

**ANGUS COUNCIL**

**27 OCTOBER 2016**

**REVISIONS TO STANDING ORDERS AND RELATED DOCUMENTS**

**REPORT BY SHEONA C HUNTER HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT**

This Report details revisions to Standing Orders, the Order of Reference of Committees and the Scheme of Delegation to Officers to reflect the changes to the management and responsibility structures that were approved by the Council on 10 December 2015 and the governance arrangements with regard to the integration of Health and Social Care approved by the Council on 12 May 2016. The Report also proposes further revisions to Standing Orders and to the Scheme of Delegation to Officers.

**1. RECOMMENDATION(S)**

It is recommended that the Council:

- (i) notes the contents of the Report;
- (ii) notes the changes to the Standing Orders, the Order of Reference of Committees and the Scheme of Delegation to Officers, which are as a consequence of the changes to the Council's management and responsibility structures and the integration of Health and Social Care Services, as detailed in **Appendix 1** to the Report;
- (iii) notes the further revisions to the Scheme of Delegation to Officers which are as a consequence of legislative changes or previously approved Council decisions; and
- (iv) approves those changes to Standing Orders etc which are asterisked.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN**

Effective council governance contributes as a whole to the local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016.

**3. BACKGROUND**

The core constitutional documents of the Council are the Standing Orders, which regulate the proceedings at council meetings; the Order of Reference of Committees, which details the Council's committees, sub committees and their associated remits; and the Scheme of Delegation to Officers, which details the delegation to a range of Chief Officers. (Three further sections relate to guidance issued by the Head of Legal and Democratic Services on categories of motions; guidance issued by the Head of Corporate Improvement and Finance on the application of Standing Order 16(9) and guidance relating to the disposal of land and property). All are reviewed on a regular basis to ensure they are fit for purpose.

**4. PROPOSALS**

Reference is made to Report No 473/15 which, with the exception of the proposal relating to the Welfare Rights Service, was approved by the Council on 10 December 2015. The proposals for the Welfare Right Service were subsequently dealt with as a delegated matter by the Chief Executive as Head of Paid Service.

Reference is also made to Report No 185/16 approved by the Council on 12 May 2016, which related to the governance arrangements in respect of Angus Integration Joint Board post

integration. This also proposed the disbanding of the Social Work and Health Committee with the Policy and Resources Committee taking over the role of the governance function of the Integration Joint Board.

Whilst the consequential changes to Standing Orders and Related Documents, as contained in Report Nos 473/15 and 185/16 are all for noting, they are shown as tracked changes in **Appendix 1** for ease of reference.

Changes have also been made in relation to the former People Directorate to reflect the Children and Learning portfolio and to the Communities Directorate. These are also for noting.

Whilst a number of further revisions to the Scheme of Delegation to Officers have been made, which were as a consequence of legislative changes or which reflect previously agreed Council decisions the opportunity was also taken to review some of the procedural elements of Standing Orders. These are asterisked for ease of reference and require the explicit approval of the Council. The details and reasoning for these proposed changes are listed below:

#### **Standing Order 12 Reception of Deputations**

- (5) No deputation from a party will be considered on an item relating to tenders *or staffing conditions of service*

Mechanisms already exist for staff to pursue matters such as grievances. It is therefore considered not appropriate for a deputation to be heard that relates to a staffing matter.

#### **Standing Order 16 Motions and Amendments**

- 1) *Other than for any regulatory or quasi-judicial meetings*, the mover of any motion or amendment shall, immediately upon being called upon by the Provost to speak, state the exact terms of the motion or amendment before proceeding to speak in support thereof. *The mover of any motion or amendment will be required to submit such terms to the Head of Legal and Democratic Services no later than 5pm on the working day preceding the meeting at which the matter is to be discussed.,* except in the case of:-
- (i) motions or amendments to approve or disapprove without further qualification;
  - (ii) motions or amendments to remit for further consideration; and
  - (iii) motions or amendments the terms of which have been fully set out in a minute of a Committee or Report by an officer.

It should be emphasised that this proposal is in no way aimed at stifling debate at a committee meeting, rather it is to ensure that any decisions taken by the Council are robust and less likely to be challenged. Members will be aware that in bringing forward an amendment Standing Order 16(9) already requires the Head of Corporate Improvement and Finance to be consulted on the terms of that amendment. It is also custom and practice for the Head of Legal and Democratic Services (or representative) to be consulted with regard to any procedural or legal issues.

As the Council enters a period of severe financial challenge, which inevitably will mean that decisions will require to be taken that may be contentious and have far reaching consequences, it is imperative that the proper officers are afforded a reasonable opportunity to have sight of any potential amendments and setting a deadline of 5.00pm on the day preceding the meeting, (based on the current meetings timetable of 2.00pm meetings for service committees) provides that opportunity.

## **5. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this Report.

**NOTE:** No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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Appendix 1: Extracts from Standing Orders and Related Documents