

ANGUS COUNCIL

9 MAY 2019

REVISIONS TO STANDING ORDERS AND RELATED DOCUMENTS

REPORT BY THE DIRECTOR 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 senior management and responsibility structures that are due to take effect from 1 April 2019 along with a number of other changes.

1. RECOMMENDATION(S)

It is recommended that the Council:

- (i) 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, identified at this stage as detailed in **Appendix 1** to the Report;
- (ii) Notes the changes following an officer review of the Scheme of Delegation;
- (iii) notes the further revisions to the Scheme of Delegation to Officers which are as a consequence of legislative changes;
- (iv) approves the revisions to the remit of the Scrutiny and Audit Committee in accordance in accordance with CIPFA Guidance as per Report No 120/19 ;
- (v) approves the change to Standing Order 22 (1)(ii) in relation to formal alternative budgets;
- (vi) approves the changes to the Scheme of Delegation of the Service Leader - Planning and Communities, for submission to Scottish Ministers; and
- (vii) approves the designation of the Director of Legal and Democratic Services as the Monitoring Officer and as Clerk to the Angus Licensing Board.

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the achievement of our priority that the council is efficient and effective as detailed in our Council Plan for 2017 – 2022.

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 Director of Legal and Democratic Services on procedural motions etc; guidance issued by the Director of 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

Changes to the Council's management structure were approved on 6 December 2018 and took effect from 1 April 2019. These changes need to be reflected in the Council's Standing Orders and Related Documents. Whilst these are for noting, they are shown as tracked changes in Appendix 1 for ease of reference.

A number of further revisions to the Standing Orders/Order of Reference of Committees /Scheme of Delegation to Officers which have been made to ensure that the Council's constitutional documents are up to date and fit for purpose. These are also for noting and shown as tracked changes in Appendix 1.

The Council is asked to formally approve **four** specific changes.

Alternative Budget

The proposal is to change Standing Order 22 (1)(ii) to make specific provision that where an alternative budget is being proposed by the largest non-administration group, the mover of such will be called upon to speak to the amendment immediately after the official budget proposals has been moved and seconded.

Remit of the Scrutiny and Audit Committee

The remit of the Scrutiny and Audit Committee has been revised to reflect current CIPFA Guidance and to ensure that the remit fully complies with recommended good practice. This was the subject of a Report to the meeting of the Scrutiny and Audit Committee on 23 April 2019 (Report 120/19 refers).

Planning Scheme of Delegation

Section 43A of the Town and Country Planning (Scotland) Act 1997 obliged the Council to establish a scheme of delegation to an officer in respect of the determination of planning applications. This Section also required the Council to keep that scheme under review. To that end, the Scheme of Delegation of the Service Leader – Planning and Communities was reviewed by a Member/Officer Group and was the subject of a Report to Development Standards Committee on 9 April 2019 (Report 107/19 refers). It proposed minor changes to the Scheme of Delegation which was agreed by the Committee. The amendments proposed are for clarification purposes and do not constitute a change to the extent and nature of the delegation. Any amendments require the approval of Scottish Ministers.

Designation of the Monitoring Officer

The Council is formally requested to designate the Director of Legal and Democratic Services as the Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1984 and as Clerk to the Licensing Board.

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: Standing Orders and Related Documents