

FALKIRK COUNCIL

Subject: STANDING ORDERS OF THE COUNCIL
Meeting: FALKIRK COUNCIL
Date: 18 May 2012
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 The Standing Orders in Relation to Meetings and the Scheme of Delegation to Committees and Officers are the two principal documents which determine how decisions are made within the Council. As reported to Council at its meeting on 18 March 2012, work has been undertaken to update both documents and to attempt to clarify ambiguities in them. This does not prejudice the ability of the Council to make any more substantial structural changes to either document.
- 1.2 Both documents are appended to this Report with the proposed changes highlighted.

2. PROPOSED CHANGES

- 2.1 The first proposal is to combine both documents to form one entitled Falkirk Council Standing Orders. The advantage of this is to clarify that the definition section in the Standing Orders Relating to Meetings applies to both documents to ensure consistency of application.
- 2.2 Amendments have been proposed to update or remove repealed or redundant statutory references. The frequent references to the National Code of Conduct for Councillors have been deleted and, where appropriate, replaced with references to the current Code of Conduct for Councillors. Where a provision of the Standing Orders simply replicates that of the Code, it is proposed that they should be removed. The Ethical Standards in Public Life etc. (Scotland) Act 2000 and the Code place freestanding obligations on members which do not require to be replicated in the Standing Orders. In the same way, the prohibition on smoking at Council meetings is one of the suggested deletions as there is a separate legal obligation not to do so.
- 2.3 Further changes are proposed in the order in which some of the provisions appear. For instance, the provision relating to the term of office of the Provost has been moved forward to the same provision providing for his appointment rather than it being combined with the provisions for Committee Conveners later on in the document. Likewise, in the Scheme of Delegation, the calling in provisions for Policy and Resources Committee and the Scrutiny Committees have been moved to read after the list of powers available to the committees.

- 2.4 One procedural change is suggested. This relates to the issue of the filming or photographing of meetings. The current Standing Order (10.3) replicates the statutory provision from the Local Government (Scotland) Act 1973 to the effect that the provisions on public access to meetings do not carry with them an automatic right to film or photograph meetings. It goes no further. The proposed revision to the Standing Order clarifies the language and provides that it would be a decision for the meeting to take. Another approach would be for the decision to lie with the Provost or Convener of the meeting in question; this would also be a proper approach which would be consistent with the Standing Orders as a whole.
- 2.5 The approach to the Scheme of Delegation is similar and is largely confined to minor clarifications and updating references. Members are asked to note amendments to the section dealing with planning. The division in decision making powers between the Chief Officer, the Planning Committee, the Council sitting as a Planning Committee together with the role of the Planning Review Committee create a necessarily complex set of provisions. The proposed additions attempt to cast a little more light on the obscurity of the current provision without altering the current division of responsibility.
- 2.6 The proposed changes relating to Civic Licensing again attempt to clarify the decision making roles and also fill some gaps. In addition, the Chief Governance Officer is accorded the power to consider applications which are late. These currently require to be considered by the Civic Licensing Committee notwithstanding that they are otherwise uncontroversial.
- 2.7 If members agree the proposed changes, work will be undertaken to internal consistency in the numbering of the document prior to its publication.

3. RECOMMENDATION

- 3.1 It is recommended that Council approve the Standing Orders as appended.

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Chief Governance Officer

Date: 11 May 2012

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LIST OF BACKGROUND PAPERS

NIL