

The background of the slide features a large, faint, light blue watermark of the City of Anchorage coat of arms. The coat of arms is a shield divided into four quadrants. The top-left quadrant shows a sailing ship on wavy lines representing water. The top-right quadrant shows a moose head facing left. The bottom-left quadrant shows a cross with a smaller cross in the center. The bottom-right quadrant shows a grizzly bear standing on its hind legs, facing left. Above the shield is a crown with four points, each topped with a flower. Below the shield is a banner with the text "ANNE FOR A".

Agenda Item 12

Review of Standing Orders

Falkirk Council

Title: Review of Standing Orders
Meeting: Falkirk Council
Date: 25 September 2019
Submitted By: Director of Corporate and Housing Services

1. Introduction

- 1.1 This report presents the outcome of a review of Standing Orders carried out following the June meeting of Council and the motion submitted by Councillor Reid that was not moved.

2. Recommendations

2.1 It is recommended that Council:-

- (1) agrees that the following changes are made to Standing Orders with detailed drafting to be reflected in revised Standing Orders for consideration by Council in December:-**
 - (i) The list of Corporate Plans in SO 47.1 (3) should be revised and updated as outlined in para 4.3;**
 - (ii) Where a Board or working group is established by the Council the membership should be decided by Council or the relevant Executive and there should always be Terms of Reference publicly accessible;**
 - (iii) Portfolio holders will be entitled to attend and speak (but not vote) at a Scrutiny Committee where the item relates to their portfolio;**
 - (iv) Twinning arrangements, friendship pacts and other like arrangements should be a decision reserved to Council, and**
 - (v) Motions submitted by notice should be considered at the next ordinary meeting.**
- (2) considers the size of its committees and their political balance in light of the increase in the number of independents;**
- (3) considers whether to seek an increase in representation on the Integration Joint Board from three to four in the forthcoming review of the Integration Scheme, and**

- (4) notes that further recommendations on the review of the planning process may give rise to further recommendations in December.

3. Background

3.1 In order to carry out a review, the Chief Governance Officer has met with the Group Leaders and with the Provost to consider any areas of concern with Standing Orders and to discuss any potential changes to them. In light of these discussions, a number of common themes have emerged:-

- (1) the position of the Council of the Future Board and the 5 year Business Plan within the Standing Orders;
- (2) the size of committees;
- (3) the political balance of committees in light of the increase in the number of Independents;
- (4) the position of Portfolio Holders in relation to the Scrutiny Committees;
- (5) the relationship between the Council and the Integration Joint Board, and
- (6) the efficiency of the planning process.

In addition, some more limited proposals were discussed and will be referred to in this report.

4. Considerations

Council of the Future

- 4.1 There was some concern expressed (but not shared across Group Leaders) that decisions could be made at the Board but were not subject to the same scrutiny, transparency or Member involvement given that the Board was not a body recognised within the Standing Orders. This concern had been heightened by the role accorded to the Board in relation to the HQ replacement project. There was also some concern on whether the five year plan should be included in the list of corporate plans where decision making is reserved to the Council.

- 4.2 The Board has no formal decision making powers. It has been given a role in relation to the allocation of the Change Fund but beyond that where decisions are required at a Member level these will continue to need to be made at either the Executive or at Council as part of the budget setting process. The Chief Executive made this point in his report to the Executive on 14 May 2019 in relation the Business Plan. This should be emphasised again to all these promoting and managing Council of the Future projects. There is nothing inherently wrong with a Board consisting of Members and Officers maintaining oversight of Council Change projects; on the contrary, the Member involvement should bring advantages. The Chief Governance Officer does not recommend that the Board should be referred to in Standing Orders given that it does not have a decision making role.
- 4.3 The second issue raised in relation to the Council of the Future programme related to the five year Business Plan. The Standing Orders contain a list of Corporate Plans for which decision making is reserved to the Council. These have not been reviewed since being agreed by Council at its meeting of 26 June 2013. There is a case for reviewing this list and also the generalised category included within it, for instance it would be helpful to considered the insertion of the Integrated Children's Services Plan, the Integration Scheme for Health Social Care Integration, the Council's consideration of the Integration Joint Board's Strategic Plan and the five year Business Plan.
- 4.4 A further recommendation arising from this area is that where a Board or Working Group is established consisting of or including Members, this is established by decision of either Council or the relevant Executive, that the membership is clear and publicly available and that there are established terms of reference which are also publicly available.

The Size of Committees and Political Balance

- 4.5 In 2017, the size of the Council reduced from 32 to 30 members but the size of its Committees remained the same. In itself, this created an additional demand on Members to populate Committees. This was exacerbated in 2018 by the decision of Council to restrict membership of the Executives and the Scrutiny Committees to Members of Groups. This reduced the pool for populating those Committees by two. The number of group members has further reduced as a result of the position of Councillors Kerr and McLuckie which has now applied for more than a year.
- 4.6 It is open to the Council to reduce the size of its Committees and/or to consider rebalancing the membership of its Committees to reflect the position of the Council as a whole i.e. to include Independent Members. The Chief Governance Officer recommends that the Council gives consideration at this point to both issues.

