



REPORT TO: MORAY COUNCIL ON 7 AUGUST 2013

SUBJECT: REVIEW OF GOVERNANCE DOCUMENTS

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 To allow the council to consider amendments to a number of the governance documents approved by the Council at its meeting on 4 July 2012.
- 1.2 This report is submitted to Council in terms of Section II (15) of the Council's Administrative Scheme relating to the formulation, review and amendment of the Administrative Scheme and Standing Orders. By analogy, the Council's Governance documents should also be considered by the Council.

2. RECOMMENDATION

- 2.1 It is recommended that the Council considers and approves with any agreed revisals the following draft revised documents:**

2.1.1 How to Complain about a Moray Councillor

2.1.2 Guidance for Councillors and Officials serving on Outside Bodies

2.1.3 Protocol on Consultation, Access to Information and Councillor Involvement in Council business between Councillors and Officers in Moray Council

2.1.4 Protocol on Arrangements for access to Council Facilities and/or staff by MSPs/MPs/MEPs or Candidates

3. BACKGROUND

As part of its Best Value Improvement Agenda, a suite of governance documents was developed in 2012 and approved at the meeting of the Council held on 4 July 2012, 2012 (Para 14 of the Minute refers). At that time an undertaking was given to review the governance documents after a year. That review has now been undertaken and as a result 4 revised documents are now submitted for consideration. The remaining documents do not require amendment following review. The documents which it is proposed be amended are as follows:

How to Make a Complaint about a Moray Councillor

Following approval of this document in July 2012, officers have had an opportunity to discuss the document in detail with representatives of the Standards Commission. Those officers suggested certain revisals which have been incorporated into the revised document now produced. In addition one complaint from a member of the public was progressed in terms of the new process. This highlighted certain issues with the process, particularly as regards the mediation meeting. The main changes which are tracked on the document are as follows:

- The Public Standards Commissioners Office has been abolished and has been replaced with the office of the Commissioner for Ethical Standards and Public Life in Scotland.
- The requirement for a Council employee to progress through the preliminary stage of the process has been removed on advice from the Employee Training and Development Team on the view that this part of the process was unsuitable for employees who would feel disadvantaged being required to participate in an informal mediation excluding other officers.
- Time scales have been inserted to ensure that the process progresses and is concluded within a reasonable period.
- An explanation as to the nature of the mediation to be provided is now contained in the document.

Guidance for Councillors and Officials serving on Outside Bodies

This document has been revised to provide further clarity around the operation of the specific exclusions based on recent experience – changes are shown highlighted.

Protocol on Consultation, Access to Information and Councillor involvement in Council business between Councillors and Officers in Moray Council

Certain aspects of this document should be cross referenced with the new governance documents and these cross references have now been inserted. Similarly, changes in the titles of various posts have also been reflected in the document.

Protocol on Arrangements for Access to Council Facilities and/or staff by MSPs/MPs/MEPs or Candidates

This document also requires to be cross referenced to the more general protocol referred to above and this reference has now been inserted.

4. SUMMARY OF IMPLICATIONS

(a) Council / Community Planning Priorities

- (a) Council / Community Planning Priorities**
An effective governance framework is key to the delivery of Council services. The intention to review the Governance Documents was noted by our external inspectors in the recent Best Value Report.
- (b) Policy and Legal**
There are no policy or legal issues arising directly as a result of these documents.
- (c) Financial implications**
There are no direct financial implications arising from this report.
- (d) Risk Implications**
There are no direct risk implications arising from this report.
- (e) Staffing Implications**
There are no direct staffing implications arising from this report
- (f) Property**
There are no direct property implications arising from this report
- (g) Equalities**
There are no equalities implications arising from this report.
- (h) Consultations**
CMT, officers of the Standards Commission, Martin Kirwan, Employee Development Adviser, Human Resources have been consulted relative to the How to Complain about a Moray Councillor document. All other revisions are minor in their nature and have not been the subject of consultation.

5. CONCLUSION

5.1 The Council is invited to consider and approve the revised governance documents.

Author of Report: Rhona Gunn, Head of Legal and Democratic Services
Background Papers:
Ref: