



**ARGYLL AND BUTE COUNCIL**

**CONSTITUTION**

**PART B**

**STANDING ORDERS FOR MEETINGS**

## STANDING ORDERS

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# **ARGYLL AND BUTE COUNCIL**

## **STANDING ORDERS**

### **1. MEETINGS**

#### **FIRST MEETING AFTER AN ELECTION**

- 1.1 The first meeting of the Council after an ordinary election of Councillors will be held within 21 days from the date of the election. At that meeting, the Council will –
  - 1.1.1 Elect the Provost;
  - 1.1.2 Elect the Depute Provost;
  - 1.1.3 Appoint a Leader and Depute Leader of the Council;
  - 1.1.4 Appoint the Members of Committees of the Council;
  - 1.1.5 Appoint the Chairs and Vice Chairs of these bodies;
  - 1.1.6 Confirm the appointment of Policy Lead Councillors and Depute Policy Lead Councillors;
  - 1.1.7 Appoint the Members to represent the Council on any Joint Committees or Boards which the Council should appoint, if they need to be appointed at this meeting; if they do not they can be made at another Council meeting;
  - 1.1.8 Appoint persons to serve on various outside bodies if these appointments need to be made by the Council at this meeting; if they do not they can be made at another Council meeting or by a Committee.
  - 1.1.9 Deal with any competent business, keeping to the terms of any law and these Standing Orders.

#### **ORDINARY MEETINGS**

- 1.2 Ordinary meetings of the Council will be held on the dates and at the times which the Council decide. These meetings will normally be held in Kilmory Castle, Lochgilphead, but the Council or the Provost may decide that a meeting should be held somewhere else.

#### **SPECIAL MEETINGS**

- 1.3 A Special Meeting of the Council may be called at any time –
  - 1.3.1 If the Provost takes the view that one is necessary; or
  - 1.3.2 If at least one-fourth of the members of the Council want one to be held; if they do, they must all sign a notice which must be given to the Executive Director - Customer Services and the

notice must set out the business which these Members wish the Council to consider at that meeting; in this case the meeting will be held within fourteen days of the date when the Executive Director - Customer Services receives the notice. The requirements for written notification shall also be satisfied by an email of the notice being submitted by individual members via their Council email account.

**2**

**HOW MEETINGS ARE CALLED**

**Public Notice**

- CS** 2.1 Three clear days at least before a meeting of the Council, the Executive Director - Customer Services will display a notice at the Council's Headquarters saying when and where the meeting will be held. If a meeting is called at shorter notice in case of urgency then the notice will be displayed at the time it is called ["Clear days" excludes the day of publication and the day of the meeting and does not include Saturdays, Sundays or public holidays].
- CS** 2.2 If the meeting is called by Members of the Council, the notice must be signed by those Members and must set out the business which they wish the Council to consider; and only that business can be considered at the meeting.

**A Summons must be sent to each Member**

- CS** 2.3 Seven days at least before a meeting of the Council, the Executive Director - Customer Services will issue a summons to each Member asking that Member to attend the meeting. Saturdays, Sundays and Public Holidays will not be excluded for the purpose of this Standing Order. The summons will set out the business which the Council will be asked to consider at that meeting. It will be signed by the Executive Director - Customer Services and sent electronically to each Member.
- CS** 2.4 If a Member does not receive a summons the meeting will still be valid.

**3**

**THE AGENDA AND REPORTS FOR MEETINGS**

**Agenda**

- CS** 3.1 The summons will include an Agenda of the items of business for the meeting. These will be set out in the order in which the Council will consider them, but this can be changed at the meeting.
- CS** 3.2 An item of business may only be considered at a meeting of the Council if:-

- 3.2.1 A copy of the Agenda, including the item, is available for any members of the public who wish to look at it, as provided in paragraph 3.3 below; or
- 3.2.2 The Provost is of the opinion that the item should be considered at the meeting as a matter of urgency because there are special circumstances; in which case the special circumstances will be recorded in the minutes of the meeting.

**CS                    The public can see copies of the Agenda and most reports**

- 3.3 Copies of the Agenda and, except as set out in paragraph 3.4 below, copies of any report for a meeting will be open and available at the Council's Headquarters and on the Council website for at least 3 clear days before the meeting for any members of the public who may wish to look at these.

**Reports can sometimes not be available to the public**

- CS    3.4** When the Executive Director - Customer Services believes there is a proper reason she/he may exclude from the copies of reports which are to be available for members of the public who wish to look at them, the whole of a report (or any part of a report) which relates only to items of business which she/he thinks are likely to be considered when the meeting is not to be open to the public. Every copy of any report in that category (or part of that report) will either –
  - 3.4.1 Be marked "Not for Publication" and every copy (or the appropriate part) will say what kind of exempt information the report contains, in keeping with the law. [The relevant law in this case is Schedule 7A to the Local Government (Scotland) Act 1973].
  - 3.4.2 Be marked "Confidential" and every copy (or the appropriate part) will say that it contains confidential information, in keeping with the law. [The relevant law in this case is Section 50A(3) of the Local Government (Scotland) Act 1973].
- CS    3.5** It should be borne in mind that reports marked "Not for Publication" or "Confidential" containing information not open to the public at a meeting may require to be disclosed subsequently and made available in compliance with a request for information in terms of the Freedom of Information (Scotland) Act 2002.