4.7 To assist the following table has been provided showing the proportionality for each grouping on bodies of various size:-

Number of Places	SNP		Labour		Conservative		Independent	
	May 2017	Sep 2019	May 2017	Sep 2019	May 2017	Sep 2019	May 2017	Sep 2019
12	4.8	4.8	3.6	3.2	2.8	2.4	0.8	1.6
11	4.4	4.4	3.3	2.9	2.6	2.2	0.7	1.5
10	4	4	3	2.7	2.3	2	0.7	1.3
9	3.6	3.6	2.7	2.4	2.1	1.8	0.6	1.2
8	3.2	3.2	2.4	2.1	1.9	1.6	0.5	1.1
7	2.8	2.8	2.1	1.9	1.6	1.4	0.5	0.9
6	2.4	2.4	1.8	1.6	1.4	1.2	0.4	0.8
5	2	2	1.5	1.3	1.2	1	0.3	0.7
4	1.6	1.6	1.2	1.1	0.9	0.8	0.3	0.5
3	1.2	1.2	0.9	0.8	0.7	0.6	0.2	0.4

(Note – The Executives and Scrutiny Committees are balanced as follows:-

**Executives – SNP – 5, Labour – 4, Conservative – 3,
Scrutiny Committees – SNP – 3, Labour – 3, Conservative – 2)**

4.8 This allows Council to see the consequences of making one or both of those changes. For ease of reference, rebalancing the Executive in its current size would produce the following outcome:-

SNP – 5

Labour – 3

Conservative – 2

Independent – 2

If it was reduced to 10 on the current balance, the following would be the outcome:-

SNP – 4

Labour – 3

Conservative – 2

(Note – this would require one additional place to be allocated by Council to one of the groups)

If it was reduced to 10 but rebalanced to include Independents, the following would be the outcome:-

SNP – 4

Labour – 3

Conservative – 2

Independent – 1

It can be seen from this that there are a range of options open to the Council.

Position of Portfolio Holders at Scrutiny Committees

- 4.9 A suggestion was made that it would be helpful to clarify the role of Portfolio Holders in relation to the Scrutiny Committees. As matters stand, there is no provision for the Portfolio Holder to attend and speak in relation to an item under scrutiny which relates to their portfolio. It is considered there would be some benefits in including this provision in Standing Orders. This would allow the Portfolio Holder to attend and participate in discussion in relation to such an item but not to vote.

Relationship between the Council and IJB

- 4.10 There was some (but not widespread) concern raised in relation to the extent of the Council's knowledge and/or involvement in the services and functions delegated to the Integration Joint Board, particularly given the significance of those services to the community. It is important to note that the Integration Joint Board is a separate public body to which a number of Council and Health Board functions have been delegated and that the Integration Joint Board then directs how those services are provided either by the Council or the Health Board. The Council's current Governance framework allows for interaction between the Integration Joint Board and the Council in a number of ways:-

- (1) Approved minutes of the Integration Joint Board are available in the Minute Volume;
- (2) The Health and Social Care Partnership reports regularly to the Scrutiny (External) Committee, and

- (3) The Chief Officer reports twice a year to Council with a very full report outlining the work of the partnership.

4.11 On further discussion it may be that the concern relates more to the (on one view) limited extent of Councillor representation on the Integration Joint Board which consists of three members set against the background of the change in the political landscape in 2017 leading to three larger groups within the Council rather than the model that had hitherto applied i.e. an administration and an opposition. Conveniently, the five yearly review of the Integration Scheme will be upon us during 2020. This would give the Council an opportunity to review whether three Councillors provides adequate representation of the Council. The size of the representation is not within the gift of the Council but would require to be agreed with the Health Board. It would however be open to the Council to take the view that if it wished to increase the Council representation from, for instance, three to four and proceed on that basis in discussion with the Health Board during the review.

Efficiency of the Planning System

4.12 A further issue that was raised was the operation of the planning system and whether there was scope to make it more efficient. There are discussions underway between Governance and Planning colleagues with a view to making recommendations to improve the efficiency of the current planning system. It is suggested that these discussions should continue and should involve the Planning Committee before any necessary recommendations on changes to the Standing Orders are made in this area to the Council.

Twinning Arrangements, Friendship Pacts and a Drafting Issue

4.13 There is no provision within the Standing Orders in relation to twinning arrangements, friendship pacts or similar arrangements. It appears that historically decisions had been made by Council Leaders or Provosts or a combination of both. In the Chief Governance Officer's view, it would be helpful to clarify where such decisions should be made. In his view, given the civic nature of such arrangements the decision properly rests with the Council. It is recommended that the provision is inserted into the powers reserved to Council in relation to the making of such arrangements.

4.14 The drafting issue referred to concerns Notices of Motion. The relevant Standing Order refers to Motions submitted through this process being considered at the next meeting of Council. As currently drafted this can include a special meeting called for a particular purpose when it is clear that the intention is that Motions should be considered at the ordinary meetings of Council. Accordingly the proposed change simply is to insert the word ordinary before meeting in Standing Order 29 to clarify this position.

5. Conclusion

It is suggested that the Council reach a view on the issues set out within the report and that the Director of Corporate and Housing Services report to the December meeting of the Council with an adjusted set of Standing Orders to reflect the decision made at this meeting.

Director of Corporate and Housing Services

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List of Background Papers:

No papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973.