
STANDING ORDERS – PROPOSED AMENDMENTS

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

25 June 2020

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes amendments to the Council’s Standing Orders to take further account of remote meetings. In order to allow one of these amendments, Standing Orders will require to be suspended, as changes had already been made in March 2020, therefore within 6 months.**
- 1.2 At its meeting on 26 March 2020, Scottish Borders Council recognised the need to take steps to reduce risks for its Members, staff and citizens arising from the Coronavirus (Covid-19), and to ensure the Council was still able to exercise its essential functions, some additions were made to Standing Orders. These additions to Standing Orders were made very early in lockdown and did not take into account the availability of software which gives remote access for all to participate in formal committee meetings, which can also be live streamed and are thus available to public and press.
- 1.3 With the experience gained in the operation of remote committees, further amendments are proposed to Standing Orders to match the actual operation of committees. It is proposed that Standing Orders are further amended to allow all Members and officers to access meetings remotely. Any references in Standing Orders to “place” and “venues” are to be omitted when a meeting is being held remotely in terms of Section 43 of the Local Government in Scotland Act 2003. An alternative indication is to be put in place to voting by a show of hands when a meeting is being held remotely. When a secret ballot is being held, Members will email the Clerk(s) their preference in confidence.
- 1.4 At its meeting held on 30 August 2018, Council agreed to amend the deadline for the submission of Open Questions for Council from the second to the fourth working day prior to the Council meeting for a trial period of 3 months. It is now proposed that Standing Orders are changed on a permanent basis to reflect that timing. The Convener has the authority to accept questions submitted beyond this timescale.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council:-

- (a) Approves an amendment to Standing Order No. 49(a)(iii), "As a result of the Coronavirus outbreak, where an essential decision of Council or one of its committees is required in respect of a matter which cannot legally be delegated, the following procedure shall be adopted until 30 September 2020:**
- The Chair or Convener of the meeting (whom failing their Deputy) shall direct that the meeting will take place in accordance with Section 43 of the 2003 Act.**
 - Elected Members who are to join the meeting will do so using video or audio functionality;**
 - The meeting will otherwise be called in the usual manner, with the agenda and papers published on the Council website;**
 - The meeting will be available to view via a livestream**
 - A minute of the meeting will be taken and published on the Council website;**
- (b) agrees that when meetings are held under Section 43 of the Local Government in Scotland Act 2003, any references to "place" or "venue" are omitted in Standing Orders No. 5, 8, 10, 11(a), 15(d) and 23;**
- (c) agrees that Standing Order No. 41 is amended to include " or by an alternative indication when a meeting is being held remotely" after the wording "voting shall be by show of hands";**
- (d) notes that no changes are required to the wording of Standing Order No. 43 but where a meeting is being held remotely, and voting is being carried out by secret ballot, Members shall email the Committee clerk(s) with their preference; and**
- (e) approves the changes to Standing Order Nos. 38(a) and 39(a) to reflect that Open Questions are to be submitted by 10 a.m. on the fourth working day prior to the Council meeting.**

3 BACKGROUND

- 3.1 At its meeting on 26 March 2020, Scottish Borders Council recognised the need to take steps to reduce risks for its Members, staff and citizens arising from the Coronavirus (Covid-19). In order to ensure the Council was still able to exercise its essential functions, an interim decision-making process was introduced and, to implement that process, some additions were made to Standing Orders.
- 3.2 These additions to Standing Orders were made very early in lockdown and did not take into account the availability of software which gives remote access for all to participate in formal committee meetings, which can also be live streamed and are thus available to public and press.

4 PROPOSED CHANGES TO STANDING ORDERS

- 4.1 In March 2020, Standing Order 49(a)(iii) was added, which detailed the procedure by which committee meetings would be held remotely. Part of that process states that the Chair, or Convener as relevant, and relevant officers in support will be present in one of the committee rooms at Council HQ and that press and public may also attend there. It is proposed to further amend that Standing Order to allow for all Members and staff to participate in the meeting remotely as required and also to accommodate public and press via live streaming. The further amendments are shown in red. Amended Standing Order 49(a)(iii) would thus be:

SO No. 49(a)(iii) "As a result of the Coronavirus outbreak, where an essential decision of Council or one of its committees is required in respect of a matter which cannot legally be delegated, the following procedure shall be adopted until 30 September 2020:

- The Chair or Convener of the meeting (whom failing their Deputy) shall direct that the meeting will take place in accordance with Section 43 of the 2003 Act.
- ~~The Chair, or Convener as relevant, and relevant officers in support will be present in one of the committee rooms at Council HQ, and will manage the meeting;~~
- Other Elected Members who are to join the meeting will do so using video or audio functionality;
- The meeting will otherwise be called in the usual manner, with the agenda and papers published on the Council website;
- ~~The meeting will be open to the press and public to attend at Council HQ will be available to view via a livestream~~
- A minute of the meeting will be taken and published on the Council website

- 4.2 Section 43 of the Local Government in Scotland Act 2003 allows remote participation in and calling of local authority meetings by a local authority, which, in effect, is the current process being used for committee meetings. Within a number of Standing Orders, there is mention of venues and place i.e. Nos. 5, 8, 10, 11(a), 15(d), and 23. When meetings are called and held under Section 43 of this Act, any references with regard to "place" and "venue" need to be omitted. The notice calling the meeting will state that the meeting is being held in terms of Section 43.

- 4.3 Standing Order No. 41 includes that "voting shall be by a show of hands" unless the Council decides otherwise. When a meeting is held remotely, it is not always possible to see all Members or indeed, whether Members are raising their hands. It is therefore proposed to amend this Standing Order to add after this "or by an alternative indication when a meeting is being held remotely". In practice, Members are asked if they are in favour of a Motion or Amendment and then the numbers for each are included in the Minute of the Meeting.
- 4.4 Standing Order No. 43 gives details of the process when voting is by secret ballot for appointment to an office, a committee membership/appointment or a post. It is proposed that when a meeting is being held remotely, such secret ballot will be carried out by Members emailing the Committee clerk(s) their preferred candidate(s). In the event of an equality of votes between two or more candidates which affects such election, the clerk will draw the lots. No change is required to the existing wording of the Standing Order.
- 4.5 At its meeting held on 30 August 2018, Council agreed to amend the deadline for the submission of Open Questions for Council from the second to the fourth working day prior to the Council meeting for a trial period of 3 months. The complexity of some questions submitted can require research or collation of information to produce a suitable response. It is now proposed that Standing Orders No. 38(a) and 39(a) are changed on a permanent basis to reflect that timing. The Convener has the authority to accept questions submitted beyond this timescale.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report.

5.2 Risk and Mitigations

There is a risk to the reputation of the Council, should Standing Orders not be amended to reflect the actual current working practice with regard to meetings being held remotely.

5.3 Integrated Impact Assessment

An Integrated Impact Assessment checklist has been completed. It is felt that live streaming remote committees will allow members of the public greater opportunity to view the decision-making process of Council in operation.

5.4 Acting Sustainably

There are no economic, social or environmental effects resulting from approval of the recommendations in this report.

5.5 Carbon Management

Holding remote meetings of the formal Council committees, should reduce Member and officer travel across the area and thus reduce the Council's carbon emissions.

5.6 Rural Proofing

Live streaming remote meetings of formal Council committees will allow members of the public to view the Council's decision making process in operation without the need to travel to a venue.

5.7 Changes to Scheme of Administration or Scheme of Delegation

Changes are required to the Council's Standing Orders and these are detailed in the report. No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in the report.

6 CONSULTATION

- 6.1 The Executive Director (Finance & Regulatory), the Chief Legal Officer/Monitoring Officer, the Chief Officer Audit and Risk, the Service Director HR and Communications, and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

Approved by

Tracey Logan
Chief Executive

Signature

Author(s)

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council, Tel: 01835 825004

Background Papers: N/A

Previous Minute Reference: Scottish Borders Council, 26 March 2020

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

Contact us at Jenny Wilkinson, Scottish Borders Council, Council HQ, Newtown St Boswells, Melrose, TD6 0SA. Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk