



REPORT TO: MORAY COUNCIL ON 6 MARCH 2023

SUBJECT: REVIEW OF COUNCIL'S STANDING ORDERS

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

1. REASON FOR REPORT

- 1.1 To invite the Council to consider the timescale for changes to the Council's Standing Orders 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 which provides that amendments to Standing Orders require to be raised at one Council meeting for approval at the following meeting.

2. RECOMMENDATION

2.1 It is recommended that the Council:

- i) consider the options for material changes to Standing Orders for each of the areas set out in paragraph 4.1 below/ Appendix 1 and determine how to proceed in each case;**
- ii) agree the proposed minor changes to Standing Orders set out in paragraph 4.2 below/ Appendix 2;**
- iii) note that a final version of the Standard Orders, incorporating the agreed position from recommendations (i) and (ii) above, will be submitted to the next ordinary meeting of the Council; and**
- iv) agree to defer the wider annual review of the Scheme of Administration and Scheme of Delegation from May 2024 until December 2024 to bring the reviews back in line with the annual Standing Order Review.**

3. BACKGROUND

- 3.1 In terms of Standing Order 90 the Council is required, at least once every year, to review the standing orders to determine whether any alteration should be considered.
- 3.2 The last review was carried out and agreed at a meeting of Moray Council on 28 September 2022 (para 11 of the minute refers).
- 3.3 Recommendations were considered by the Council's Corporate Committee on 4 October 2023 in relation to strengthening collaborative leadership within the Council (paragraph 6 of the minute refers). Some of these recommendations impact on how the Council conducts its committee business and would require amendments to the Council's Standing Orders. The areas for consideration are detailed in paragraph 4 below.
- 3.4 A survey was carried out with other local authorities to see what their standard practice was in relation to approval of minutes, whether these were approved by committee, the full Council or both. 13 responses were received and the results detailed in the final column of **Appendix 1**.

4. PROPOSALS

4.1 Material Changes

A number of options have been identified in the table in **Appendix 1** to consider whether there may be a more efficient way of dealing with the processes identified. Recommendations (shown in bold in the first column of the table and following the same numbering) as are as follows:

A Approval of committee minutes

Option 1: Continue current practice where committees approve their own minutes and these are published, but not presented to full Council.

B Questions on minutes

Option 3: Encourage questions on content to be raised without the need for committee procedure and require any remaining questions to be submitted under Written Question procedure.

C Reading out responses to Written Questions

Option 2: Cease practice of reading out responses. Continue publication.

D Remove Open Question Time

Option 2: Remove open Question Time from all meetings and require all questions to be put in writing.

E Information reports

Option 1: Continue Current arrangements which require Information Reports to be called in (subject to timing clarity set out in paragraph 4.2 below).

4.2 Minor changes

In addition to the material changes detailed above a number of minute changes are proposed for consideration. **Appendix 2** contains a tracked change version of the Standing Orders with these changes.

SO No	Amendment	Reason
35 (c)	Inclusion of table to confirm deadlines for Notices of Motion	To make deadlines clearer
36	Inclusion of table to confirm deadlines for Written Questions	To make deadlines clearer
38	Clarification of timescale for call in of Information reports	Existing wording unclear
38	Inclusion of 'of the Committee'	Following an issue at ECLS Committee it was agreed that the proposer and seconder for the calling in Information reports should sit on the Committee.
71	Standing Order referred to in paragraph should be 70 and not 72	Amendment to Standing Order referred to in paragraph
76	Changes to Committee Membership	It was agreed that changes to Committee Membership could be submitted by the Group Leaders.

4.3 Scheme of Administration and Scheme of Delegation

At the meeting of Moray Council on 24 May 2023 updates to the Scheme of Administration and Scheme of Delegation were agreed (para 14 and 16 of the minute refers). The next review for these documents should be May 2024, however to bring the reviews back in line with the next Standing Order review it is proposed to delay the next wider review until December 2024.

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 Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development and the Head of Governance, Strategy and Performance have been consulted and any comments have been included in the report.

6. CONCLUSION

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

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

Background Papers:
Ref: