

Agenda Item	21
Report No	HC/47/20

THE HIGHLAND COUNCIL

Committee: Highland Council

Date: 17 December 2020

Report Title: Annual Review of Standing Orders Relating to the Conduct of Meetings

Report By: Executive Chief Officer, Performance and Governance

1. Purpose/Executive Summary

- 1.1 This report contains a number of proposed revisions to the Council's Standing Orders Relating to the Conduct of Meetings, reflecting discussion at a recent Members' Seminar on Governance arrangements. In some cases, changes are required as a result of moving to virtual meetings; some amendments are consequential following on from the changes brought about by the Governance Review; some are aimed at providing clarity, and others relate to strengthening governance and democratic engagement.
- 1.2 The report also reflects on some themes emerging from the Members' seminar about conduct in general relating to formal Council and Committee meetings, particularly in the light of the move away from actual to virtual meetings.
- 1.3 The current version of Standing Orders is available here:
https://www.highland.gov.uk/downloads/file/11817/standing_orders_for_the_conduct_of_meetings
for ease of reference and to aid discussion.

2. Recommendations

- 2.1 The Council is invited to:
 - 2.1.1 Note the points about the general conduct of meetings set out in section 4 and agree the proposals around procedures and protocols, including the introduction of regular breaks and the role of Chairs, Vice Chairs and committee clerks in managing meetings;
 - 2.1.2 Agree the proposed revisions to Standing Orders Relating to the Conduct of

Meetings set out in section 5 of this report.

3. Implications

- 3.1 Resource Implications: there are no resource implications arising from this report. However, in relation to section 5 of the report, any reduction in the Section 95 Officer's ability to provide appropriate financial assessments to aid members' consideration of budgetary decisions risks weakening the Council's financial sustainability.
- 3.2 Legal: The revised Standing Orders will support the Council to meet its legal duties and enhance the Council's governance arrangements.
- 3.3 Risk: the proposed changes should have a positive impact on risk because of improved governance and scrutiny.
- 3.4 Community (Equality, Poverty and Rural); Climate Change / Carbon Clever; Gaelic: There are no implications arising from the recommendations in this report.

4. Seminar Feedback

- 4.1 The Members' Governance Seminar, held on 20 November, worked through a number of proposed amendments to specific Standing Orders and also had a more general discussion about the operation of Council meetings during Covid, reflecting on the general experience - what has worked well, what has been difficult, what changes could be made for the better.
- 4.3 When reflecting on the experience of participating in formal meetings during Covid, many Members raised the challenges of doing so using virtual platforms. The length of meetings and the lack of breaks was a concern and it was agreed that Chairs should ensure meetings adjourn for lunch at an appropriate point and that a reasonable length of time should be provided for this purpose. It was also proposed that there should be regular breaks, particularly to break up an afternoon session if it appeared likely to continue into the evening. It is therefore recommended that lunch breaks should be for a minimum of ½ hour and be commenced on or before 13.30. 15 minute breaks should be offered in the afternoon where business has been conducted, uninterrupted, for 2.5 hours following the lunch break. Members of the Council/Committee may choose to decline.
- 4.4 The size of agendas and length of reports was also raised in connection with the duration of the meetings and some Members felt that reports should be made shorter and more focused and there should be a reduction in the number of reports coming forward for noting only. In addition, dissatisfaction was expressed about reports being issued late and the publication of supplementary agendas making it difficult to keep

track and reducing the time available to read and digest their content. These comments have been fed back to senior officers and there will be a renewed focus on ensuring deadlines are met. In addition, the development of the corporate Sharepoint site for committee and council business will also help Members to access their papers for meetings in one place.

- 4.4** It was remarked upon that virtual meetings had leant an increasingly casual air to proceedings and that this was not always appropriate or conducive to the effective running of formal Council, Committee, and Board meetings. It was suggested that the refreshed Members' Training Programme should have a focus on governance and conduct and that there should also be some training specifically for Chairs around Standing Orders and successfully chairing meetings – actual and virtual. This has been taken on board and will be incorporated into the training plan.
- 4.3** Also related to improving formal meeting procedures, it was agreed that Protocols should be amended to make clear that Vice Chairs and Clerks will assist the Chair in identifying where Members have raised hands and in what order. Other Members should refrain from intervening as it remains the Chair's prerogative to invite a Member to speak. Likewise, the Chair and the Committee Clerk should take responsibility for informing Members if they need to take their microphone off mute and, again other Members should not intervene. It is intended that these changes will help to reinforce the formality of Council and Committee proceedings and reduce the occasions where Members interrupt or talk over one another.
- 4.4** There was also discussion about the method of voting when using a virtual meeting platform, particularly with regard to calling the roll and whether this had the potential to influence the outcome of the vote. The potential to use an online voting system as part of the MS Teams software is being explored to ensure that appropriate voting records can be made and retained. If successful, this will be implemented as soon as possible.

5. Specific Changes to Standing Orders

- 5.1** Proposed changes to individual Standing Orders are set out below. The new/revised text is shown as ***bold italics***, deleted text is shown with a line through it. The changes are divided into the following 4 categories: i) accommodating requirements of virtual/online meetings; ii) reflecting changes brought about by the Governance Review; iii) making adjustments to provide greater clarity; and iv) proposals raised at the Seminar.
- 5.2** In most cases the reasons for the amendments are largely self-explanatory. However, a little more explanation is needed on the adjustment to Standing Order 12 relating to

Notices of Motion because this represents a more material departure from current practice. The changes were proposed by Members attending the seminar where there was general agreement expressed that the limit on the number of Motions should be lifted but that, at the same time, there should be some way of managing the amount of time that was spent in discussing Motions, particularly at full Council meetings. There was not unanimous agreement about how to do this, but a number of suggestions were made, and these are mostly reflected in the proposed amendment at 5.6 below.

5.3 Additionally, some members did not support the continued provision of a financial assessment by the ECO for Finance and Resources (s95 Officer) because of the risk they said this posed of an officer opinion being provided on what is essentially considered to be a political matter. The proposed amendments reinforce that what is required is a factual assessment of financial consequences, only where this is relevant, and not to seek a view on the Motion itself. However, the assessment itself remains in place.

5.4 It is the strong view of officers that this provision should not be removed altogether. The addition of the financial assessment was included in the last review of Standing Orders to reflect the extremely challenging financial position faced by the Council and the wider public sector. These challenges haven been exacerbated by Covid and its likely long-term impact of on the Council's budget. Furthermore, Financial Regulations and the Financial Code are clear that the Section 95 Officer has a statutory duty to ensure elected members make informed judgements with regard to budgetary decisions.

5.5 Lastly, The Highland Council is not alone in having this kind of assessment within its Standing Orders. Numerous Scottish Councils have something similar. Indeed, in some cases, Motions with a financial impact are not judged to be competent unless the actual source of funding has been clearly identified prior to the debate. The Highland Council's provision, even before the proposed amendment, is much less restrictive and is aimed solely at ensuring members are equipped to make informed decisions.

5.6 Adjustments proposed to accommodate virtual meetings

SO2 – Calling of Meetings

“The powers of the Chair of the Committee under this Standing Order include power to cancel an ordinary meeting if it appears, after such consultation, that there is insufficient business to justify the holding of a meeting ***or, in the case of a virtual meeting, where technical problems are likely to disrupt the proper conduct of the meeting, it may be postponed to another time or day.***”

SO5 – Members of the Press/Public

Members of the Press and public are welcome to attend meetings of the Council and its Committees. ***In the case of virtual meetings, the Council and Strategic Committees can be viewed live via webcasting. For area committees, recordings of the meetings are published through the Council's website.***

SO7 – Declarations of Interest

“A Member who has declared a financial interest in a matter which is the subject of consideration at a meeting has to give careful consideration as to whether they need to leave the room ***meeting.***”

And for all subsequent reference to “room” under SO7 to be replaced with the word ‘meeting’

SO25 – Method of Voting to remove reference to the bell

“Immediately prior to any vote being taken, ~~the bell will be rung and~~ the Clerk will read out the issue on which the vote is to be taken. Thereafter, no-one shall interrupt the proceedings until the result of the vote has been announced.”

5.7 Adjustments proposed due to Governance Review changes

SO4 – Non-Members of Committee/Substitute Members - adjustment for new committee structure

“For clarification, each Group within the Council is able to specify more than 1 Substitute Member if necessary for the following – Corporate Resources Committee, ***Education Committee, Health, Wellbeing and Social Care Committee, Economy and Infrastructure Committee, Communities and Place Committee, Housing and Property Committee, the Audit & Scrutiny Committee, Tourism Committee and Gaelic Committee.***”

SO11a. Question Time (Public) amendment to extend timescales to provide more time for the member of public to receive an answer and consider their supplementary question.

