

ANGUS COUNCIL

ANGUS COUNCIL – 20 MARCH 2025

SCHEME OF GOVERNANCE – REVIEW

REPORT BY ALISON WATSON, ACTING DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

1. ABSTRACT

This Report presents to elected members proposed amendments to the Scheme of Governance – Standing Orders and Terms of Reference following an annual review. It provides details of the views of the Governance Member/Officer Working Group. It also asks Council to determine how to proceed on certain outstanding points in relation to the Standing Orders on which the MOWG did not reach consensus.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

This Report contributes to the achievement of our priority that the council is efficient and effective as detailed in our Council Plan for 2023–2028.

3. RECOMMENDATIONS

The Council is asked to:

- (i) consider the outstanding points in relation to the Standing Orders as detailed in Section 6.1 of this report on which the Governance Member/Officer Working Group did not reach consensus, and determine how to proceed on these outstanding points;
- (ii) consider the proposed revisions to Standing Orders as provided in Appendix 1, together with the further points determined by Council following consideration of recommendation (i) above, having noted the views of the Governance Member/Officer Working Group and to approve changes to the Standing Orders for implementation from 1 April 2025;
- (iii) consider the proposed revisions to the Terms of Reference, as provided in Appendix 2 having noted the views of the Governance Member/Officer Working Group, as detailed in Section 6 below and to approve them for implementation from 1 April 2025;
- (iv) note that minor revisions and non-material amendments to Standing Orders and the Terms of Reference can be made by the Director of Legal, Governance and Change, however if any significant changes may be required then these will be considered by the Governance Member/Officer Group in the first instance and thereafter presented to a future meeting of Council for consideration; and
- (v) note that a training session/briefing for elected members on Standing Orders will be arranged in the near future.

4. BACKGROUND

- 4.1 The Local Government (Scotland) Act 1973 provides for the making of Standing Orders to regulate proceedings and business of a local authority. While a number of the Standing Orders are statutory requirements and cannot be amended, each local authority has the ability to determine some of its terms.
- 4.2 Following the Local Government Elections in 2022, a Member/Officer Working Group (MOWG) was established to review the Council's key governance documents. The review of Standing Orders was considered at a meeting of Angus Council on 11 May 2023 and members agreed to approve amendments to the Standing Orders for implementation once the related governance framework documents had been considered and approved by Council. The review of the remaining suite of governance documents was completed and subsequently Angus Council, at its meeting on 14 December 2023, approved the Scheme of Governance documents comprising

Standing Orders (previously approved), Committee Terms of Reference and the Scheme of Delegation to Officers, to be implemented from 1 January 2024 (Reports 135/23 & 355/23 refer).

- 4.3 At that time, it was agreed that the MOWG reconvene in approximately 12 months to review the documents and to consider any required changes to the Scheme of Governance.

5. CURRENT POSITION

- 5.1 A meeting of the MOWG was held on 14 November 2024 to review Standing Orders and a further meeting held on 24 February 2025 to consider the Terms of Reference and further amendments to the Standing Orders to include the newly established Housing Committee and its membership.
- 5.2 The MOWG considered proposed amendments to both documents, with tracked changes applied. The revised documents are attached at Appendices 1 and 2.

6. PROPOSALS

- 6.1 Proposed Amendments to the Standing Orders are shown in track changes at Appendix 1. Whilst the MOWG was supportive of these proposed revisions to Standing Orders, further consideration will be required by Council in terms of the following points. These require determination by Council in accordance with recommendation (i) of this report and agreement on any consequent changes to Standing Orders:

- **14(2)(i) Order of Debate** - A member of the MOWG proposed an amendment to the effect that a member may ask only one question and one supplementary question which may be at the discretion of the Convener. Following discussion, it was felt that the current wording ("a Member can only speak once in a debate unless they are: - (i) asking a question or questions") provided flexibility particularly if asking technical questions. The Clerk to the MOWG reminded members that it was within the control of the Convener to determine how many questions a member may ask. Whilst there was no overall consensus in relation to the number of questions, it was considered that there required to be some flexibility.
- **18(1) Closure of debate** – wording provides that if a councillor moves a motion for closure of debate, that councillor may not have spoken in the debate in order to move the motion. Consideration was given to removing the words ... 'for any member who has not spoken in such a debate to move that no further debate take place and that the question be now put'. No consensus was reached, and it was agreed to consider how other local authorities propose closure of debate. Note: All other authorities reviewed also require that the person moving the motion must not have spoken.
- **36(2) Delegation to Committees and Sub-Committees** – consideration to increase the number of members that may refer an item to full Council. Currently, two members who are present at the meeting can immediately indicate that they wish the matter to be referred to the Council (or Committee) for decision – no consensus reached.

- 6.2 The MOWG also proposed the following which Council is asked to agree:

- **2 Meetings of the Council** at (1) – cross reference to hybrid meetings. This is currently included within Calling of Meetings, Section 5(1)(i).
- **6(4) Remote Attendance** – proposed amendments to offer flexibility in terms of accessing meetings if connection is lost were agreed by the MOWG, however consideration was given to the introduction of a time limit i.e. that if a recess is required to establish a connection, then a maximum of 10 minutes be allowed.
- **15 Motions and Amendments** – amendments agreed by the MOWG with the exception of 15(2)(i) where consensus was reached for a 2pm deadline for submission the day prior to the meeting, as opposed to the current time of 5pm. It was also considered that for transparency, Standing Orders should provide that the Convener must provide reasons as to why a ruling of not competent is given.
- **22 Powers and Duties of Convener** – "(1) To preserve order and ensure that any Member wishing to speak at a Meeting is given due opportunity to do so and a fair hearing". Include reference within (1) 'to preserve order (including those members of the public in attendance) and ensure'.

- **Glossary of Terms** - Include a definition of Depute Provost and Request to Speak/Deputation.

Resolution of the above will be required by Council.

6.3 The MOWG also considered that the proposed amendments to the Terms of Reference were acceptable and that there were no further amendments required other than those provided in Appendix 2.

7. FINANCIAL IMPLICATIONS

7.1 There are no direct financial implications arising from the recommendations of this Report.

8. RISK MANAGEMENT

8.1 There are no direct risks arising from the recommendations of this Report.

9. ENVIRONMENTAL IMPLICATIONS

9.1 There are no direct environmental implications arising from the recommendations of this Report.

10. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

10.1 A screening assessment has been undertaken and a full Equality Impact Assessment is not required as the Report is technical.

11. CHILDREN'S RIGHTS AND WELLBEING IMPACT ASSESSMENT

11.1 A Children's Rights and Wellbeing Impact Assessment has been undertaken and a full assessment is not required as the "General Principles" do not apply to this proposal.

12. CONSULTATION

12.1 The Council's Corporate Leadership Team have been consulted on the terms of 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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List of Appendices:

Appendix 1 – Standing Orders

Appendix 2 – Terms of Reference