

STANDING ORDERS

OF

THE COUNCIL

11 September 2015

PART I - PRELIMINARY

1. Application of Interpretation Act

The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament. Any Standing Order that is in italics is a statutory requirement and cannot be altered.

Comment [M1]: This is to provide clarification to officers and members

2. Commencement

These Standing Orders shall apply with effect from 11 September~~1 January~~ 2015~~4~~.

3. Definitions

In these Standing Orders, the following words and expressions shall have the meanings hereinafter expressly assigned to them, that is to say:-

“Council” means the Angus Council established by the 1994 Act

“the 1973 Act” means the Local Government (Scotland) Act 1973

“the 1989 Act” means the Local Government and Housing Act 1989

“the 1994 Act” means the Local Government etc (Scotland) Act 1994

“Proper Officer” means the person designated as such and for the purpose specified by the Council

“Head of Paid Service” means the person designated as such by the Council under Section 4 of the 1989 Act

“Monitoring Officer” means the person designated as such by the Council under Section 5 of the 1989 Act, or, if that person is unable to act owing to absence or illness, the person nominated by him/her as his/her deputy under sub-section (7) of that section

“Finance Officer” means the person designated by the Council for the purpose of Section 95 of the 1973 Act

“Strategic Director” means the Strategic Director of Communities, People or Resources

“Standing Committee” means a Committee referred to in Standing Order No ~~31~~9 or any other Committee which may be so designated by the Council at any time

“Order of Reference” means the Order of Reference specifying the functions referred and the functions delegated to the respective Standing Committees, as appended to these Standing Orders

“Scheme of Delegation” means the Scheme of Delegation specifying the functions delegated to the respective officers, as appended to these Standing Orders

“Statutory Officers” have the meaning shown in Standing Order ~~4~~5

“Working day” means any day, excluding Saturday and Sunday and any day on which Angus Council’s offices are closed.

“Clear day” means in relation to a notice, summons, or application, a working day falling between the date of the notice, summons or application and the meeting to which the notice, summons or application relates, but excluding the date of the notice, summons or application and the date of the meeting to which the notice, summons or application relates

- (4) Relevant parties (or any spokesperson representing them) shall be allowed an appropriate time in which to present their case. However, the Convener of the meeting may restrict any lengthy speeches by parties, for example where a point is merely being repeated, and, in the interest of business efficiency, give guidance to the speakers as to what he/she considers to be a reasonable time (normally 5 minutes). After each individual relevant party has spoken, a member of the Committee or Sub-Committee (or at a meeting of the Council, a member of the Council) may put any relevant question to that speaker, but shall not express an opinion on the subject matter until the relevant parties have withdrawn to the public benches.
- (5) For the avoidance of doubt, applicants shall have the last word in relation to their application and shall therefore be permitted to speak after all other relevant parties have been heard.

14. Petitions

Where the petition relates to a matter where the Council is acting in a regulatory or quasi-judicial capacity this will form part of the planning or licensing process and be dealt with separately to this Standing Order.

Petitions may be lodged in paper form or as an e petition to the appropriate Head of Service. Where the petition exceeds 50 signatories, details are to be provided to the Head of Legal and Democratic Services for inclusion in a Schedule to a report presented as required to the Scrutiny and Audit Committee.

Petitions will only be accepted where the name and address has been provided with all signatories requiring to be resident in Angus.

Following consideration of the initial report, the committee may:

- (i) Note receipt of the petition and take no further action;
- (ii) Determine that appropriate action has already been taken or is planned, and no further action is necessary;
- (iii) Request a fuller report from the relevant officer;
- (iv) Undertake a detailed scrutiny review, gather evidence and make recommendations to the relevant committee.

Notwithstanding (i) – (iv) above, the committee may refer the matter to full Council, where in the view of the Scrutiny and Audit Committee, its significance requires a debate.

†154. Order of Debate

- (1) Any member of the Council wishing to speak at any meeting of the Council shall so indicate by raised hand and, when called upon, shall stand and address the Provost and restrict his/her remarks:-
- (i) to the matter before the meeting by moving, seconding or supporting a motion or any relative amendment;
 - (ii) to moving or seconding a procedural motion;
 - (iii) to asking a question;
 - (iv) to making a point of clarification; or

PART III - COMMITTEES AND SUB-COMMITTEES

3029. Appointment of Committees

- (1) Subject to any statutory provision, the Council shall appoint the Standing Committees referred to in Standing Order 319, and may at any time appoint Committees for any purpose it deems necessary.
- (2) The Council shall delegate or refer to such Committees such matters as it may from time to time think fit. The matters so delegated or referred to Standing Committees shall be those set out in the Order of Reference of those Committees appended hereto.

319. Standing Committees

The Standing Committees of the Council shall be:-

Children and Learning
 Civic Licensing
 Communities
 Development and Enterprise
 Development Standards
 Policy and Resources
 Scrutiny and Audit
 Social Work and Health

324. Membership of Standing Committees

- (1) The Development Standards Committee shall consist of 13 members and the Civic Licensing Committee shall consist of 10 members of the Council.
- (2) The Children and Learning Committee shall consist of 15 members of the Council, and in addition, five persons who are not members of the Council, being:-
 - (i) *three persons representative of church interests, appointed in terms of Section 124 of the 1973 Act; and*
 - (ii) two teachers employed in educational establishments under the management of the Council, nominated in such manner as the Council may determine.
- (3) All other Standing Committees of the Council shall consist of 15 members of the Council except for Scrutiny and Audit Committee which shall consist of 13 members with not less than 8 of those appointed being councillors who are not members of the Administration.
- (4) In appointing members to Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the 1989 Act except in the case of the Scrutiny and Audit Committee where the majority of members must not be members of the Administration. The Leader and Depute Leader of the Council are not permitted to be members of the Scrutiny and Audit Committee.
- (5) Members shall be appointed to Committees at the first meeting of the Council after the ordinary election of Councillors. It shall, however, be competent for the Council to vary the membership at any time, provided:
 - (i) that the political balance referred to in (4) above is maintained; and
 - (ii) that each member of the Council is afforded proper opportunity to serve on Committees.

- (i) following a division in Committee (or Sub-Committee), two members immediately indicate that they wish the matter to be referred to the Council (or Committee) for decision; or
 - * (ii) following a division in Committee and within 3 working days of the date of the Committee (or Sub-Committee) meeting (the day of the meeting being considered as one of those days), 2 members give notice in writing to the Head of Legal and Democratic Services that they wish the matter to be referred to the Council (or Committee) for decision,
 - * and in either case the matter shall be so referred, and such matters, together with those excluded from delegation under the provisions of any other Standing Order, shall be specially identified in the minutes submitted to each meeting of the Council, on the basis that the matter referred requires a decision and was not for noting.
- (4) The provisions of sub-paragraph (3) above shall not apply to:-
- (i) any matter where the Committee or Sub-Committee is required to act quasi-judicially;
 - (ii) any proceedings of any Committee or Sub-Committee specifically established in terms of statute for the purpose of those proceedings;
 - (iii) any proceedings at meetings of the following Sub-Committees:-
 - School Attendance Sub-Committee
 - Education Special Cases Sub-Committee
 - Staffing Sub-Committee
 - Education Records Review Sub-Committee
 - Case Sub-Committee
 - Personnel Appeals Sub-Committee
- (5) Committees and Sub-Committees shall conduct their business within their terms of reference and, in exercising the authority delegated to them, shall do so always in accordance with the following provisions. However, in relation to any matter (i) not specifically referred to in the Order of Reference, or (ii) in Standing Order 419, it shall be competent, for the Committee, whose remit the matter most closely resembles, to consider such matter and to make any appropriate recommendation to the Council. In the interest of efficiency whenever possible business should only be presented to one committee being the committee whose order of reference includes the principal issues to be considered.
- (6) Committees and Sub-Committees shall exercise the authority delegated to them having regard to, and in accordance with, the policy of the Council.
- (7) Committees and Sub-Committees shall conduct any business relating to contracts always in accordance with the Standing Orders, Financial Regulations and administrative procedures adopted by the Council.
- (8) Committees and Sub-Committees shall conduct their business having regard where appropriate to the constituency interests of local members in the matters under consideration.
- (9) The Council may, if it so resolves, deal with any matter falling within the Order of Reference of any Committee or Sub-Committee without the requirement of receiving a report or minute of that Committee or Sub-Committee referring to that matter.
- (10) Subject to any statutory requirement, the Council may at any time vary, add to, restrict or recall any reference or delegation to any Committee or Sub-Committee, and any specific direction by the Council in relation to the remit of a Committee or

Sub-Committee shall take precedence over the terms of any provision in the Order of Reference.

- (11) A Committee may, at any time, deal with any matter falling within the Order of Reference of any of its Sub-Committees without the requirement of the submission of a report or minute of that Sub-Committee referring to that matter.
- (12) Subject to any statutory requirement, a Committee may, at any time, vary, add to, restrict or recall any reference or delegation to any of its Sub-Committees and any specific direction by a Committee shall take precedence over the terms of any provision in the Order of Reference.
- (13) A Committee may at any time refer any item of business to a Standing Sub-Committee for consideration and report and may, if the Committee considers it appropriate to do so, delegate to the Sub-Committee such additional powers to dispose of the business as the Committee thinks fit.
- (14) If any matter is of interest to a Committee or Committees other than the one to which the matter is referred or delegated, either or any of the Committees concerned shall be entitled (in the case of a matter referred but not delegated, without the necessity of the prior approval of the Council) to submit a proposal or recommendation relative to the matter to any other Committee or Committees, and any such proposal or recommendation shall appear as an item of business on the agenda of the next convenient meeting of such Committee or Committees. However, no action shall follow on the submission of any such proposal or recommendation without the approval of the Committee within whose remit the matter falls.
- (15) If a matter is of common or joint interest to a number of Committees, and is a delegated matter, no action shall be taken until all Committees have considered the matter.
- (16) In the event of disagreement between Committees in respect of any such proposal or recommendation which falls within the delegated authority of one Committee, the decision of that Committee shall prevail. If the matter is referred but not delegated to any Committee, a report summarising the views of the various Committees shall be prepared by the Head of Legal and Democratic Services and shall appear as an item of business on the agenda of the next convenient meeting of the Council.

419. Exclusions from Delegations

There shall be excluded from any delegation:-

- (i) any of the Council's functions in respect of the setting of the Council Tax or resolving to borrow money;
- (ii) the incurring of capital expenditure for which no provision or insufficient provision has been made in the capital budget;
- (iii) the undertaking of borrowing or investment activity which is not in accordance with the annual Treasury Management Strategy Statement and Investment Strategy;
- (iv) the incurring of revenue expenditure for which no provision or insufficient provision has been made in the revenue budget;
- (v) the acquisition (other than by the Policy and Resources Committee ~~or Development and Enterprise Committee (in terms of paragraph 4(1) of its Order of Reference)~~, of any land or buildings or other interests therein required for the purposes of any service controlled by a particular Committee;
- (vi) the dismissal of Directors;

- (ii) sealed with the Common Seal of the Council and signed by 2 members; or
- (iii) attested by one witness.

487. Reports to Members

- (1) Reports to the Council, Committees and Sub-Committees shall be submitted by the Chief Executive, Strategic Directors, by the appropriate Head of Service, by the Chief Integration Officer. ~~by the Monitoring Officer, the Chief Social Work Officer or the Head of Corporate Improvement and Finance in exercising their duties as the Proper Officer, by the Service Manager (Governance and Consultancy)~~ or when, in the professional opinion of the Chief Executive, Strategic Directors or Head of Service a report is required to enable the Council to comply with any enactment or other rule of law or when the exigencies of the service under his/her control so require.
- (2) Reports on the performance of the Police and Fire and Rescue Services will be submitted to the Police and Fire and Rescue Sub-Committee ~~shall be submitted~~ by the Divisional Commander, Police Scotland or by the Area Manager, Scottish Fire and Rescue Service.
- (3) Any report to be submitted in terms of this Standing Order shall be provided in draft not later than fourteen days prior to the meeting at which it is proposed to be considered, to:-
 - (i) the Chief Executive, the Strategic Director - Resources, the Head of Corporate Improvement and Finance and the Head of Legal and Democratic Services;
 - (ii) the Head of Service (HR, IT & OD) and the Head of Technical and Property Services in cases where the report concerns matters within their professional remit, and any other Strategic Director or Head of Service whose service or budget may be affected by the proposals contained in the report;and any observations by those officers on matters within their professional remit shall be incorporated into the report.
- (4) Reports by the Head of Planning and Place which relate to a Planning Application, including enforcement action and Reports by the Head of Legal and Democratic Services which relate to Licensing Applications, ~~or~~ Planning application reviews, or which report the findings of the Social Work Complaints Review Committee are exempt from the consultation process detailed in (3) above.

Comment [M2]: This formalises current practice

498. Appointment of Staff

- (1) The appointment of staff shall be based on merit and shall have regard to the Council's Recruitment and Selection Procedures.
- (2) The appointment of the Chief Executive, Strategic Directors and Heads of Service shall be undertaken by an Appointments Sub-Committee of the Council, comprising the Leader and Depute Leader of the Council and four other members (one Administration, three non-Administration).
- (3) The appointment of all other staff (except the appointment of teaching staff in terms of statutory requirements) shall be delegated to the appropriate Directors.
- (4) The list of applications for any appointment shall be treated as confidential and only the name and particulars of successful candidates shall be recorded in the minutes of the relevant meetings.