

Governance Committee
13 OCTOBER 2020

Present: Councillors: Andrew Baldwin (Chairman), Toni Bradnum (Vice-Chairman), Karen Burgess, Philip Circus, Frances Haigh, Tim Lloyd, Christian Mitchell and David Skipp

Also Present: Councillor Tony Bevis

GO/12 **MINUTES**

The Committee agreed to amend the draft minutes of the meeting held on 10 June. The third bullet point of the resolution to Minute No. GO/9 (Public Speaking at Full Council and Formal Cabinet Meetings) should read 'Questions at Cabinet be restricted in terms of content, and public statements be permitted at Cabinet. (i.e. 'unrestricted' be changed to 'restricted'). The minutes, as amended, were approved as a correct record and would be signed by the Chairman at a later date.

GO/13 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

GO/14 **ANNOUNCEMENTS**

There were no announcements.

GO/15 **REVIEW OF THE POLICY DEVELOPMENT ADVISORY GROUPS**

The Director of Corporate Resources reminded the Committee that the report of the Corporate Peer Challenge last autumn had identified Policy Development Advisory Groups (PDAGs), and how they related to the function of the Overview & Scrutiny Committee, as an area that would benefit from review.

Two HDC graduate trainees, who would help undertake the review, outlined how this was being progressed: comparisons were being made with six other local authorities; all Members and relevant officers would be invited to take part in a survey; and interviews with some Members and lead officers were proposed.

The Committee discussed the benefits of the PDAGs, which allowed briefings and discussion with non-executive Members before Cabinet decisions were made. It was suggested that the background to the formation of PDAGs in 2016 be taken into account as part of the review. Members also discussed the interface between PDAGs and Overview & Scrutiny and the need to identify how this relationship worked.

The Chairman suggested that the graduate trainees contact all Councillors inviting them to be involved if they so wished, and that the Committee meet in December to consider the report and any recommendations resulting from this review.

GO/16 **PUBLIC SPEAKING AT FULL COUNCIL AND FORMAL CABINET MEETINGS**

The Chairman advised that since the last meeting of the Committee, when Members discussed changes to the Constitution to allow members of the public to ask questions at Council meetings not directly relevant to items on the agenda, the majority Group had met to consider this proposal. Their agreement was not forthcoming and therefore the Committee was unable to make this recommendation the Council.

Mr Kornycky, a member of the public, addressed the Committee on the right of residents to speak at Committee or Cabinet meetings. He requested that the Committee consider reintroducing public questions to full Council on any topic, and the reintroduction of public statements to Cabinet meetings.

The Monitoring Officer confirmed that the current Constitution allows for public statements to Full Council only, although the wording does allow for some uncertainty.

The Chairman proposed that, in order to bring clarity, the Constitution should specify every type of meeting, be it Council, Cabinet or a Committee, and define the rules for public questions and statements for that meeting. The Committee agreed to this approach, and that this refinement to the Constitution be made. The Chairman emphasised that this would not change the existing rules, but make them clearer.

Councillor Circus, on behalf of the majority Group, proposed that an additional paragraph be added to the Constitution regarding questions to Ordinary meetings of the Council.

‘A maximum time of 15 minutes is to be allowed in the meeting to receive oral questions and answers (not statements) which, in the opinion of the person presiding at the meeting, are relevant to the business to be transacted at that meeting. A copy of any such questions must be submitted in writing no later than three working days prior to the relevant meeting. Questions can only be asked by residents who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District. As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing within three working days of the relevant meeting.’

The proposal would ensure that the opportunity to ask public questions relevant to the business of that meeting is not exploited by campaigning organisations and individuals.

The Committee discussed the issue of giving residents the opportunity to ask questions not relevant to the business of the meeting, and Councillor Haigh proposed an amendment to the first sentence of the proposal:

‘A maximum time of 15 minutes is to be allowed in the meeting to receive oral questions and answers (not statements) which, in the opinion of the person presiding at the meeting, are relevant to the business to be transacted **by the Council.**’

The motion to amend the proposal was lost.

RESOLVED

- (i) That the rules for public questions and statements to Council, Cabinet and Committee meetings be added to the Constitution.
- (ii) TO RECOMMEND TO COUNCIL that the following statement regarding public questions to Ordinary meetings of the Council be added to the Constitution:

‘A maximum time of 15 minutes is to be allowed in the meeting to receive oral questions and answers (not statements) which, in the opinion of the person presiding at the meeting, are relevant to the business to be transacted at that meeting. A copy of any such questions must be submitted in writing no later than three working days prior to the relevant meeting. Questions can only be asked by residents who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District. As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing within three working days of the relevant meeting.’

REASON

- (i) To clarify the rules set out in the Constitution regarding public involvement in public meetings of the Council
- (ii) To ensure that the opportunity for members of the public to speak at Council meetings is not exploited by campaigning organisations or individuals to further a cause not directly related to the business of that meeting.

The Monitoring Officer reported that there was a need to update the wording in the Constitution regarding the appointment of Members to outside bodies.

The Constitution stated that this was a function of Full Council unless delegated to Cabinet. This did not reflect the current practice, which was the Leader, in consultation with Cabinet and the Leader of the Opposition, being responsible for these appointments.

There was no record of this change being formally agreed and therefore the Committee was invited to consider whether to formalise the current practice, which was that of many local authorities.

The Chairman agreed that a full list of the outside bodies to which appointments are made be brought to the next Committee. This would enable the Committee to make an informed decision on what changes to the Constitution to recommend.

The meeting closed at 7.00 pm having commenced at 5.30 pm

CHAIRMAN