

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Executive

Council : 27 February 2008

Subject: Review of Standing Orders

1. Purpose

- 1.1** This Report asks the Council to approve a revised set of Standing Orders.

2. Background

- 2.1** The current Standing Orders were originally approved by Council on 29 August 2007 for a six month period.

3. Main Issues

- 3.1** A revised set of Standing Orders (see Appendix) is submitted for approval.

- 3.2** Part 1 of the Standing Orders has been changed to reflect amended arrangements for Meetings. Concern has been expressed at the length of Council Meetings which may lead the Council to be in breach of the Working Time Directive. In order to avoid this, Standing Order 2(a) has been amended. It is now proposed that Council Meetings will commence at 6 p.m. and by 10 p.m., the item of business then under discussion, will be the last item debated by the Council. The Convener has the right to overrule this in respect of individual items which require the decision of Council. This is a system which has been operated within Glasgow City Council for a number of years.

- 3.3** It is also proposed that questions from the public (through the Open Forum Session) and Elected Members will be considered at every second Council Meeting, with written Motions from Elected Members being considered at every other Council Meeting. Amendments to Standing Orders 2, 6, 8 and 9 have been made accordingly.

- 3.4** Considerable concern has been expressed by both Officers and Elected Members that Motions are sometimes being presented to Council when the Motions do not comply with Best Value Guidance. This is a matter which was also the subject of criticism from Audit Scotland. As a result, Standing Order 8(d) has been added. This will mean that where Motions may breach Best Value Guidance, statutory or other legal requirements or otherwise lead the Council to be in breach of any Code of Conduct, the relevant Chief Officer will require to prepare a report for consideration by Council and the Motion would not be considered until such time as the report is available for Members' deliberation.

- 3.5** Standing Order 14 has been amended to clarify that no deputation will be received by the Council unless a prior written Application has been lodged with the Chief Executive and the Council agrees to the deputation being admitted.
- 3.6** Members will recollect that the Council Meeting held on 29 August 2007 approved a change to the contractual provisions of Standing Orders, by reducing the base tendering limit and extent of Officer Delegated Authority from £60,000 to £30,000. All Directors have been consulted and consider that this change is causing considerable delays in engaging certain contracts and also means that contractors are incurring considerable costs in submitting tenders above the £30,000 threshold. Part IV of the standing orders has therefore been amended to provide that the base tender and delegated authority level be increased to £50,000. As a safeguard, Directors will require to clear any contracts estimated between £30,000 and £50,000 with the relevant Service Convener and Group Leaders.
- 3.7** Some alterations have been made to Part IV of Standing Orders to reflect minor changes to tender procedures.
- 3.8** No changes to Standing Orders are being proposed in relation to the operation of the Appeals Committee at this stage. However, a further report will be presented to the relevant Service Committee on the operation of the Appeals Committee and the need for any corresponding changes to Standing Orders would therefore be reported to Council in due course.

4. Personnel Issues

- 4.1** There are no personnel issues.

5. Financial Implications

- 5.1** Other than the proposed changes to the contractual limits set out above, there are no financial implications.

6. Risk Analysis

- 6.1** It is considered that the changes require to be made to Standing Orders in order to ensure the Council meets its statutory obligations in terms of the Working Time Directive. In addition, concerns have been expressed that Motions being presented to Council may not meet Best Value criteria or otherwise may raise propriety issues. Appropriate changes to Standing Orders have been proposed.

7. Conclusion

- 7.1** The Council is required to approve Standing Orders to regulate its procedures. The Council is being asked to approve Standing Orders which

have been applied within West Dunbartonshire Council for some time, subject to changes as outlined above.

8. Recommendation

- 8.1** The Council is requested to approve the revised set of Standing Orders as detailed as an Appendix to this Report.

David McMillan
Chief Executive
Date: 18 February 2008

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Appendix: Standing Orders.

Background Papers: Report to Council on 29 August 2007

Ward Affected: All Wards