



REPORT TO: MORAY COUNCIL ON 28 SEPTEMBER 2022

**SUBJECT: REVIEW OF COUNCIL'S CONSTITUTIONAL DOCUMENTS –
STANDING ORDERS AND SECOND TIER GOVERNANCE
DOCUMENTS**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND
ORGANISATIONAL DEVELOPMENT)**

1. REASON FOR REPORT

- 1.1 To invite the Council to approve changes to Council's Standing Orders and Second Tier Governance Documents as detailed in Section 4 of the report.
- 1.2 This report is submitted to Council in terms of Section II (15) of the Council's Administrative Scheme relating to the formulation, review and amendment of the Administrative Scheme and Standing Orders.

2. RECOMMENDATION

2.1 It is recommended that the Council consider and approve:

- i) the proposed changes to the Council's Standing orders, as set out in Appendix I; and**
- ii) for publication the Councillors' Role Descriptions document attached as Appendix 2.**

3. BACKGROUND

- 3.1 In terms of Standing Order 85 the Council is required, at least once every year, to review the standing orders to determine whether any alteration should be considered.
- 3.2 As a result of the Covid Pandemic the annual review was delayed, however some minor changes to the Standing Orders during the past 2 years, including the recent changes resulting from the change to the positions of Council Leader and Convener as agreed at the meeting of the Council held on 10 August 2022 (para 7 of the minute refers), require the document to be redrafted. These changes are detailed at paragraph 4.1 below.

- 3.3 A further report on the annual review of the Council's Scheme of Administration and Scheme of Delegation will be submitted to the meeting of the Council on 7 December 2022.
- 3.4 Changes to the Council's Second Tier Governance Documents are also required by newly defined senior Councillor positions.
- 3.5 The Second Tier Governance Documents are currently under review as a legacy of the Council's Governance Review (part of the Improvement and Modernisation Programme). Although a wider scoping report for this review is not ready yet, it makes sense to update and consolidate Councillors' Role Descriptions (part of the Second Tier documents) at the same time as the Standing Orders review.

4. **PROPOSALS**

- 4.1 Amendments to the Council's Standing Orders are as detailed in the table below and can be seen as tracked on **Appendix 1**

SO No	Amendment	Reason
Title Page	Add in new footer to read: Approved by Moray Council on (date to be inserted) Review due: (date to be inserted) Responsible Officer: Head of Governance, Strategy and Performance	Suggested to reflect modern practice of indicating date last amended/updated.
Definitions	New definitions of Leader, Depute Leader and Civic Head added with reference to Councillors Roles and Responsibilities document.	To reflect decision of Moray Council taken on 10 August 2022
Various	Reword references throughout to read Leader / Depute Leader instead of Convener and Civic Head instead of Convener	To reflect decision of Moray Council taken on 10 August 2022
5(d)	Reword to read: "Elect the Depute Leader of the Council"	To reflect decision of Moray Council taken on 10 August 2022
New 5(e)	Insert new 5(e) to read: "Elect the Civic Leader of the Council"	To reflect decision of Moray Council taken on 10 August 2022
5(e) - 5(g)	Renumber to 5(f) – f(h)	To reflect inclusion of new SO (e)
9	Reword to change reference from 'Proper Officer' to Chief Executive/Relevant Depute Chief Executive	To clarify the officer responsible
New 10	Include new SO 10 to include reference to reflect	Introduced during Pandemic to allow meetings to be

	that meetings may be conducted remotely	conducted remotely outwith the Council Chamber
10	Renumber to 11	To reflect inclusion of new SO 10
11	Renumber to 12	To reflect inclusion of new SO 10
12	Renumber to 13 and amend wording to say "Notice of the time and place of the meeting shall be published by posting details on the Council's website" and clarify that three <i>clear days</i> ' notice required.	To reflect that notice of meetings are provided electronically via CMIS
13	Renumber to 14	To reflect inclusion of new SO 10
13(a)	Renumber to 14 (a) and Include wording 'either electronically or'	To reflect the availability of agenda electronically via CMIS
14 - 32	Renumber to 15 - 33	
33	Renumber to 34 and included wording '...for the purposes of budget setting or...'	Suggested to enable budget setting to take place unhindered by the six month rule (SO 84, alteration of previous decision)
35(a)	Word "ordinary" added before Council/committee meetings	Clarification that Notice of Motions are intended for "ordinary" meetings, not special meetings
New 38	Include new SO 38 to read "Any member wishing to call in a noting or information report from one meeting shall give notice to Committee Services at least 14 days in advance following the meeting. The Notice shall be countersigned by one other elected member and shall explain the reason for call in including any action sought."	As agreed at meeting of Moray Council dated Jan 21
79	Renumber to 81 and include additional wording "References to the Leader/Depute Leader shall then become references to the Chair/Depute Chair	Suggested to clarify and simplify references relating to Leader/Chair Depute Leader/Depute Chair
82	Renumber to 84 and include wording '...for the purposes of budget setting or...'	Suggested to enable budget setting to take place unhindered by the six month rule

37 - 85	Renumber 39 to 87	To reflect additional changes as outlined above.
Last Page	Remove historic amendments references	To reflect change to title page

4.2 Current Councillor role descriptions exist for:

- Councillor
- Senior Councillors
- Leader of the Council
- Civic Head of the Council
- Leader of the largest opposition group
- Role of Chairperson

4.3 It is proposed that these descriptions, are consolidated into a single document called Councillors' Roles and Responsibilities attached as **Appendix 2**. Role descriptions are set out within the document as follows:

- All Councillors
- Councillors with additional responsibility:
 - Council Champions
 - Chairs of Committees and Boards
 - Leader of the Council
 - Depute-Leader of the Council
 - Leader of largest non -administration group
 - Civic Leader

4.4 It is proposed that this document is published on the Council's Committee Management site, CMIS.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Effective governance arrangements are key to the development and delivery of the Council's stated priorities and plans.

(b) Policy and Legal

Provision of Standing Orders ensures that the Council's affairs are administered in accordance with the law, propriety and proper standards.

(c) Financial implications

None.

(d) Risk Implications

Updated constitutional documents help to promote good governance and reduce the chance of a successful challenge to Council decisions.

(e) Staffing Implications

The proposed amendments can be accommodated within existing staff resources.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no direct impacts as the Council's constitutional documents regulate the Council's internal procedures only.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

The review of the Standing Orders reflects previous committee decisions. Consultation on the Councillors' Roles and Responsibilities document has been undertaken with group leaders and the Corporate Management Team.

6. CONCLUSION

6.1 The annual review of the Council's constitutional documents has resulted in a number of improvements being identified and the Standing Orders, have been redrafted accordingly. The Council is asked to approve the amendments.

6.2 The Council is also asked to approve a revised "Councillors' Role Descriptions" document following changes to senior councillor positions.

Author of Report: Head of Governance, Strategy and Performance and Democratic Services Manager

Background Papers:

Ref: