

FALKIRK COUNCIL

Subject: STANDING ORDERS
Meeting: FALKIRK COUNCIL
Date: 13 MAY 2015
Author: CHIEF GOVERNANCE OFFICER

1. PURPOSE

- 1.1 The purpose of this report is to present revisions to Standing Orders, including the Scheme of Delegation, in light of Council's decision of 31 March 2015 to establish 2 Scrutiny Committees, to set out transitional arrangements for meetings of the Scrutiny Committees prior to the summer recess and to present a revised timetable of meetings to 31 December 2015. The report also provides revised Standing Orders in regard to questions at Council following the decision on 31 March.

2. BACKGROUND

- 2.1 Council agreed on 31 March 2015 to establish 2 Scrutiny Committees, each with 8 members – 4 from the Administration and 4 from the Opposition. Further, Council agreed that each Scrutiny Committee will be chaired by a member of the largest Opposition Group, currently the SNP Group.
- 2.2 In terms of their respective roles, Council agreed that one Scrutiny Committee will focus on internal issues and the second will scrutinise external organisations. It is proposed that the former, which will be responsible for management of the Council's Annual Scrutiny Plan, is called the Scrutiny Committee. The latter will be the Scrutiny Committee (External). Should the revised Standing Orders be approved these committees will come into immediate effect.

3. STANDING ORDERS

- 3.1 Standing Orders currently provide for a decision making structure which incorporates a single Scrutiny Committee with a membership of 10 (6 members from the Administration and 4 from the Opposition). This is set out at Standing Order 37.1. A revised SO 37.1 adjusted to refer to the composition of the new scrutiny committees is set out at appendix 1.
- 3.2 Standing Order 38 – Conduct of Meetings of Committees – refers, at SO 38.1(viii), to the power of the Convener of the Scrutiny Committee to dispense with certain standing orders in order to secure open debate. A revised SO 38 which now refers to both scrutiny bodies is also set out in appendix 1.

- 3.3 The Scheme of Delegation, at SO 50, sets out the composition and role of the current Scrutiny Committee and, at SO 50.3, describes scrutiny panels, setting out their relationship to the Scrutiny Committee. A revised SO 50 is provided at appendix 2. The proposed Scheme sets out the membership and role of the Scrutiny Committee at SO 50(a) and the Scrutiny Committee (External) at SO 50(b).
- 3.4 In addition to the role of the Scrutiny Committee set out at SO 50.4 (appendix 2), it is proposed that the Committee also has a role in considering reports from school inspections. Information on these reports is already provided to the Performance Panel. It is anticipated that reports will be referred to the Committee where these identify weak or unsatisfactory performance.

4. MEMBERSHIP AND SCHEDULE OF MEETINGS

- 4.1 Having determined to establish 2 scrutiny bodies, Council is required to appoint members to each committee. In terms of current Standing Order 50.1 (and the revised SOs 50.1 and 50.5), Council may appoint any member to a Scrutiny Committee other than a member of the Executive. The Leaders of the Administration and of the Opposition were invited to provide slates for each of the committees following the meeting of Council on 31 March. The table below sets out the nominees to both committees and Council is asked to formalise the appointment. Each committee will appoint their respective Convener at their first meeting.

Scrutiny Committee		Scrutiny Committee (external)	
Administration	Opposition	Administration	Opposition
Allyson Black	Steven Bird	Charles MacDonald	David Balfour
William Buchanan	Colin Chalmers	John McLuckie	Gordon Hughes
Joan Paterson	Steven Carleschi	Rosie Murray	Steven Jackson
Pat Reid	Cecil Meiklejohn	John Patrick	Brian McCabe

- 4.2 The current schedule of meetings was agreed in October 2014. At the time, Council agreed a 6 weekly cycle for the Scrutiny Committee. The schedule from August to 31 December 2015 is set out at appendix 3. Council agreed on 31 March that the committees would recommend a programme of meetings to Council. However, in order to allow the committees to begin their work and assess their workloads a revised programme through to the end of the year is suggested.

- 4.3 It is proposed that the meetings already scheduled pre recess, on 14 May and 18 June, are not changed and that a 4 weekly cycle is introduced post recess in August with the committees meeting on alternate dates. A revised schedule of meetings is set out in appendix 4. Two potential clashes arise should the 4 week cycle be strictly adhered to. The first, on 17 September, arises because the Performance Panel is scheduled to meet on that day. However, it is likely that the Scrutiny Committee will consider the arrangements for the Panel and this date may change. A further clash (with the Pensions Committee) arises on 10 December. It is therefore proposed that the final scrutiny meeting of the year, for external business, will fall 3 weeks after the meeting of the Scrutiny Committee.
- 4.4 In order to allow a smooth transition to the two committees, the business already scheduled for the May meeting of the current Scrutiny Committee will be dealt with as planned on 14 May but with new membership on the committee. The business relates to the Scrutiny Plan and a Scrutiny Panel review. This falls within the scope of the (new) Scrutiny Committee and it is proposed that it is this body which meets on 14 May. The remaining business scheduled, a Following the Public Pound report on Advice Services would, subject to approval of the revised Scheme of Delegation at the meeting, be a matter for the Scrutiny Committee (External). Council may, however, permit the Scrutiny Committee to consider this business as part of the transitional arrangements.
- 4.5 The following meeting, on 18 June, will be the first meeting of the Scrutiny Committee (External) and again there is business, in line with its proposed role, scheduled for that meeting.

5. QUESTIONS

- 5.1 Council also agreed on 31 March that question time at Council meetings should include questions to the Provost on civic and related matters and that questions which should be more properly dealt with by officers should not be included on the agenda for Council meetings.
- 5.2 Standing Order 32 – Questions – sets out the questions process. A revised SO 32 which incorporates the decision by Council in regard to questions, set out above, is attached as appendix 5.

6. RECOMMENDATIONS

Council is invited to:-

- (1) agree the revisions to Standing Orders 37.1, 38 and 50 as set out in appendices 1 and 2 of the report;**
- (2) appoint members to the Scrutiny Committee and Scrutiny Committee (External);**

- (3) agree the revised timetable of meetings for the period August to December, set out at appendix 4;
- (4) agree the transitional arrangements for meetings of the Scrutiny Committee and Scrutiny Committee (External) as set out in paragraph 4.4 of the report; and
- (5) agree the revised Standing Orders in regard to questions at Council as set out in appendix 5 of the report.

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Chief Governance Officer
Date: 5 May 2015

(Contact Officer: Brian Pirie, Democratic Services Manager; tel. 01324 506110)

LIST OF BACKGROUND PAPERS

Nil

SECTION 4CONSTITUTION, MEETINGS AND PROCEEDINGS
OF COMMITTEES**37. COMMITTEES**

37.1 The number of members on each committee and the quorum for each will be as set out below:-

Committee	Membership	Quorum
Executive	12 consisting of the Leader and 8 other members drawn from the Administration and 3 members not drawn from the Administration	4
Education Executive	12 consisting of the Leader and 8 other members drawn from the Administration and 3 members not drawn from the Administration plus 3 representatives of denominational bodies as required by section 124 of the 1973 Act; 2 teachers nominated from the serving staff of schools, 2 parental representatives nominated by the Parents' Forum and 2 non-voting young people – the chair and vice chair of the Youth Ambassador programme or such other representatives of young people as determined by the Education Executive.	4 elected members
Scrutiny Committee	8 consisting of 4 members drawn from the Administration and 4 members not drawn from the Administration	3
Scrutiny Committee (External)	8 consisting of 4 members drawn from the Administration and 4 members not drawn from the Administration	3
Planning Committee	12 except when conducting a pre-determination hearing required by s 38A of the Town and Country Planning (Scotland) Act 1997 when the membership will comprise all elected	4 except when conducting a pre-determination hearing required by s 38A of the Town

	members of Council	and Country Planning (Scotland) Act 1997 when the quorum will be quarter of the membership
Planning Review Committee	5 the convener and Depute Convener of the Planning Committee, ex officio, with 3 others drawn from the remaining members of the Planning Committee on a rota basis	3
Civic Licensing Committee	10	4
Audit Committee	7 6 elected members and 1 lay member	4
Appeals Committee	8	3
Pensions Committee	6 elected members and 3 lay members	4
Appointments Committee	6 plus the relevant Portfolio Holder. Where there is more than one relevant Portfolio Holder, the Portfolio Holders should agree amongst themselves which member will attend.	3
Emergency Committee	The members of the Executive	4
Bo'ness Common Good Fund Committee	The Provost, Depute Provost and members of the former Burghal area	3
Denny and Dunipace Common Good Fund Committee	The Provost, Depute Provost and members of the former Burghal area	3
Falkirk Common Good Fund Committee	The Provost, Depute Provost and members of the former Burghal area	3
Grangemouth Common Good Fund Committee	The Provost, Depute Provost and members of the former Burghal area	3

38. CONDUCT OF MEETINGS AT COMMITTEES

38.1 Meetings of committees will be conducted in accordance with Standing Orders 3, 6 to 13, 15 to 30 and 33 to 36, subject to the following amendments:-

- (i) all references to “Provost” and “Depute Provost” will be read as “Convener” and “Depute Convener” respectively;
- (ii) the quorum for any meeting will be as set out in Standing Order 37.1;
- (iii) Standing Order 7.1(iii) shall not apply to meetings of committees; ;

- (iv) Standing Orders 20.2 and 20.3 shall apply only to the Executive and the Education Executive;
- (v) Standing Order 29 shall apply only to the Executive, the Education Executive and the Scrutiny Committee;
- (vi) at any meeting of the Planning Committee, the Convener may extend the period for transaction of business if he/she considers that it will enable the committee to complete its business;
- (vii) the time limit for meetings will not apply to the Appeals Committee, the Appointments Committee or any of the bodies referred to in Standing Order 37.5
- (viii) the Convener of the **Scrutiny Committee/Scrutiny Committee (External)** may, in the interests of securing open debate, dispense in regard to any item on the agenda with the requirements respecting rules of debate, procedural motions and points of order and will announce to the meeting that he/she is so dispensing. Any such dispensation will be minuted and may be recalled by the Convener should the requirements of good order and expeditious dispatch of business require it. The aim is for the Convener to conduct the meeting in a manner which will encourage interest and participation and without unnecessary formality such as would inhibit or discourage involvement.
- (ix) a councillor may attend any committee even when they are not appointed to them, but they cannot vote. They may attend all parts of the meeting, whether or not the committee has excluded the press and public, with the following exceptions:-
 - (a) councillors who are not appointed members of the Appeals Committee, or the Appointments Committee may not attend any part of these meetings;
 - (b) councillors who are not appointed members of any of the bodies referred to in Standing Order 37.5 other than the Planning Review Committee may not attend any part of these meetings;
 - (c) councillors who are not appointed members of Civic Licensing Committee may not attend any part or parts of a meeting of the committee where the committee has excluded the press and public; and
 - (d) where the councillor is not a member of the committee, he/she should sit in the public gallery so that it is clear to the public that the member is not part of the body taking the decisions.
- (x) Where a councillor has a right to attend a committee under Standing Order 38.1(vii), he/she may speak at a meeting subject to:-
 - (a) giving notice to the convener of the meeting of the matters the councillor wishes to speak about, at least 24 hours before the start of the meeting; and
 - (b) the Convener giving his or her consent.

50. SCRUTINY COMMITTEES

(a) The Scrutiny Committee

Composition of the Scrutiny Committee

- 50.1 The Scrutiny Committee will consist of eight members with four drawn from the Administration and four not drawn from the Administration (subject to the proviso that no member of the Executive may be a member of the Scrutiny Committee). The Convener of the committee will be such member of the committee from the largest Opposition group as shall be appointed by the committee.

Role of the Scrutiny Committee

- 50.2 The Scrutiny Committee will develop the annual Scrutiny Plan of the Council and will submit it to Council for agreement. The Scrutiny Committee will also be responsible for overseeing implementation of the plan. The scrutiny will identify the principal areas which require detailed scrutiny. In order to undertake that scrutiny, the Scrutiny Committee may establish one or more Scrutiny Panels. The Scrutiny Committee will have no decision-making power but will make such recommendations as it considers appropriate to the Executive.

Scrutiny Panels

- 50.3 A Scrutiny Panel will consist of up to five members of the Council as determined by the Scrutiny Committee. Any member of the Council other than a member of the Executive may be appointed to a Scrutiny Panel. A Scrutiny Panel will consist of a member or members drawn from the Administration and a member or members not drawn from the Administration. The Scrutiny Panel will conduct its work in accordance with the remit fixed by the Scrutiny Committee and in accordance with guidance on scrutiny issued by the Scrutiny Committee from time to time. The Scrutiny Panel will have no decision-making power and will not be a sub-committee of the Scrutiny Committee.

Additional Roles

- 50.4 The Scrutiny Committee will:-
- (1) receive the minutes of the Performance Panel and review issues raised at the Panel;
 - (2) consider overview reports by Audit Scotland; and
 - (3) consider any other matter referred to the committee for consideration by Council or the Executive.

(b) The Scrutiny Committee (External)

Composition of the Scrutiny Committee (External)

- 50.5 The Scrutiny Committee (External) will consist of eight members with four drawn from the Administration and four not drawn from the Administration (subject to the proviso that no member of the Executive may be a member of the Scrutiny Committee (External)). The Convener of the committee will be such member of the committee from the largest Opposition group as shall be appointed by the committee.

Role of the Scrutiny Committee (External)

- 50.6 The Scrutiny Committee (External) will consider:-

- (1) any report in accordance with the Following the Public Pound framework;
- (2) reports on performance by the Falkirk Community Trust;
- (3) any performance reports in respect of the Local Police Plan or the Local Fire and Rescue Plan;
- (4) reports on performance by the Integration Joint Board; and
- (5) any other matter referred to the committee for consideration by council or the Executive; and

The Scrutiny Committee (External) will have no decision-making power but will make such recommendations as it considers appropriate to the Executive.

FALKIRK COUNCIL – CURRENT PROGRAMME OF MEETINGS

AUGUST TO DECEMBER 2015

3 August – Planning On-Site Committee	20 October – Executive
10 August – Civic Licensing Committee	28 October – Planning Committee
11 August - Joint Consultative Committee	4 November – Civic Licensing Committee
18 August – Executive	9 November - Planning On-Site Committee
19 August – Planning Committee	10 November – Education Executive
20 August – Scrutiny Committee	11 November – Joint Consultative Committee
31 August – Planning On-Site Committee	12 November – Scrutiny Committee
2 September – Civic Licensing Committee	25 November – Planning Committee
8 September – Education Executive	1 December – Executive
15 September – Planning Committee	2 December – Civic Licensing Committee
21 September – Audit Committee	7 December - Planning On-Site Committee
24 September – Pensions Committee	10 December – Pensions Committee
28 September – Planning On-Site Committee	14 December – Audit Committee
29 September – Executive	16 December – Falkirk Council
30 September – Civic Licensing Committee	
1 October – Scrutiny Committee	
7 October – Falkirk Council	

FALKIRK COUNCIL – DRAFT PROGRAMME OF MEETINGS

AUGUST TO DECEMBER 2015

3 August – Planning On-Site Committee	15 October – Scrutiny Committee
10 August – Civic Licensing Committee	20 October – Executive
11 August - Joint Consultative Committee	28 October – Planning Committee
18 August – Executive	4 November – Civic Licensing Committee
19 August – Planning Committee	9 November - Planning On-Site Committee
20 August – Scrutiny Committee	10 November – Education Executive
31 August – Planning On-Site Committee	11 November – Joint Consultative Committee
2 September – Civic Licensing Committee	12 November – Scrutiny Committee (External)
8 September – Education Executive	25 November – Planning Committee
15 September – Planning Committee	1 December – Executive
17 September – Scrutiny Committee (External)	2 December – Civic Licensing Committee
21 September – Audit Committee	3 December – Scrutiny Committee
24 September – Pensions Committee	7 December - Planning On-Site Committee
28 September – Planning On-Site Committee	10 December – Pensions Committee
29 September – Executive	14 December – Audit Committee
30 September – Civic Licensing Committee	16 December – Falkirk Council
7 October - Falkirk Council	

Notes –

- 1) A meeting of the Performance Panel is scheduled for 17 September. However it is likely to that arrangements for the Performance Panel will be considered by the Scrutiny Committee in August.
- 2) The committees meet on a 4 weekly cycle with the exception of the December meeting which falls 3 weeks after the previous meeting in the cycle. This is to avoid conflict with the Pensions Committee meeting on 10 December

32. QUESTIONS

- 32.1 At each ordinary meeting of Council, any councillor may put questions to the Leader of the Council or to the relevant Executive Portfolio Holder on any matters relating to business transacted at any meeting of the Executive or Education Executive where the minute of that meeting is to be in the minute volume for that meeting of Council. Written notice of the question(s) must be given to the Chief Governance Officer not later than 12 noon at least seven clear days before the meeting takes place. In the event that any minute to be considered at Council has not been published, the question may be submitted no later than two working days after the minute has been made available to members of the Council.
- 32.2 **Questions may also be put to the Provost on civic and related matters. Written notice of the question(s) must be given to the Chief Governance Officer not later than 12 noon at least seven clear days before the meeting takes place.**
- 32.3 **The Provost will determine whether a question is of a factual nature and could reasonably be answered by an officer. If the Provost so determines, the question will not be considered as a question for the purposes of this Standing Order**
- 32.4 The question will be put at the meeting by the councillor who lodged it. If that councillor is absent, another councillor may put the question on his behalf provided the original questioner has given his or her consent.
- 32.5 Questions will be answered by the **Provost**, Council Leader or the appropriate Portfolio Holder. The Provost will determine the order in which the questions will be answered and, in doing so, will endeavour to ensure a fair allocation of questions among Portfolio Holders. An answer may take the form of:-
- (i) a direct oral answer at Council; or
 - (ii) where the reply cannot conveniently be given orally, a written answer will be provided and circulated at the Council meeting.
- 32.6 The councillor who submitted the question may ask one supplementary question of the councillor who answered the question. The supplemental question must arise directly out of the original question or reply.
- 32.7 The Provost may disallow any supplementary question if he/she is not satisfied that it meets the requirements of Standing Order 32.6. If asked, the Provost will explain the reason for the ruling.
- 32.8 The period set aside for questions and answers will not exceed one hour, unless, in exceptional circumstances, the Provost determines otherwise. Any questions not answered within that period will receive a written response from the Council Leader or the Portfolio Holder within seven days of the meeting.
- 32.9 The minute of the meeting shall record that a formal question was asked and answered, and by whom, and (if appropriate) that a supplementary question was asked and shall refer to the subject matter of the questions and answers.

- 32.10 The foregoing Standing Order is without prejudice to the right of any councillor present at a meeting to obtain at such meeting and without prior notice such factual information as may then be available concerning any matter appearing on the agenda, subject to the reservation that the person addressed may postpone his or her reply to the next ordinary meeting should the information requested not be available.
- 32.11 If the Provost is of the opinion that a question is out of order the question will not be answered.