. Having spoken, the Member must remember to mute their microphone again.

3.12 Voting at a Remote Meeting

For all meetings where Members are attending by way of remote access, a recorded vote will be taken on each agenda item where a vote is required.

When the Chairperson indicates that a vote is to be taken, each Member's name will be read out in alphabetical order by the Democratic Services Officer. Each Member will need to unmute their microphone and say either 'For', 'Against' or 'Abstain' from the motion or amendment that has been put. Abstention may be due to non attendance throughout the entire agenda item, or for any other reason. After indicating, each Member must remember to mute their microphone again.

Where a Member, thought to be in attendance, does not respond to a recorded vote and cannot be seen to indicate their vote, the Democratic Services Officer will confirm that they are recording no vote for that Member. If the Member had in fact cast a vote this will alert them to the fact that they could not be heard (perhaps by having their microphone on mute or having lost connectivity). If they are still connected, they should unmute their microphone and interrupt the meeting to be heard and cast their vote.

3.13 Adjournments

In accordance with the Rules of Procedure, the Chairperson has the power to adjourn a meeting for a short temporary period. If the Chairperson advises of a short temporary adjournment to a remote meeting, all Members must remain in attendance with their microphones on mute, until the Chairperson instructs otherwise. Video capability can be switched off at this time rather than show an empty chair and desk.

It is likely that the Chairperson may leave the meeting for a few minutes, for example to take advice from professional Officers, via the chat function, the Zoom waiting room, or a separate electronic platform.

3.14 Documents

All Agenda documents will be made available to Members participating in a remote meeting, in advance. It is likely that presentations on agenda items at remote meetings may be more concise and succinct and it is assumed that Members will have familiarised themselves with all relevant agenda documents in advance of the remote meeting.

3.15 Exempt Session

If a resolution is passed for the meeting to go into private session, to consider exempt or confidential material, any press and public participating in the Zoom meeting will be asked to leave the remote meeting by disconnecting. The Host of the meeting will ensure they have disconnected and may remove their access if they have not done so. The live streaming of the meeting will also immediately stop, to ensure that no member of the press or public, those with a right to speak or otherwise, are in attendance.

It is the responsibility of the Member participating in a private session of a meeting, to ensure that the meeting cannot be seen or heard by any other person at their remote location.

3.16 Disturbances

If there is a disturbance amongst members of the public at a remote meeting, the Chairperson has powers to deal with it in accordance with the Rules of Procedure 4 as amended. Having warned the member of the public over their conduct the Chairperson can, if the conduct continues, mute the microphone of that member of the public, or ultimately can order their removal from the remote meeting. If such a direction is given, the Meeting Host may cease the access of that member of the public. The member of the public then no longer has a right to speak at the meeting but can continue to 'attend' by watching the live stream of the meeting.

If there is a disturbance amongst Members the Chairperson continues to have the ability to deal with it in accordance with Rules of Procedure 4 as amended. The Chairperson has the ability to mute all microphones, and if a direction is given for a Member to leave a remote meeting, the Meeting Host can effect this.

3.17 Members standing

Any requirement in the Rules of Procedure to a Member needing to stand to address a meeting, does not apply to a remote meeting.

3.18 Documents open to public inspection

Any reference in the Rules of Procedure to a document being available for public inspection at the Council's offices will now be satisfied by being published on the Council's website.

4.0 FOLLOWING A REMOTE MEETING

The video / audio recording of the remote meeting will be live streamed and also made available to view on the Council's website. It will be available for 12 months from the date of the meeting after which period it shall be deleted.

Minutes of a meeting will be dealt with in the usual way and draft minutes will be published on the Council's website as soon as practicable after a remote meeting.

Report to Governance Committee

10 June 2020

By the Monitoring Officer

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Changes to the Constitution of Horsham District Council – Finance and Contract Procedure Rules

Executive Summary

The Governance Committee was created by Council on 7 December 2016. One of the functions of the Governance Committee is to receive reports from the Monitoring Officer on amendments to the Constitution and make any consequent recommendation to Full Council.

The report sets out a number of proposed variations to the Constitution. The reason for the proposed changes are that a number of ambiguities have arisen and exist within the Finance and Contract Procedure Rules as a consequence of the introduction of the new streamlined Constitution and subsequent changes in the law that have occurred. The report fully explains the context of this with reference to the New Constitution and recommends changes to address the ambiguities. The Committee are to decide whether to recommend the amendments to Full Council for approval.

Recommendations

The Committee is recommended to consider the proposed amendments to the Constitution as set out in paragraph and Appendix 1 and if agreed to recommend approval of changes to the Constitution to the Full Council.

Reasons for Recommendations

To comply with Article 13, Review and Revision of the Constitution.

Background Papers

The Constitution of Horsham District Council 7 December 2016 (Amended July 2019).

Wards affected: All.

Contact: Sharon Evans, Monitoring Officer

Background Information

1 Introduction and Background

- 1.1 It is a legal requirement for the Council to have a Constitution under Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011).
- 1.2 The Council undertook a major review of the Constitution in 2016 resulting in the adoption of a revised Constitution by Full Council on 7 December 2016. At the same time as the adoption of a revised Constitution, Full Council created a Governance Committee.
- 1.3 One of the functions of the Governance Committee is to ensure that the Council's Constitution is kept up to date and fit for purpose. This includes receiving reports from the Monitoring Officer to amend the Constitution and to make recommendations to Full Council on any changes that are not covered by the Monitoring Officer's delegated powers.

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2 Relevant Council policy

- 2.1 Horsham District Council Local Code of Corporate Governance.

3 Details

- 3.1 The reason for the proposed changes are that a number of ambiguities have arisen and exist within the Finance and Contract Procedure Rules as a consequence of the introduction of the new streamlined Constitution and subsequent changes in the law that have occurred. Appendix 1 details the ambiguities with reference to the New Constitution and the changes in law and recommends changes to address this. The Committee are to decide whether to recommend the amendments to Full Council for approval.

4 Next Steps

- 4.1 These changes are not considered to fall within the delegations of the Monitoring Officer to make minor changes to the Constitution, if approved the Governance Committee will make a Recommendation to Full Council to make the changes to the Constitution. Following approval by Full Council the Monitoring Officer will publish the amendments on the Council's website.

5 Outcome of Consultations

- 5.1 Consultation has taken place with the S151 Officer, Director of Corporate Resources and the Chief internal Auditor.

6 Other Courses of Action Considered but Rejected

- 6.1 The Constitution requires to be updated for effective governance it needs to be treated as a 'living' document with the need for frequent amendments to ensure it remains up to date and reflects the operation of the Council.

7 Resource Consequences

- 7.1 There are no cost implications arising from these changes.

8 Legal Consequences

- 8.1 Under Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011), it is a legal requirement for the Council to have a Constitution. It is the responsibility of the Monitoring Officer to monitor and review the operation of the Council's Constitution to ensure that the aims and principles of it are given full effect and to make recommendations for ways in which the Constitution could be amended in order to enable decision to be taken efficiently and effectively.

9 Risk Assessment

- 9.1 The recommendations within this report are part of mitigating corporate risk by ensuring that the Constitution is up to date, consistent, fit for purpose and user friendly.

10 Other Considerations

- 10.1 The Constitution and its Procedures, Rules and Codes act as an enabling tool in helping the Council meet its obligations under the Human Rights Act 1998 and the Equality Act 2010.
- 10.2 Consideration of how projects and proposals can secure environmental, social and economic benefits and reduce negative consequences should be an integral part of decision-making and the Constitution will facilitate such considerations.

APPENDIX 1

3.3.3 Functions of the Cabinet Member for Finance and Assets

- a) General supervision and control of the finances of the Council and the auditing of the Council's accounts.
- b) Overall responsibility for the production of the draft budget and jointly with the Cabinet, its proposal to the Council.
- c) Overall responsibility for the Council's insurances.
- d) The determination of requests for transfer of funds within budgets (virements) exceeding £100,000 but not exceeding £250,000.
- e) The writing off of debts in excess of £100,000.
- f) Overall responsibility for the administration of benefits.
- g) Overall responsibility for the development, implementation and review of policies for the procurement of services, supplies and works to the Council.
- h) Overall responsibility for the proper management of the Council's property assets including authorisation, subject to the key decision framework, of the acquisition, disposal and dealing with any property assets and the development, implementation and review of the Council's Asset Management Plan.
- i) Overall responsibility for the provision of facilities management to the Council's offices.
- j) Overall responsibility for risk management throughout the Council.
- k) The determination of applications for discretionary rate relief.
- l) Overall responsibility for the development, implementation and review of the Council's Information and Communication Technology Strategy.

4e Financial procedure rules

- 4e. 1** Section 151 of the Local Government Act 1972 states that "every authority will make arrangements for the proper administration of their financial affairs and will secure that one of their officers has responsibility for the administration of those affairs".

Financial Procedures provide the framework for managing the Council's financial affairs. Financial Procedures are supported by more detailed Financial Management Regulations, Standards and Policies which set out how the procedures will be implemented. These are available from the Chief Finance Officer or their deputy.

These procedures identify the financial responsibilities of the Full Council, the Cabinet and officers.

To avoid the need for regular amendment due to changes in post titles generic terms are included for officers as follows:

- a) The term, "Chief Finance Officer," refers to the Section 151 Officer who is currently the Director of Corporate Resources.
- b) The term, "Chief Officers", refers to the Council's Chief Executive, the Corporate Directors and the Monitoring Officer.
- c) The term, "Monitoring Officer", is currently the Head of Legal and Democratic Services.

- d) The term, “Chief Internal Auditor”, refers to the Chief Audit Executive as defined by the Public Sector Internal Audit Standards.
- e) The term, “Service Manager” or “Head of Service” are interchangeable and apply to any manager, who is not a director, but directly reports to one of the directors or the Chief Executive, “deputy chief officer”.

4e. 2 To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These procedures have been devised as a control to help the Council manage its financial matters properly. Financial Procedures should not be seen in isolation but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

Who do Financial Procedures apply to?

- 4e. 3** Financial Procedures apply to every Member and officer of the Council and anyone acting on its behalf. Members and officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring the use of such resources and assets is legal, is consistent with Council policies and priorities, is authorised and achieves best value.
- 4e. 4** These Financial Procedures apply to any partnership for which the Council is the accountable body, unless the Council expressly agrees otherwise.
- 4e. 5** Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures (officers) or Code of Conduct (councillors).

Who is responsible for ensuring that they are applied?

- 4e. 6** Chief Officers and Heads of Service and all managers are responsible to the Council for ensuring that Financial Procedures are applied and observed by their staff and contractors providing services on the Council's behalf. They are also responsible for reporting to the Chief Finance Officer any known or suspected breaches of such Financial Procedures.
- 4e. 7** The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedures to the Council and/or to the Executive Members.
- 4e. 8** The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers and others acting on behalf of the Council are required to follow.
- 4e. 9** Persons charged with the use or care of the Council's resources and assets should inform themselves of the Council's requirements under these Financial Procedure Rules. If any person is in any doubt about such obligations, they should seek advice.

4e. 10 Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement of value for money or the principles of Best Value or the best interests of the Council, they will raise the issue with the Chief Finance Officer who will, if considered necessary and appropriate, seek formal approval from the Cabinet Member for Finance & Assets for a specific waiver of the procedures, or to Council or an amendment to the procedures themselves.

4e. 11 Financial management – role of Council and the Cabinet

a) The Council is responsible for:

- I. the adoption and revision of these Financial Procedure Rules;
- II. the determination of the Policy Framework and Budget within which the Cabinet works;
- III. providing the Chief Finance Officer with sufficient staff, accommodation and other resources to carry out his or her duties; and
- IV. approving and monitoring compliance with the Council's overall framework of accountability and control.

b) The Cabinet is responsible for:

- I. controlling the Council's financial resources;
- II. proposing the Budget and Policy Framework to Full Council; and
- III. discharging Cabinet functions in accordance with the Budget and Policy Framework.

1.1.1 **c) The Audit Committee is responsible for:**

- 1.1.2 I. monitoring the effectiveness of the Council's financial procedures.

4e. 12 The Role of the Chief Finance Officer

The Chief Finance Officer is accountable to the Chief Executive and the Council and has statutory duties that provide overall responsibility for the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. These statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 2011.

The Chief Finance Officer is the Council's professional adviser on financial matters and is responsible for:

- a) The proper administration of the Council's financial affairs.
- b) Maintaining a continuous review of Financial Procedures and submitting any additions or changes as necessary to the Full Council for approval.
- c) Updating and monitoring compliance with financial management standards.

- d) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- e) Providing training for Members and officers on financial procedures and standards.
- f) Determining accounting policies and ensuring they are applied consistently.
- g) Determining accounting procedures and records of the Council.
- h) Reporting, where appropriate, breaches of the financial procedures to the Council and/or Cabinet.
- i) Preparing and monitoring the revenue budget, capital programme and Medium Term Financial Plan.
- j) Ensuring the provision of effective Internal Audit.
- k) Ensuring the provision of effective Treasury Management.
- l) Advising on risk management.
- m) Ensuring the Council complies with the CIPFA Prudential Code for Capital Finance in Local Authorities.
- n) Ensuring the Council complies with the Public Sector Internal Audit Standards.
- o) Ensuring the Council complies with CIPFA's Treasury Management in the Public Service Code of Practice.
- p) Ensuring that Council spending plans and council tax calculations, identified in the medium term financial plan, are based upon robust estimates.
- q) Ensuring that the level of Council reserves is adequate to meet the known financial risks facing the Council over the medium term.
- r) Ensuring that the annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the UK: A Statement of Recommended Practice (SORP).
- s) Ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- t) Ensuring that proper professional practices, standards and ethics are adhered to.
- u) Acting as head of profession in relation to the standards, performance and development of finance staff including the training and professional development of all staff employed in posts designated as requiring a qualified accountant, accounting technician, or auditor, wherever located.
- v) The appointment of all finance staff and will be consulted on any proposal to create or delete a post requiring such a qualification for appointment.

Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Full Council and to the External Auditors if the Council or one of its officers:

- I. Has made, or is about to make a decision which involves incurring expenditure which is unlawful.
- II. Has taken or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Council.
- III. Is about to make an unlawful entry in the Council's accounts.

The Chief Finance Officer must nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.

The Council must provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under section 114, as determined by the Chief Finance Officer.

The Chief Finance Officer:

- IV. Is required to approve all financial procedures, records, systems and accounts throughout the Council which are necessary to ensure that the tasks defined in these procedures are properly carried out. The Council will also ensure the Chief Finance Officer is consulted and given the opportunity to advise upon all financial management arrangements and notes of detailed advice and guidance on financial systems and procedures necessary to ensure a satisfactory standard of accuracy, reliability, probity and regularity.
- V. Will be given access to any information as is necessary to comply with their statutory duties and with the requirements and instructions of the Council.
- VI. Will be entitled to attend and report on financial matters directly to the Council, the Cabinet, and any committees or working groups the Council may establish.
- VII. Will be sent prior notice of all meetings of the Cabinet and all Council bodies together with full agendas and reports and will have authority to attend all meetings and take part in the discussion if so desired

4e. 13 The Role of Chief Officers

Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with Council policy.

Chief Officers are responsible for:

- a) Ensuring that adequate and effective systems of internal control are operated to ensure the accuracy, legitimacy and proper processing of transactions and the management of activities, having regard to advice and guidance from the Chief Finance Officer.
- b) Ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer.
- c) Consulting with the Chief Finance Officer in seeking approval regarding any matters which may affect the Council's finances materially, before any commitments are incurred.
- d) Consulting with each other on any issue with corporate financial implications before submitting policy options or recommendations to Members.

- e) Informing immediately the Chief Finance Officer of failures of financial control resulting in additional expenditure or liability, or loss of income or assets.

Financial Planning

4e. 14 Strategic Planning

- a) The Full Council is responsible for agreeing the Council's Budget and Policy Framework proposed by Cabinet.
- b) The preparation of the medium term financial plan is part of the strategic policy framework of the Council and aims to ensure that the Council's spending plans are prudent, affordable, and sustainable and reflect Council priorities.
- c) The Full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Under the Constitution, the Monitoring Officer has a duty to advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.
- d) Chief Officers are responsible for the preparation and monitoring of service improvement plans within their service areas. Service improvement plans should align with Council values and priorities and be consistent with and based upon the budget allocated by the Council to the service.

4e. 15 Budget Preparation

The Cabinet, in consultation with the Chief Finance Officer is responsible for determining the general budget strategy and issuing guidance to Members and Chief Officers on:

- a) Preparing a detailed revenue budget for the following year
- b) Preparing the medium term financial plan for a period of no less than 3 years.
- c) Preparing the capital programme.
- d) The timetable for preparing and agreeing the Council's revenue and capital budget.

The guidance will take account of:

- e) Council priorities as reflected in the Corporate Plan
- f) Spending pressures
- g) What future funding is available
- h) What level of reserves are available
- i) The affordability, sustainability and prudence of capital investment plans
- j) Legal requirements
- k) Value for money and other relevant government guidelines
- l) Other internal policy documents

- m) Cross-cutting or income growth issues (where relevant).

The Chief Finance Officer is responsible for:

- a) Ensuring budget process considers the Full Council's policy framework.
- b) Ensuring that a detailed revenue budget is prepared on an annual basis and a general revenue plan on a three yearly basis (medium term financial plan) for consideration by Cabinet before submission to Full Council.
- c) Ensuring a capital programme is prepared annually for consideration by Cabinet before submission to the Full Council.
- d) Advising the Full Council on prudent levels of reserves for the Council.

Chief Officers are responsible for ensuring that budget estimates are prepared in accordance with guidance issued by Cabinet and reflect agreed service performance plans.

4e. 16 Budget Approval

- a) The Full Council is responsible for agreeing the Council's Budget (including Prudential Indicators) and Policy Framework. The policy framework comprises of a number of statutory plans and strategies.
- b) The Council's revenue and capital budget will be proposed by the Cabinet, (on the advice of the Chief Finance Officer), and approved by the Full Council.
- c) The Full Council may amend the proposed budget or ask the Cabinet to reconsider it before approving it.

4e. 17 Budget Transfers

- a) During the year the Cabinet and Chief Officers may need to vary budgets to reflect changed service needs or priorities in order to deliver the budget policy framework within the financial limits set by the Council.
- b) The Full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the Budget or Policy Framework. Decisions should be referred to the Full Council by the Monitoring Officer.
- c) The Full Council is responsible for setting the level at which the Cabinet may reallocate budget funds.
- d) The Full Council is responsible for agreeing procedures for carrying forward surpluses and deficits on budget headings at each financial year end.
- e) The following limits have been approved for the authorisation of budget transfers:

I. Chief Officers

- a) Up to £100,000, between any one budget head to another for which they are responsible during the financial year with written approval of the Chief Finance Officer up to a maximum of five such moves in any budget year.

II. Cabinet Member

Up to the key decision threshold, between any one budget head to another for which they are responsible during the financial year with written approval of the Cabinet Member responsible for Finance up to a maximum of five such moves in any budget year.

III. Cabinet

Individual transfers between budget heads in excess of the key decision threshold following a joint report by the Chief Finance Officer and the responsible Chief Officer. The joint report must explain the implications in the current and coming financial year.

4e. 18 The Chief Finance Officer will use delegated authority to authorise the release of funds from contingencies. It is the responsibility of the Chief Officers to:

- a) Notify the Chief Finance Officer of any budget transfer agreed under delegated powers as set out above;

- b) Give prior notice to budget holders of any budget transfer affecting their service area and provide an explanation of the reason for the budget transfer.

4e. 19 Council approval is required for any budget transfer, of whatever amount, where the proposed transfer will result in a change of policy, the introduction of a new service or the termination of an existing service.

4e. 20 A capital budget cannot be transferred to a revenue budget head.

4e. 21 Budget Monitoring and the Control of Income and Expenditure

The Chief Finance Officer is responsible for:

- a) Developing an effective framework of budgetary management and control.
- b) Providing appropriate financial information to enable budgets to be monitored effectively.
- c) Reporting to the Cabinet and the Overview and Scrutiny Committee, , on the overall Council budget monitoring position on a quarterly basis.
- d) All payments to employees, Members and creditors.
- e) Maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
- f) Advising Chief Officers on all taxation issues that affect the Council.
- g) Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- h) Agreeing arrangements for the collection of income due to the Council.
- i) Agreeing banking, borrowing and other credit requirements e.g. leasing.
- j) Agreeing the write-off of bad debts up to £100,000 in accordance with the Council's Sundry Debt Recovery Policy.

4e. 22

It is the responsibility of Chief Officers to:

- a) Control income and expenditure within their service area.
- b) Monitor performance in conjunction with the budget taking account of financial information provided by the Chief Finance Officer.
- c) Report on spending variances within their own areas.
- d) Take any corrective action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

4e. 23 Reporting Council Spending at Year End

The Chief Finance Officer is responsible for:

- I. Publishing a timetable for the closure of the accounts annually
- II. Ensuring that the Council's annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom, CIPFA/LASAAC, the Accounts and Audit Regulations 2011 and any other relevant guidelines.

It is the responsibility of Chief Officers to ensure that arrangements are put in place each year to deliver the Council's closure timetable.

