

## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	15 March 2017
DIRECTOR	Richard Ellis
TITLE OF REPORT	Council Governance – Standing Orders
REPORT NUMBER	CG/17/017
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

To present a revised set of Standing Orders for approval by the Council.

### 2. RECOMMENDATIONS

That Council:-

- (i) approve the new Standing Orders appended to this report, to come into force on 30 April 2017;
- (ii) subject to the recommendations below, revoke the existing Standing Orders (as updated on 14 December 2016) with effect from 30 April 2017;
- (iii) note that the new Standing Orders do not contain provisions equivalent to the existing Standing Orders 28 (Committees of the Council), 37 (General Delegations to Committees), 38 (Exclusion from Delegations) and 39 (Expenditure on Hospitality) and to agree that these will remain in force until such time as alternative Committee Orders of Reference are presented and the Council Travel Policy is amended;
- (iv) agree that the existing Committee Orders of Reference remain in force for the time being, with alternative proposals to be brought to Council in due course; and
- (v) agree that “Part III – Officers of the Council” (with the exception of Standing Order 45 - Reports by Chief Officers) of the existing Standing Orders also remain in force for the time being, with alternative proposals to be brought to Council in due course.

### 3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### 4. OTHER IMPLICATIONS

There will be some training requirements for officers and Members. Training on Standing Orders has been built in to the Elected Member

development programme following the May 2017 local government election, and a rolling programme of training for officers is currently under development by staff in Democratic Services.

## 5. BACKGROUND/MAIN ISSUES

- 5.1 As part of the Governance Review, it was agreed to undertake a review and refresh of the Council's Standing Orders with the aim of modernising the document and ensuring that the Standing Orders are as robust as possible to assist with the smooth and transparent running of meetings, strengthening governance and decision-making and ensuring that they comply with the CIPFA principles of good governance.

Initially, benchmarking was undertaken against all other local authorities' Standing Orders, and feedback from CIPFA, Elected Members, officers and the public has also been taken on board in preparing the new document. CIPFA is of the view that adoption of new Standing Orders is a high priority for the Council. The proposals listed below have also been reported to and discussed at the Corporate Management Team and the Governance Reference Group.

- 5.2 In preparing the new document, it was recognised that certain aspects of the old Standing Orders should be situated elsewhere. It had originally been intended to report the new Standing Orders to the Council for approval at the same time as a revised set of Committee Terms of Reference. It is however recognised that there may be amendments to the Committee structure following the local government elections in May, and therefore it is considered premature to present a revised set of Committee Terms of Reference for approval at this time.

In this regard, provisions and delegations relating to specific Committees have now been removed from the main Standing Orders and moved to the Terms of Reference for that particular Committee - for example, the provisions which detail the external members on the Education and Children's Services Committee. Similarly, the detail of the general delegations to Committees (existing Standing Order 37) and the exclusion to delegations (existing Standing Order 38) will now be incorporated into the Committee Terms of Reference. It is also recommended that the existing Standing Order 39 (Expenditure on Hospitality) be incorporated into the Council's existing Travel Policy. Therefore, it is recommended that Standing Orders 28, 37, 38 and 39 of the existing Standing Orders remain in place until such time as revised Terms of Reference are presented to Council.

- 5.3 Similarly, there are strands of the Governance Review looking at the Appeals Committee procedure and the Appointment of Chief Officers; therefore it is proposed that Part III (Officers of the Council) of the existing Standing Orders remain in place until such time as reports are brought back to Council on these specific strands.

The exception to this is the current Standing Order 45 – Reports by Chief Officers, which is to be replaced by Standing Order 12 – Reports by Officers in the new Standing Orders document.

- 5.4 The document is a complete refresh of the existing Standing Orders, therefore it would not be possible to highlight all the changes made, however there may be particular interest in the following key changes:-

**5.4.1 Declarations of Interest**

It is proposed that these will now all be made at the start of the meeting before any items are discussed. This is in line with other local authorities and is considered to be good practice. The Code of Conduct states that Councillors must consider at the earliest stage possible whether they have an interest in any item on an agenda, and that declarations should be made as soon as practicable at a meeting. This does not preclude Members making a declaration if something unforeseen arises during debate.

**5.4.2 Matter of Urgency**

Where an item is referred and it is not possible for the item to be open for inspection by the public at least three clear days before the meeting, the referring Committee or Sub Committee must now specify why the item should be considered as a matter of urgency. This is to improve the transparency around decision-making.

**5.4.3 Notices of Motion**

It is proposed that Members may submit a motion to a Committee of which they are not a member, and will be invited to move or speak to the motion and sum up, but they may no longer vote on it. This will ensure that the political balance on a Committee is not altered.

**5.4.4 Motions and Amendments**

It is proposed that where these are proposed prior to a Council, Committee or Sub Committee meeting, that they are presented to the Clerk who will collate the views of the relevant officers and report these back to the Elected Member. This will provide a single point of contact for Members.

Another minor change is that a motion or amendment will be declared incompetent if it does not identify the source of funding. This is a slight change to the previous Standing Orders which say that a motion or amendment may be declared incompetent, and is proposed to ensure that the new Standing Orders reflect the current practice at Committee and Council meetings where it is expected that Members will have identified a funding source.

**5.4.5 Quasi-Judicial Items**

There is now specific mention of Members being required to be present for the entire item when the Council is acting in a quasi-judicial manner, i.e. if they are not in the room at all times, they will not be permitted to participate in the deliberation of the item.

#### **5.4.6 Length of meetings**

It is proposed that meetings do not exceed 4 hours – this Standing Order would therefore require to be suspended to allow a continuation. Also included is reference to officer attendance being at the instruction of line managers and to the Working Time Directive (this being a line management responsibility). This responds to feedback from Elected Members and also CMT about the impact on officers of the length of meetings.

#### **5.4.7 Removal of Written Questions**

The written questions process is now rarely used and it has therefore been removed from the new Standing Orders. The current process is somewhat unwieldy and benchmarking also indicates that few local authorities make use of written questions. There is also some overlap with what would potentially fall under the umbrella of Members' Enquiries.

#### **5.4.8 Reports by Officers**

It is proposed that a report will only be submitted for consideration where the Clerk, Head of Finance and Head of Legal and Democratic Services have responded to the consultation. This is to ensure that the legal and financial implications for every report have been fully considered. Where one or more of the consultees has not responded, the Head of Legal and Democratic Services, in consultation with the Convener, will determine whether the item can proceed.

It is also proposed that the Head of Legal and Democratic Services is given the authority to withdraw any item of business following consultation with the Convener and Vice Convener where a report has not met the final deadline for submission. As above, this can be used where the Head of Legal and Democratic Services has concerns about the content of a report and whether it has been through the appropriate channels for consultation.

#### **5.4.9 Suspension of Standing Orders**

It is proposed that this will now require two thirds of Members present and entitled to vote to agree a suspension of Standing Orders, rather than a majority. Again, this is in line with other local authorities and is intended to ensure there is a stronger presumption against a suspension.

#### **5.4.10 Annual Review of Committees**

It is proposed that Committees will need to undertake an annual review of their performance and effectiveness against their Terms of Reference. This is already done for the Audit, Risk and Scrutiny Committee, and is an approach recommended by both CIPFA and Audit Scotland. It is however proposed that this provision is best placed to be reflected in any new Terms of Reference which are presented to Council for approval at a later date.

- 5.5 Finally, although information bulletins are not specifically referred to in the Standing Orders, as part of the review of Committee management processes (a separate project in the Governance Review), it is proposed that these will no longer be produced alongside papers for Committee meetings, and there will instead be an electronic briefing solution established which will allow officers to provide such information to Members and the public on a more regular basis, without the requirement to wait for a Committee meeting. Officers are in discussion with colleagues in IT and Transformation about a suitable mechanism to allow this to happen. The review of Committee management processes will also involve the introduction of a new committee report template which will be rolled out at Committee meetings after the local government elections. The committee report trackers currently used by Directorates to allow for forward planning of Committee business will also form part of Committee agendas so that Members are aware of the future business planned for the Committee.

## 6. IMPACT

### 6.1 **Improving Customer Experience –**

The refresh and streamlining of the Standing Orders, particularly the use of Plain English, ensures that the document is more easily accessible and understood by those within and outwith the Council. Many of the revisions look to clarify the committee process, such as the making of deputations, and provide clarity to members of the public who would like to engage in local democracy.

It is also hoped that the document will be beneficial to Members, particularly those who may have a role as Convener or Vice Convener.

As mentioned above, the proposed electronic method of keeping Elected Members and the public regularly up to date on content that would normally be contained in a hard copy information bulletin once a Committee cycle will improve the information available to customers.

Regular review of the Council's governance documents will also ensure that decision making and the processes around that are robust and transparent.

### 6.2 **Improving Staff Experience –**

The refreshed Standing Orders will improve the officer experience at Committee meetings, and clarify and strengthen governance processes.

### 6.3 **Improving our use of Resources –**

An improved process and more streamlined procedures should ensure that less time is spent in meetings, freeing up resources to be used elsewhere.

### 6.4 **Corporate –**

The review of the Council's Standing Orders contributes to the Smarter Governance strand of Aberdeen – the Smarter City, particularly around

the participation of citizens in the governance and decision-making process of the Council.

**6.5 Public –**

The report may be of interest to the public and press as it affects the running of public meetings, and the procedure around deputation requests to Council or Committee. If the Standing Orders are approved, the required amendments to the deputation process will be uploaded to the public information section on the Council website to ensure the public are aware of any changes.

**7. MANAGEMENT OF RISK**

Acceptance of the above recommendations is not considered to pose any risk to the Council, and retaining the existing Part III of the existing Standing Orders will ensure that procedures remain in place for matters such as Chief Officer appointments and signing of deeds until such time as these matters require to be reported to Council as part of the further development of the Governance Review. If the revised Standing Orders are not approved, this will leave the Council with a set of Standing Orders that are in need of modernisation and improvement.

CIPFA is also of the view that adoption of the new Standing Orders is a high priority for the Council.

**8. BACKGROUND PAPERS**

Benchmarking was undertaken with all other Scottish local authorities' Standing Orders.

**9. REPORT AUTHOR DETAILS**

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