

ABERDEENSHIRE COUNCIL - 25 APRIL, 2013

NOTICE OF AMENDMENTS TO STANDING ORDERS

1 Recommendations

- 1.1 The Council is recommended to note proposed amendments to Standing Orders as recommended by the Procedures Committee and detailed in Appendix 2 to this Report**

2 Background / Discussion

- 2.1 Standing Order 21(2) requires that no alteration to Standing Orders shall be made without notice being given at one meeting of the Council to be discussed at the following one. Council is therefore asked to note the proposed amendments as recommended by the Procedures Committee at this meeting with a view to the amendments being considered and agreed (or otherwise) at the next meeting of the Council.
- 2.2 The Procedures Committee met on 18 January and 18 March, 2013, to discuss possible amendments to Standing Orders in relation to (a) publicising the proceedings of a meeting before the conclusion of a meeting, and (b) requests to speak on planning applications.
- 2.3 In order to allow members to better consider the proposed amendments, the changes are outlined in a narrative form in Appendix 1 to this report.
- 2.4 Attached at Appendix 2 is a copy of the Standing Orders showing the changes proposed by the Procedures Committee.
- 2.5 The Head of Finance and Monitoring Officer within Corporate Services have been consulted in the preparation of this report and their comments incorporated.

3 Equalities, Staffing and Financial Implications

- 3.1 An equality impact assessment is not required because the changes proposed are procedural matters and do not have a differential impact on any of the protected characteristics.
- 3.2 There are no staffing or financial implications arising from this report.

Christine Gore
Director of Corporate Services

APPENDIX 1

PROPOSED AMENDMENTS TO STANDING ORDERS

NOTE OF ISSUES AND RECOMMENDATIONS FROM THE PROCEDURES COMMITTEE

1. Publicising the proceedings of a meeting before the conclusion of a meeting

Members considered the use of mobile devices in the Council Chamber and other meetings where Council business is conducted and, in particular, the issue of members publicising the proceedings of a meeting by means such as Twitter before the conclusion of the meeting.

Members stressed the importance of respecting the authority of the Chair and stated that councillors should require of themselves a high standard of behaviour. The Committee agreed a set of guiding principles on the use of mobile devices, including a preamble emphasising the authority given to the Chair in Standing Orders 1(2)(c) and 1(3). The discussion had focused on the areas of showing due respect to speakers who have the floor and posting comments on the subject matter of debate via social media during active consideration of the agenda item.

Although there was a view expressed that there would be difficulties with enforcing any restrictions and it would be preferable if any restriction related to the conclusion of the agenda item, the substantial majority view was that it should be before the conclusion of the meeting.

It was therefore agreed to recommend to the addition of a new paragraph to Standing Order 2. The changes in Appendix 2 reflect the proposed amendment.

2. Requests to speak on planning applications

This issue had been discussed in detail by the Planning and Building Standards Member/Officer Working Group on 19 September, 2012, and 6 March, 2013. The intention was to standardise practice across the Council and to provide a set of procedures which would be more user friendly to the public while respecting the timescales for publication of committee agendas and reports.

A significant change related to the current Standing Order which requires fourteen days notice of requests to speak. There was a strong view that parties should not be expected to submit their requests until they have seen the officer's recommendation in the committee report. It was considered that a submission deadline of the Friday before the Committee meeting would be challenging, but could work. However, it was acknowledged that the current practice of notifying parties holding an opposing view would not work in the context of a Friday deadline.

The Working Group and the Procedures Committee recommend approval of the proposed replacement text for Standing Order 11(4). The changes in Appendix 2 reflect the proposed amendment. The Procedures Committee also agreed the wording of detailed guidance to be issued by the Planning Service to all interested parties and guidance intended for Area Managers' offices to issue to all parties who have lodged valid requests to speak.

APPENDIX 2

PROPOSED CHANGES TO STANDING ORDERS 2 AND 11(4)

(New text in bold italics)

2. GENERAL CONDUCT OF MEETINGS

At meetings of the Council -

- (1) every member of the Council shall stand when speaking and shall address the Chair; reasonable adjustments shall be made by the Chair in situations where standing is not suitable for any member;
- (2) when the Chair rises to speak, no other member of the Council shall continue standing, nor shall any other member rise to speak until the Chair is seated;
- (3) when the Chair is speaking he or she shall be heard without interruption; ~~and~~
- (4) in the event of any person present disregarding the authority of the Chair or being guilty of obstructive or offensive conduct, a motion may thereupon be moved and seconded to suspend such person for the remainder of the sitting; the motion shall be put without discussion and, if it be carried, such person shall leave the Council Chamber and, if refusing to do so, shall be removed from the Council Chamber (including the precincts thereof) with such force as may be reasonably necessary; ***and***
- (5) ***no member shall by any means publish any detail relating to the proceedings of the meeting prior to the conclusion of the meeting.***

11. RECEPTION OF DEPUTATIONS

- (4) In the case of deputations concerning planning applications:-
 - ~~(a) Any request for the Council or any of its Committees to receive such a deputation in relation to an undetermined planning application shall be submitted in writing, duly signed, shall state the subject application on which the deputation desires to be heard and whether the intended speaker is in support or opposes the planning application.~~
 - ~~(b) Every such application shall be addressed to the Area Manager within the particular administrative Area of the Council that the planning application relates to and shall be in his or her hands by noon of the fourteenth calendar day before the date of the Council or Committee meeting concerned. If, in the opinion of the Chair of the Council or Committee concerned, the subject on which the deputation desires to be heard is competent, the request shall be put on the agenda of the Council or appropriate Committee after its receipt. Thereafter, the deputation shall, at the discretion of the Council or Committee, be accorded the opportunity of being heard at that meeting, subject always to adequate notice having been given to parties holding an opposing view e.g. if any deputation should comprise those objecting to a planning application, the applicant should also be given the opportunity of being heard.~~
 - ~~(c) No more than two members of any such deputation or identified parties holding an opposing view shall be permitted to address the meeting and the total time allotted to such deputation or identified parties holding an opposing view shall not exceed 10 minutes. It shall be competent for any elected~~

~~member of the Council or relevant Committee, with the leave of the Chair, to put any relevant questions to the deputation, but no elected member shall express an opinion upon the subject, nor shall the Council or Committee discuss the subject on which the deputation has been heard, until the deputation has withdrawn to the public benches.~~

- (a) ***An applicant or anyone who has submitted a valid representation on a planning application, may, by themselves or through an agent, make a request to speak at the Council or Committee meeting which is to be deciding the application.***
- (b) ***A request to speak must be submitted, in writing, to the Area Manager for the administrative Area within which the application site is located, no later than noon on the Friday before the date of the Council or Committee meeting concerned. The Area Manager will invite all persons who have made a valid request to speak to the meeting concerned.***
- (c) ***The Council or Committee has complete discretion whether requests to speak will be granted or not. If granted, the Council or Committee will decide whether speakers will be heard at that meeting, or at any adjournment.***
- (d) ***Where requests to speak have been granted, the following procedure will apply:-***
 - 1 ***The Planning Officer (followed, if appropriate, by any other officers) will speak to the report. Speakers will then be heard in the following order:***
 - A ***the applicant, if present;***
 - B ***persons supporting the application;***
 - C ***objectors.***
 - 2 ***No more than two speakers will be heard per request.***
 - 3 ***The maximum time allotted to each request will be 10 minutes.***
 - 4 ***A member of the Council or Committee may, through the Chair, put any relevant questions to speakers once they have concluded.***
 - 5 ***Members shall not discuss the merits of the application until all speakers have concluded and withdrawn to the public benches.***