4e. 24 Use of Council Reserves

- a) The Chief Finance Officer is responsible for advising the Full Council on levels of reserves for the Council. The advice will be based upon an annual risk assessment of the prudent levels of reserves the Council should maintain.
- b) The Chief Finance Officer will manage the Council reserves in accordance with decisions taken by the Cabinet.

4e. 25 Risk management and control of resources

Risk Management

- a) It is essential that robust, integrated systems are developed and maintained for identifying, evaluating and managing all significant strategic, operational and project risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.
- b) The Audit Committee is responsible for approving the Council's risk management policy statement and strategy, for reviewing the effectiveness of risk management and the corporate risk register.
- c) The Chief Finance Officer is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.
- d) The Chief Officers are responsible for reviewing corporate risks and reporting progress on the management of corporate risk to the Audit Committee.
- e) It is the responsibility of Chief Officers to ensure there are regular reviews of risk within their areas of responsibility having regard to advice from the S151 Officer and other specialist officers (e.g. crime prevention, fire prevention, Health & Safety).

Internal Control

- f) Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded. Effective systems of internal control should ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should also ensure that public funds are properly safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use.

- g) It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, value for money, effective use of resources and achieving their financial performance targets.
- h) The Chief Internal Auditor reviews the effectiveness of the Council's systems of internal control and recommends improvements to them.
- i) The Council is required to provide an Annual Governance Statement in accordance with the Accounts and Audit Regulations 2011. The Chief Executive and the Leader of the Council are required to prepare the statement, commenting on the effectiveness of the entire internal control environment within the Council.

4e. 26 Insurance

Insurance provision is a way of transferring risk. The Chief Finance Officer is responsible for:

- I. Putting adequate insurance in place and dealing with all claims in consultation with other Chief Officers where necessary.
- II. Reviewing, at least annually, all insurances in consultation with Chief Officers where necessary.

It is the responsibility of Chief Officers to:

- a) Advise the Chief Finance Officer of all new risks, properties, vehicles or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.
- b) Notify the Chief Finance Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim, and will provide such information and explanations required by the Chief Finance Officer or the Council's insurers
- c) Consult with the Monitoring Officer on the terms of any indemnity which they are requested to give on behalf of the Council.
- d) Ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

4e. 27 Audit

According to The Accounts and Audit Regulations 2011 a, "relevant body must undertake an adequate and effective internal audit of its accounting records and of its systems of internal control" and must "at least once in each year conduct a review of the effectiveness of its internal audit."

The Chief Finance Officer ensures the Council has appropriate arrangements in place to maintain an adequate and effective internal audit.

The strategy and terms of reference for Internal Audit are detailed in the Council's Internal Audit Charter which is approved and reviewed annually by the Audit Committee.

The basic duties of the external auditor and the rules covering the appointment of an external auditor are governed by section 15 of the Local Government Finance Act 1982 and the by the Local Audit and Accountability Act 2014. External Auditors are also required to follow the current Audit Code of Practice.

Full Council appoints and removes external auditors for the audit of the annual accounts, decides on how to appoint them, establishes the audit panel to consult and comment on the appointment. The Chief Finance Officer appoints the external auditor for the Housing Benefit Subsidy Claim, or any subsequent claims audits needed, subject to the usual contract award delegation limits. Cabinet appoints the external auditor to the Council's housing companies, and any subsequent companies where their terms of reference reserve the appointment of auditors.

The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

The Chief Finance Officer is responsible for reporting to the Audit Committee and the Cabinet, where appropriate, the findings of these inspections and taking relevant action to implement recommendations and action required.

4e. 28 Preventing Fraud and Corruption

The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

The Chief Finance Officer is responsible for the development, maintenance and review of an Counter Fraud Strategy and Framework. The Chief Finance Officer will ensure the full investigation of any suspected frauds and irregularities.

Chief Officers are responsible for promoting the Counter Fraud Strategy and Framework within their Service areas and ensuring all suspected irregularities are reported to the Chief Finance Officer.

. Chief Officers are responsible for taking any appropriate action to prevent further loss and to secure records and documentation against removal or alteration during any investigation.

4e. 29 Use of and Disposal of Assets

The Chief Finance Officer is responsible for safeguarding the use and disposal of Council assets.

Chief Officers are responsible for ensuring that adequate and effective arrangements are in place for the care and custody of all assets within their service area and ensuring that assets are disposed of in accordance with procedures approved by the Chief Finance Officer.

4e. 30 Treasury Management and Capital Finance

The Council has adopted the key recommendations of CIPFA's Treasury Management in the Public Service Code of Practice and the CIPFA Prudential Code for Capital Finance in Local Authorities.

The Full Council is responsible for setting treasury management policy statement, the capital strategy, the investment strategy and the treasury management strategy.

The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Audit Committee and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the organisation's policy statement and treasury management practices and CIPFA's standards.

Audit Committee is responsible for ensuring effective scrutiny of the treasury management strategy and policies and receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its treasury management practices.

The Chief Finance Officer is responsible for establishing suitable treasury, capital and investment management practices and prescribing how the operational management and control of those activities.

4e. 31 Banking

The Chief Finance Officer is responsible for all arrangements concerning banking services, including the opening, closing and operation of the Council's bank accounts .

The Chief Finance Officer is responsible for the reconciliation of the Council's bank accounts with the Council's financial accounts.

Chief Officers are responsible for ensuring that all banking arrangements determined by the Chief Finance Officer are observed and to advise him or her of any changes in their services that may require a change in these arrangements.

4e. 32 Income Collection

The Chief Finance Officer is responsible for approving all methods of income collection, records and systems.

The Council has a statutory responsibility to conform to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007 (as amended). Accordingly, the Cabinet is responsible for approving the Councils Money Laundering Policy.

Responsibility for the implementation and administration of the Council's Money Laundering Policy has been delegated to the Chief Finance Officer who is the Council's nominated Money Laundering Reporting Officer and responsible for implementing and administering the Council's Money Laundering Policy.

The Deputy Chief Finance Officer is the deputy Money Laundering Reporting Officer.

Chief Officers are responsible for:

- a) Ensuring all income is held securely

- b) Ensuring for compliance with income and banking arrangements specified by the Chief Finance Officer
- c) In consultation with the Chief Finance Officer reviewing prices, fees and charges, at least annually and reporting any recommended changes to the Chief Finance Officer to include in the annual budget setting report for Council decision.
- d) Reporting any suspected cases of Money Laundering to the Chief Finance Officer.

4e. 33 External Funding

The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts. Chief Officers are responsible for providing all necessary information to enable this to be achieved.

Chief Officers are responsible for ensuring that any bids for external funding are made in consultation with the Chief Finance Officer.

Chief Officers must ensure that any project to be funded by external funding does not begin until the source of external funding is confirmed by the awarding body and approval has been obtained to include the money in the Council's budgets.,

4e. 34 Debt Collection

The Chief Finance Officer is responsible for maintaining records of debts and the preparation and implementation of the Council's debt recovery policies.

Chief Officers are responsible for:

- i. Ensuring effective systems are in place to allow sums due to the Council to be easily identified
- ii. Ensuring debtor accounts are raised accurately and promptly and that adequate records are maintained to support the raising of the debt and any recovery action taken.
- iii. Assisting in the collection of debt by providing any further information necessary to pursue the debt or monitoring debts on the Council's behalf as requested by the Chief Finance Officer.
- iv. Ensuring that the appropriate approval is obtained to write off debts

4e. 35 Partnerships

The Cabinet may form partnerships with other local, public, private, voluntary and community sector organisations. The Cabinet is responsible for approving any delegations of its powers, to address local needs.

The Head of Paid Service, the appropriate Chief Officer or another officer nominated by a Chief Officer may represent the Council on partnership and external bodies, in accordance with the respective decisions of the Council and the Cabinet.

The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct in partnerships that apply throughout the Council.

The Chief Finance Officer is responsible for:

- I. ensuring that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory.
- II. The overall corporate governance arrangements are equivalent to those that apply within the Council.
- III. The risks have been fully appraised before agreements are entered into with external bodies.

Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

4f Contract procedure rules

- 4f. 1** These Contract Procedure Rules establish the legal framework applicable to the purchase of all goods & services or construction works by the Council. These Procedure Rules should be seen as setting minimum requirements and standards and apply to all councillors and officers. Where better value for the Council might be achieved by seeking more tenders or quotations this should be done. The Contract Procedure Rules should be used in conjunction with the Horsham Procurement Code.
- 4f. 2** These Contract Procedure Rules are made pursuant to the Local Government Act 1972. Nothing in these Contract Procedure Rules will prejudice the validity of any actions taken under any previous iteration.
- 4f. 3** Subject to paragraph 4f. 5 every contract made by or on behalf of the Council including its Cabinet and Cabinet Members will comply with:-
- a) these Contract Procedure Rules;
 - b) the Horsham Procurement Code;
 - c) the Council's Financial Procedure Rules;
 - d) all relevant statutory provisions
 - e) European Union treaties and European Council directives;
 - f) the rules on State Aid;
 - g) any direction by the Council, the Cabinet, a Cabinet Member or Committee if they have the delegation do to so laid out in part three of this constitution.
- 4f. 4** These Contract Procedure Rules **will not** apply or may be varied where :
- a) statute or subordinate legislation prescribes otherwise.
 - b) in accordance with the Horsham Procurement Code, the reasons for not complying with Contract Procedure Rules have been recorded in a Procurement Exemption Form and approved in accordance with the sub-clauses below:-
 - i. for contracts below £100,000; by the relevant Head of Service, the Monitoring Officer and the Chief Finance Officer.
 - ii. for contracts of £100,000 and above; by the relevant Head of Service, the Monitoring Officer and the Chief Finance Officer in consultation with the relevant Cabinet Member;

Upon approval, a copy of the electronic Exemption Form should be emailed to the relevant Head of Service and the Procurement Team who will retain a record of the Form.

- 4f. 5** No exemption or variation to Contract Procedure Rules can be made if the EU Procedure applies.

- 4f. 6** The estimated value of a contract for the purposes of these Contract Procedure Rules will be as detailed in the Horsham Procurement Code.
- 4f. 7** Contract letting and award should be managed using the Council's normal project management principles.

Authority to enter into contracts

- 4f. 8** Chief Officers and Heads of Service have authority to accept tenders and enter into contracts to a total value of under £100,000.
- 4f. 9** Individual Cabinet Members can authorise the acceptance of tenders and the enter into contracts with a value between £100,000 and the key decision threshold.
- 4f.10** The Cabinet can authorise the acceptance of tenders and the conclusion of contracts with a value at and above the key decision threshold.
- 4f. 11** The authority to accept tenders and enter into contracts will be documented as appropriate. Key and non-key decisions must be recorded on the report template.

4f. 11 Contracts below £20,000

- 4f. 13** Where the estimated value or the amount of a proposed contract is below £20,000 and provision has been made in the Council's annual budget for such expenditure, the Head of Service concerned will have the authority to enter into any such contract provided they are satisfied that the Council is receiving value for money.
- 4f. 14** The Council will evaluate such contracts on the basis of the offer which offers the Council value for money.

Contract value of £20,000 and above and below £50,000 for goods and services or below £100,000 for works

- 4f. 15** For such contracts the relevant Head of Service must seek a minimum of three (3) written quotations in accordance with the provisions detailed in the Horsham Procurement Code.
- 4f. 16** The Council will evaluate contracts on the basis of the offer which offers the Council value for money.

i. .

Contracts value of £50,000 and above for goods and services or £100,000 and above for works

4f. 17

- 4f. 18** The relevant Head of Service must follow a formal tender and contract award procedure in accordance with the provisions in the Horsham Procurement Code and where applicable the Public Contract Regulations 2015. All tenders of this value must be undertaken electronically using the Councils e-tendering portal.

4f. 19 The Council will evaluate contracts on the basis of the offer which offers the Council value for money.

Use of framework agreements

4f. 20 A Framework Agreement is a contract that has been officially tendered for by another local authority, public sector organisation, Purchasing Consortium, or central Government. The contract is awarded to one or more suppliers, and has provision for other named public sector bodies to use the contract without having to undertake their own tender process so long as these public bodies have been clearly identified in such publicity (advertising) that may be pertinent to a particular procurement exercise which led to the creation of the Framework Agreement.

4f. 21 The use of Framework Agreements is permitted for any value of contract but caution must be taken as the rules governing which bodies can use them, and the process for accessing them will vary from one Framework Agreement to another.

Contract formalities

4f. 22 All contracts must be concluded before the supply, service or construction work begins, except in exceptional circumstances only with the prior written consent of the Monitoring Officer and the Chief Finance Officer.

4f. 23 Every contract will be in a format as approved by the Monitoring Officer and defined in the Horsham Procurement Code.

4f. 24 Subject to paragraphs 4f 17 - 19 every contract of £50,000 and above not required or intended to be made under seal will be signed on behalf of the Council by two officers of the Council. These persons being the Monitoring Officer or their designated Deputy and one of the following: any Chief Officer or their designated deputy.

4f. 25 Every contract which is a lease finance or lease purchase agreement will be signed by both the Monitoring Officer and the Chief Finance Officer or their designated deputy.

4f. 26 Every contract required or intended to be made under seal will be sealed on behalf of the Council by the Head of Paid Service, any Chief Officer, the Monitoring Officer or their designated deputies.

4f. 27 Every contract document will bear its original date and not that ascribed by automatic updating means.

Contract management

4f. 28 No contract will commence unless and until the procurement exercise and contract documents have been completed in accordance with these Contract Procedure Rules and the Council's Financial Procedure Rules.

4f. 29 All contracts will be managed in accordance with the Council's contract management guidance.

Contracts register

- 4f. 30** Immediately upon completion of every procurement exercise of £5,000 and above, the relevant Head of Service will complete and submit the Contracts Register e-form with the required details of the contract for publication in the Council's Contracts Register.

Community right to challenge

- 4f. 30** Receipt of an expression of interest in accordance with the Community Right to Challenge provisions must be considered by the Chief Finance Officer in accordance with the procedure detailed in the Horsham Procurement Code.
- 4f. 31** Any procurement exercise commencing as a result of a successful expression of interest or contract entered into as a 'Community Right to Challenge' will be undertaken or completed in accordance with the provisions detailed in these Contract Procedure Rules.

Comparing speaker rights at Full Council and Cabinet meetings in various constitutions

Local authority	Can a Councillor or member of the public ask any question or does it have to relate to an item on the agenda for that meeting?	How much notice has to be given?	Can there be a follow up question i.e. supplementary or just a statement or comment?	What length of time is set aside for "questions"?	Can there be a debate if a member of the public asks a question or not?
Old HDC constitution	<p>It must be on a specific item on the agenda.</p>	<p>For members of the public No later than 12.00 on the last but one working day before the day of the meeting. It must be delivered to the Chief Executive by letter or email.</p> <p>For councillors</p> <p>No later than 12.00 on the last but one working day before the day of the meeting.</p> <p>If the question relates to urgent matters a Councillor can ask a question up to 12.00 on the day of the meeting with the consent of the chairman to whom the question is to be put. They have to send the</p>	<p>A member of the public questioner or councillor who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply.</p>	<p>For members of the public</p> <p>Unless the Chairman otherwise specifies, each speaker will be limited to two minutes in which to ask the question or questions. Subject to the Chairman's discretion there will be an overall limit of 15 minutes devoted to public questions.</p> <p>3.3 Part 4I page 223.</p> <p>For councillors</p> <p>Unless the Chairman specifies otherwise, the time available to the questioner shall be limited to two minutes initially and one minute for supplementary questions. The time available to the</p>	<p>Unless the Chairman specifies otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive or the appropriate committee.</p> <p>1.10 Part 4I</p>

Local Authority	Can a Councillor or member of the public ask any question or does it have to relate to an item on the agenda for that meeting?	How much notice has to be given?	Can there be a follow up question i.e. supplementary or just a statement or comment?	What length of time is set aside for "questions"?	Can there be a debate if a member of the public asks a question or not?
New HDC constitution	At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the Chairman of a	Three working days 4a.10	There can be a supplementary question. 4a23	For the public Each speaker will be limited to two minutes in	Nothing that explicitly allows for debate.
				<p>question or questions may make one statement in response to the other answer or answers received and, unless the Chairman specifies otherwise, the time available to the questioner shall be limited to five minutes.</p> <p>10.7 page 121</p>	

<p>committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.</p> <p>4a20</p>	<p>Noon 2 working days before the date of the meeting</p> <p>4a19b)</p> <p>At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.</p> <p>4a20</p> <p>2 working days before</p> <p>4a21</p> <p>Now 9.00am deadline rather than 12.00 for urgent matters</p> <p>4a21b)</p>		<p>which to ask the question or questions. Subject to the Chairman's discretion, there will be an overall limit of 15 minutes for public questions, or a total of 6 questions, whichever is the greater.</p> <p>4a8.3 page 63</p> <p>For councillors</p> <p>The time available to the questioner will be limited to five minutes</p> <p>4a23</p> <p>Time allowed for questions at council meetings</p> <p>a) The time allowed for consideration of questions submitted under rule 4a19 will not, without the consent of the Council, exceed 30 minutes</p> <p>b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes from the time when the first questioner</p>	
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Local Authority	Can a Councillor or member of the public ask any question or does it have to relate to an item on the agenda for that meeting?	How much notice has to be given?	Can there be a follow up question i.e. supplementary or just a statement or comment?	What length of time is set aside for "questions"?	Can there be a debate if a member of the public asks a question or not?
Crawley	<p>The question should be relevant to the functions of the Cabinet and must not relate to an individual case which should be dealt with under the Council's Complaints Procedure or any other formal appeals procedure.</p> <p>3.4 Part 2 Cabinet Procedure Rules</p> <p>There will be no PQT (Public Question Time) at any Council meeting while virtual committee meetings are being held. This</p>	<p>Questions should be received by noon one week before the meeting.</p> <p>D2b) Part 2 Full Council Procedure Rules</p> <p>At least four clear working days before the meeting</p> <p>12a) Part 2 Full Council Procedure Rules</p>	<p>If wishing to, the public may ask a supplementary question (relating to their original question).</p> <p>D1b) Part 2 Full Council Procedure Rights</p> <p>Those members of the public that have asked an oral question have the right to ask a supplementary question. Only one supplementary</p>	<p>Members of the public may ask questions at any Ordinary Full Council meetings with PQT (Public Question Time) lasting for a maximum of 30 minutes.</p> <p>Part 2 Full Council Procedure Rights D.1</p> <p>Councillor's Question Time Procedure As with Public Question</p>	<p>It does not say. It does, however, say the following in relation to Councillors' Question Time</p> <p>Every question will be put and answered without discussion</p> <p>1.3b Part 2</p>

	<p>includes...Cabinet and Full Council</p> <p>[NB written questions can be submitted instead]</p> <p>Virtual Committee Procedure 3.1</p> <p>The question should be relevant to the functions of the Cabinet. 3.10</p>	<p>[When there are virtual meetings] Public questions to Committees can instead be submitted in writing by noon two days in advance of the meeting by emailing [democratic services] with the exception of the Full Council where the questions must be submitted by noon one week before the meeting.</p> <p>3.1 and 3.2 Virtual Committee Procedure For the Cabinet the following rules apply to the written question: a) The question must be received by at least noon two days before the scheduled start of the meeting, 3.10 Rules governing written public questions.</p>	<p>question is allowed. That question must relate directly to their original or the reply.</p> <p>D4 d) Part 2 Full Council Procedure Rights</p> <p>Councillors have the opportunity to ask oral supplementary questions in relation to either of the methods above [written questions or verbal questions]</p> <p>Each Councillor asking solely an oral question has the right to ask one supplementary question, which must relate directly to their original question or the reply</p> <p>I3a) Part 2</p> <p><u>Cabinet Procedure Rules</u> After the question has been answered, the person asking the question may ask one supplementary question relating to the same matter.</p> <p>3.4 Part 2 Cabinet Procedure Rules</p>	<p>Time at any Ordinary Full Council Meeting, there will be a maximum of 30 minutes for Councillors' Question Time. Councillors may ask questions relating to either a portfolio issue or with regard to the functions delegated to a committee.</p> <p>I.1 Part 2 Full Council Procedure Rules</p> <p><u>At Cabinet</u></p> <p>Public Question Time will only occur at an ordinary meeting of the Cabinet and will last a maximum of 15 minutes at the start of the meeting.</p> <p>3.4 Part 2 Cabinet Procedure Rules</p>	
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Local Authority	Can a Councillor or member of the public ask any question or does it have to relate to an item on the agenda for that meeting?	How much notice has to be given?	Can there be a follow up question i.e. supplementary or just a statement or comment?	What length of time is set aside for "questions"?	Can there be a debate if a member of the public asks a question or not?
Mid Sussex	<p>A Member of the Council may ask the Leader or a Cabinet Member or the Chairman of a Committee any question without notice upon an item of the report of the Leader, the Cabinet or a Committee respectively when the item is being received or under consideration by the Council.</p> <p>ii) For the purpose of this rule, all proceedings of the Cabinet since the date of the last Council meeting and all matters contained within the Members' Information Bulletins published since the date of the last Council</p>	<p>Any person wishing to ask a question shall notify the Senior Members Services Officer ... not later than 1.00pm on the day preceding the day of the meeting at which the question is to be asked.</p> <p>Part 4 9. Questions by the Public 9.1</p> <p><u>By Councillors</u></p>	<p>A member of the public may only ask one question at a time. Other members of the public will be invited to ask questions and only if there is sufficient time left remaining will the original questioner(s) be entitled to ask further questions.</p> <p>Part 4 Questions by the public 9.2ii</p> <p>i) A questioner who has put a question in person may also put</p>	<p>Members of the public may ask questions of members of the Council limited to no more than 100 words. The time for such questions shall be limited to 15 minutes.</p> <p>Part 4 9. Questions by the Public 9.1 General</p> <p>When a Member responding to a written question considers that a full answer cannot conveniently be delivered</p>	<p>Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or appropriate Committee or Subcommittee. Once seconded, such a motion will be voted on without discussion.</p> <p>9.8 Reference of the question to the Cabinet or a Committee</p>

<p>meeting shall be treated as being under consideration by the Council when the Leader and / or Cabinet Members respectively, present their reports</p> <p>iii) Minutes of Committees, which do not contain recommendations, shall be presented to the Council for information only and shall not be the subject of debate.</p> <p>10.0 Questions by Members 10.1i,ii,iii Questions on Reports</p>	<p>If notice in writing has been delivered at the office of the Chief Executive by 5.00pm on the day before the meeting of the Council ask the Leader or a Cabinet Member or the Chairman of a Committee any question on any matter in relation to which the Council has powers or duties which affects the District.</p> <p>ii) with the permission of the Chairman put to the Leader or a Cabinet Member or the Chairman of a Committee any question relating to urgent business, of which such notice has not been given. A copy of any such question shall, if possible, be delivered to the Chief Executive not later than 11.00am on the day of the meeting</p> <p>10.2i)</p>	<p>one supplementary question without notice to the Member who has replied to his original question.</p> <p>ii) A supplementary question must arise directly out of the original question or the reply.</p> <p>Part 4 9. Questions by the public 9.6 Supplementary question.</p> <p>A Member may ask one question at a time. Other members will be invited to ask questions and only if there is sufficient time left remaining will the original questioner(s) be entitled to ask further questions.</p> <p>10,5</p>	<p>in two minutes or less, he/she shall give an oral summary of the answer and shall provide a full written response.</p> <p>9.7 Answers</p> <p>Thirty minutes will be allocated at each ordinary meeting of the Council for questions from members...</p> <p>10.2 General Questions</p>	
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Local Authority	Can a Councillor or member of the public ask any question or does it have to relate to an item on the agenda for that meeting?	How much notice has to be given?	Can there be a follow up question i.e. supplementary or just a statement or comment?	What length of time is set aside for "questions"?	Can there be a debate if a member of the public asks a question or not?
Chichester	<p>Any Councillor, except any other Cabinet member, may ask the Leader or a Cabinet Member, as appropriate, one oral question without notice on any matter affecting the Council's area. Part 4 Rules of Procedure 16. Councillor's Questions 16.3</p> <p>No question shall be asked on a matter concerning a Planning or Licensing Application. Part 4 Rules of Procedure 16. Councillor's Questions 16.4</p> <p>NB in Part 5 of the constitution it talks about question time taking place for 15 minutes at the start of all the main committees including Full Council and Cabinet.</p> <p>Questions about planning applications being considered by the Planning Committee or Council will not be accepted. • Public questions should not relate to matters personal to the questioner, his or her spouse,</p>	<p>Written questions must be received by Member Services no later than noon two working days prior to the day of the Council meeting (i.e. by noon on Friday where the Council meeting is on a Tuesday with no intervening bank holiday). Part 4 – Rules of Procedure 6 Public Question Time 16. Councillor's Questions 16.1</p>	<p>No more than three written shall be asked by each Councillor. Part 4 Rules of Procedure 16 Councillor's Questions 16.2</p> <p>A Councillor may ask one brief supplementary question arising from the reply given to a question they have submitted but shall do so only if called by the Chairman. Part 4 Rules of Procedure 16 Councillor's Questions 16.5</p> <p>A Councillor other than the original questioner may ask a brief supplementary question at the Chairman's discretion. Part 4 Rules of Procedure 16 Councillor's Questions 16.6</p>	<p>The Chairman may extend the time limit for each member of the public asking questions (3 minutes) or the total time (15 minutes) Part 4 Rules of Procedure 6. Public Question Time 6.4</p>	

partner or relative. • The facility to ask a question is not available when the committee acts like a court of law eg in considering licensing matters as those matters are addressed through individual legal processes and through the Courts. • Questions will not be taken on matters within the various categories of exempt information shown in Schedule 12A to the Local Government Act 1972 (details of which are set out below): (a) Information relating to any individual (b) Information which is likely to reveal the identity of an individual (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information) (d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority (e) Information in respect of which a claim of legal professional privilege could be maintained in legal proceedings (f) Information which reveals that the authority proposes: • to give under any

Local Authority	Can a Councillor or member of the public ask any question or does it have to relate to an item on the agenda for that meeting?	How much notice has to be given?	Can there be a follow up question i.e. supplementary or just a statement or comment?	What length of time is set aside for "questions"?	Can there be a debate if a member of the public asks a question or not?
Mole Valley	<p>At Council Meetings</p> <p>7. Questions by Members of the Council 7.1 A Member may, at one of the ordinary meetings of the Council ask any question on any matter in respect of which the Council has powers or duties or which affects the District – see</p>	<p>At meetings of Council</p> <p>(o) Questions to Members of the Cabinet (30 minutes in total). Questions to be received by the Executive Head of Service with responsibility for Democratic & Electoral</p>	<p>At meetings of Council</p> <p>7.4 One supplementary question may be asked by the questioner, provided that it seeks clarification of the answer given to the original question and is not of a personal nature.</p> <p>Part 4, 7.4</p>	<p>At meetings of Council</p> <p>(o) Questions to Members of the Cabinet (30 minutes in total). Questions to be received by the Executive Head of Service with responsibility for Democratic & Electoral Services by 10am on the third working day prior to</p>	<p>At meetings of Council</p> <p>7.3 Every question will be put and answered without discussion.</p> <p>Part 4, 7.3</p> <p><u>Regarding Cabinet,</u></p>

	<p>Standing Order 6.1(o). The question must be put in writing to and received by the Executive Head of Service with responsibility for Democratic & Electoral Services, no later than 10.00 am on the third working day prior to the day of the meeting at which the question will be asked. The questions will be put in the order in which they have been received and will be directed to the appropriate Member of the Cabinet for response. Questions are limited to two per Member at any one meeting.</p> <p>Part 4, 7.1</p> <p><u>Regarding Cabinet, Committees and sub committees</u></p> <p>20. Questions from Members of the Public 20.1 Members of the public who live or work in Mole Valley may submit a question to the Council or the Cabinet, in writing on any matter in relation to which the Council or the Cabinet has powers or duties or which affects the District in a material way.</p>	<p>Services by 10am on the third working day prior to the meeting</p> <p><u>Regarding Cabinet, Committee and Sub Committees</u></p> <p>20.2 The question must be received by the Executive Head of Service with responsibility for Democratic and Electoral Services not later than 10.00am on the seventh working day before the meeting (excluding the day of the meeting, Saturdays, Sundays and public holidays).</p> <p>Part 4, 20.2 <u>Member’s questions at Cabinet</u></p> <p>The question must be put in writing to and received by the Executive Head of Service (with responsibility for Democratic & Electoral Services) not later than 10.00am on the third</p>	<p><u>Regarding Cabinet, Committee and Sub Committees</u></p> <p>20.7 One supplementary question may be asked by the questioner, provided that it seeks clarification of the answer given to the original question and is not of a personal nature.</p> <p>Part 4, 20.7</p> <p><u>Member’s questions at Cabinet Meetings</u> 49.3 One supplementary question may be asked by the questioner, provided that it seeks clarification of the answer given to the original question and is not of a personal nature.</p>	<p>the meeting</p> <p>At meetings of Council</p> <p>7.6 A period of up to 30 minutes will be permitted.</p> <p>Part 4, 7.6</p> <p>20.9 A maximum of 15 minutes in total is allowed at each Council or Cabinet meeting for taking questions from members of the public.</p> <p>Part 4, 20.9</p> <p><u>Members questions at Cabinet</u></p> <p>49.5 A period of up to 30 minutes will be permitted for questions.</p>	<p><u>Committee and Sub Committees</u></p> <p>20.6 Every question will be put and answered without discussion. Part 4, 20.6</p> <p><u>Member’s questions at Cabinet</u> 49.2 Every question will be put and answered without discussion by the Member of the Cabinet nominated by the Leader.</p>
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Local Authority	Can a Councillor or member of the public ask any question or does it have to relate to an item on the agenda for that meeting?	How much notice has to be given?	Can there be a follow up question i.e. supplementary or just a statement or comment?	What length of time is set aside for "questions"?	Can there be a debate if a member of the public asks a question or not?
Guildford	<p>13. QUESTIONS BY COUNCILLORS Spontaneous questions a) A councillor may ask the Leader, a lead councillor or a chairman of a committee, as appropriate, any question upon any item of business on the agenda for the meeting</p>	<p>...delivered to the Democratic Services Manager by no later than 12 noon on the third working day before the date of the meeting of the Council at which the question is intended to be asked. For the avoidance of members at the meeting.</p>	<p>(e) A councillor asking a question under paragraph (b) above may without notice ask one supplementary question if such a question arises directly from the answer given. Part 4, 13e)</p>	<p>(d) In response to a question under paragraph (b) above, the person to whom the question has been put will normally provide and circulate to all councillors at the meeting a written answer which, together with the question, shall also be</p>	<p>(vi) Questions, including any supplementary questions, will be asked and answered without discussion. Part 4, regarding questions from the public</p>

	<p>when that item is under consideration by the Council.</p> <p>13b) A councillor may: (i) ask the Mayor, Leader, a lead councillor or the chairman of any committee any question on a matter in relation to which the Council has powers or duties or which affects the Borough</p> <p>Part 4</p> <p>(c) The person to whom a question has been put may decline to answer.</p> <p>Part 4 13c</p> <p>(f) Any councillor may without notice ask a question arising from the response(s) given on any matter raised under this Procedure Rule.</p> <p>Part 4, 13f</p> <p>Questions (b) Members of the public may ask the Mayor, the Leader, a lead councillor or a chairman of a committee questions relevant to any item on the agenda for the meeting or to the functions, powers, or duties of the Council at ordinary meetings of the Council,</p> <p>Part 4</p>	<p>doubt, this means that if the meeting is held on a Tuesday, written notice of the question would need to be delivered by 12 noon on the Thursday of the previous week.</p> <p>13b Part 4</p> <p>(ii) with the permission of the Mayor, put to him or her, the Leader, a lead councillor or chairman of any committee any question relating to urgent business of which notice has not been given. A copy of any such question shall be delivered to the Democratic Services Manager not later than twelve noon on the day of the meeting.</p> <p>Part 4 13bii)</p> <p>(ii) In relation to each meeting at which a member of the public wishes to ask a question, notice</p>	<p>(g) At the end of the debate on any matter raised under this Procedure Rule, the person to whom the question was put shall be given the opportunity to respond to any supplementary questions raised during the debate.</p> <p>Part 4, 13g</p> <p>(i) No councillor shall ask more than two questions under paragraph (b) above at the same meeting.</p> <p>Part 4, 13i)</p> <p>(i) A member of the public may ask only one question at a meeting.</p> <p>Part 4</p> <p>(v) The questioner may, without notice, ask one supplementary question if such a question arises from the answer given. If the questioner is unable to attend the meeting due to unforeseen circumstances then they may, with the Mayor's consent, nominate</p>	<p>recorded in the minutes.</p> <p>13d) Part 4</p> <p>(h) Any question or response under paragraph (b) of this Procedure Rule shall not exceed three minutes in length.</p> <p>Part 4, 13h)</p> <p>2. PUBLIC PARTICIPATION AT COUNCIL MEETINGS (a) At meetings of the Council up to 30 minutes shall be allocated to receiving questions and statements from members of the public.</p> <p>Part 4</p> <p>(viii) Any question or response under this Procedure Rule shall not exceed three minutes in length.</p> <p>Part 4 regarding questions from the public</p> <p><u>Regarding questions by members of the public at meetings of the executive or committees</u></p> <p>(ix) Any question or response under this</p>	
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(iii) In cases where there is any doubt as to whether a question is relevant to the functions, powers or duties of the Council, the Council Solicitor and Monitoring Officer shall determine whether they are accepted.

Part 4

Statements are also allowed at meetings of the committees and executive instead of questions. They must not exceed 3 minutes.

specifying the question must be given in writing by the questioner and received by the Democratic Services Manager not later than twelve noon on the third working day before the day of the meeting. For the avoidance of doubt, this means that if the meeting is held on a Tuesday, written notice of the question would need to be delivered by 12 noon on the Thursday of the previous week.

Part 4

In relation to each meeting at which a member of the public wishes to speak and following publication of the agenda, notice, including a summary of the subject matter, must be given in writing by the person to the Democratic Services Manager not later than twelve noon one

a spokesperson to ask the supplementary question.

Part 4 regarding questions from the public

As an alternative to asking a question, a member of the public may address the Council for a period not exceeding three minutes on matters relevant to any item on the agenda for the meeting or to the functions, powers, or duties of the Council, Part 4

Procedure Rule shall not exceed three minutes in length.

Part 4

working day before the day of the meeting.

Part 4 regarding statements by members of the public

3. PUBLIC PARTICIPATION AT MEETINGS OF THE EXECUTIVE AND COMMITTEES Questions

(a) Subject to (c) below, members of the public may submit a question to the Leader/Executive or to the chairman of any committee on any item included on the public agenda, subject to the following conditions: (i) A member of the public may ask only one question at a meeting. (ii) that, following publication of the agenda for the relevant meeting, notice must be given in writing by the person concerned to the Democratic Services Manager by twelve noon on the third working day before a meeting stating on which item they wish to

ask a question. For the avoidance of doubt, this means that if the meeting is held on a Tuesday, written notice of the question would need to be delivered by 12 noon on the Thursday of the previous week.

Regarding questions from Members of the public at meetings of committees or the executive

In response to a question, the councillor to whom the question has been put will normally provide and circulate to the questioner and all councillors at the meeting a written answer which, together with the question, shall also be recorded in the minutes (v) The questioner may, without notice, ask one supplementary question if such a question arises from the answer given.

Part 4