“A member of the public may submit, for consideration at an ordinary meeting of the Council, a written question to the Leader of the Council, Depute Leader of the Council or Chair of a Committee concerning the business of the Council. This question must be received by the Head of Corporate Governance no later than 12 noon on the Friday preceding the meeting. ***on the Wednesday preceding the meeting.***”

5.8 Adjustments proposed for clarity

SO10 – Convener Powers and Duties – replacement of Vice Convener instead of Leader in the first paragraph and then the addition of ‘Chair’ as well as ‘Convener’ throughout the remainder of the section, and for all other references to ‘Convener’ in the Standing Orders to amended similarly.

“At a meeting of the Council, the Convener (or in the event of the Convener's absence, ~~the Leader~~ ***a Vice Convener***) will preside.

In the case of a Committee, the Chair (or in the event of the Chair's

absence, the Vice Chair) will preside.

If the Convener and Leader **and both Vice Conveners** are absent, the Chief Executive will preside until the Members of the Council choose one of their number to preside.

In the case of a Committee, if the Chair and Vice chair are both absent, the Committee Clerk will preside until the members of the committee choose one of their number to preside...

....All powers and duties of the Convener/**Chair** in terms of these Standing Orders shall, in the absence of the Convener/**Chair**, or in the event of the Convener/**Chair** being unable to act for any reason, be exercised by the **Vice Convener/Vice Chair** of the Council/**committee.**"

SO 20 Points of Order – *suggested amendment to provide clarity about the purpose of a point of order*

"A Point of Order refers to the application of Standing Orders to the conduct of the meeting and specifically in relation to item under discussion.

During discussion, a Member may ~~raise call attention~~ to a point of order or, with the sanction of the Convener/Chair, provide an explanation **relating to the item under discussion at that time. In doing so, reference should be made to the specific Standing Order in question.**

A Point of Order cannot be taken once the roll call for a vote has commenced.

A Member who is addressing the meeting when a point of order is raised will resume their seat until the question ~~of order~~ has been decided by the Convener/Chair."

SO37 Standing Orders – Suspension

"To suspend any of the Standing Orders will require the consent of not less than two-thirds of the Members present and voting.

Standing Orders 6, 7, 8, 36, 38 and 42-44 cannot be suspended.

An abstention will not count as a vote"

SO 44 Councillors' Code of Conduct

All Members of the Council will be bound by the provisions of the Councillors' Code of Conduct issued under the Ethical Standards in Public Life etc. (Scotland) Act 2000, **and all subsequent amendments.**

5.9 Adjustments proposed following the Members Seminar

SO11 Questions

...At the meeting, the Member who submitted the written question, having received a written answer, may ask orally one brief supplementary question,

directly bearing on the subject matter of the original question, which shall be answered by the Leader of the Council, Depute Leader of the Council or relevant Chair as appropriate. For the avoidance of doubt, Supplementary Questions will only be dealt with from Members **present at the meeting**, either in the Chamber or ~~on video conference~~ **virtually**.

Where Members are informed that a reply to a supplementary question will follow, then this will be circulated to all Members and published with the minutes of the meeting.

SO12 Notices of Motion – *removing the limit on the number of Motions that can be brought to each meeting, but limiting the time available to debate them.*

~~A maximum of 5 Motions will be allowed for each Council (Area Committee) meeting. Should more than this number be received, it will be at the discretion of the Convener, in conjunction with the Head of Corporate Governance, to decide which Motions will go forward to be included on the agenda...~~

... The first signatory on the Notice of Motion will be entitled to speak for up to 5 minutes, all other Members wishing to speak on the Motion will be limited to a maximum of 3 minutes.

The total time allowed for each individual Motion will be 30 minutes, after which time the Convener/Chair will move to the next item or to a vote.

The total time allowed for Notices of Motion at any individual meeting will be 2.5 hours.

If a Notice of Motion is not reached, it will be referred to the next available meeting of the Council (or Area Committee) at the request of the Members involved...

~~... All **Where relevant**, Notices of Motion and Starred Items coming before Council (and Notices of Motion coming before Area Committees) for consideration shall be accompanied, where appropriate, with an **a factual** assessment completed by the Executive Chief Officer, Resources and Finance, identifying the financial ~~staffing and other~~ implications of adopting the Motion/Starred Item. together with, where appropriate, an assessment of the measures that have been identified to address such implications.~~

SO 27 – Voting - Election, Selection or Appointment of Members – *suggested addition:*

“if a candidate nominated for election is absent and there is a draw then the proposer can draw lots in their place.”

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