- CS** 3.6 Reports from Directors for a meeting must be given to the Executive Director - Customer Services as early as possible and certainly not later than noon two working days before the day on which the notice of the meeting is to be issued. If the Director does not receive a particular report by that time, he may leave it off the Agenda.

#### **4 HOW MANY MEMBERS MUST ATTEND A MEETING**

##### **Quorum**

- CS** 4.1 There must be a minimum number of Members present at a meeting of the Council. This is known as the quorum. The quorum of the Council will be 9 Councillors (that is a quarter of all the seats) except in certain special circumstances set out in the relevant law. No business can be considered at a meeting of the Council unless a quorum is present. [The relevant law in this case is Schedule 7 to the Local Government (Scotland) Act 1973].

##### **What happens if there is no quorum?**

- CS** 4.2 If there are vacancies in more than 12 seats (that is a third) on the Council, the quorum will be a quarter of the number of Members remaining, but the quorum will never be less than 5 Members (that is an eighth of all the seats).
- CS** 4.3 If, ten minutes after the time set for the start of a meeting of the Council, a quorum is not present, the meeting will be abandoned and the Executive Director - Customer Services will record that no business was considered because there was no quorum.
- CS** 4.4 If at any time during a meeting there is a question about whether or not there is a quorum, the Provost will, after allowing an interval of 5 minutes, ask the Executive Director - Customer Services to count the number of Members present.
- CS** 4.5 If a quorum is not present, the meeting will be adjourned to another time the same day, or to another date and time as the Provost may decide then or afterwards.

#### **5 WHO PRESIDES AT MEETINGS?**

- CS** 5.1 At a meeting of the Council, the Provost, if present, will preside.
- CS** 5.2 If the Provost is absent from a meeting the Depute Provost will preside; if they are both absent, another Councillor chosen by the Members will preside.

- CS** 5.3 If at any time during the meeting the Provost is present she/he will preside and similarly, in the absence of the Provost, the Depute will preside during any time she/he is present.
- 5.4 The Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

**6. WHAT HAPPENS IF A MEMBER FAILS TO ATTEND MEETINGS?**

- 6.1 If a Councillor, throughout a period of six consecutive months, does not attend any meeting of the Council or any Committee Sub-Committee or Short Life Working Group of the Council, or any joint Committee to which any function of the Council has been delegated, and unless the Member has been granted leave of absence by the Council, the Executive Director - Customer Services will inform the Council. In that event, the Council will consider whether the failure to attend was due to a reason approved by them. If they are not satisfied as to the cause of the failure, the Councillor will cease to be a Member of the Council.

**7 MEMBERS OF THE PUBLIC ARE NORMALLY ALLOWED TO ATTEND MEETINGS**

- CS** 7.1 Every meeting of the Council, its Committees, Sub-Committees and Short Life Working Groups will be open to the public, except in special circumstances which are set out below.

**When are the public sometimes not allowed to be present?**

- CS** 7.2 The public must be excluded from a meeting of the Council or a Committee, Sub-Committee or Short Life Working Group when an item of business is being considered if it is likely, because of the business itself or what might be said, that confidential information as meant by the relevant law would be given to members of the public. [The relevant law in this case is Section 50A(2) of the Local Government (Scotland) Act 1973].
- CS** 7.3 The Council may decide, by passing a resolution at any meeting, to exclude the public when they are considering an item of business if it is likely, because of the business itself or what might be said, that exempt information as meant by the relevant law would be given to members of the public. The resolution to exclude the public will make clear the proceedings or which part of the proceedings of the meeting it applies to and state the description of the exempt information. [The relevant law in this case is Section 50A(4) of the Local Government (Scotland) Act 1973].

- CS** 7.4 It is always open to the Council in order to stop or prevent disorderly conduct or other misbehaviour at a meeting, to exclude or eject members of the public whose presence or conduct is impeding or is likely to impede good conduct of the meeting. If a member of the public interrupts any meeting, the Provost may warn the person. If they continue the interruption the Provost may order that they are removed from the Council Chamber.

## **8 THE ORDER IN WHICH BUSINESS IS CONSIDERED AT MEETINGS**

- CS** 8.1 The items of business at ordinary meetings of the Council will be considered in the following order, but the order may be changed if the Provost decides.
- 8.1.1 The Executive Director - Customer Services will record the names of the Members present, and apologies will be given on behalf of any Members who have advised the Provost or the Director they will not be present;
  - 8.1.2 Any deputations to be heard in terms of Standing Order 18;
  - 8.1.3 Motions which it is proposed should be considered without previous notice at the end of the meeting will be read to the meeting by the Executive Director - Customer Services;
  - 8.1.4 Other items of business which it is proposed should be considered as a matter of urgency will be announced;
  - 8.1.5 Declarations of interest by Members, if any;
  - 8.1.6 Minutes of the previous meeting or meetings of the Council will be considered as a correct record.
  - 8.1.7 Minutes or reports by Committees or Short Life Working Groups will be considered in respect of any items on which the Committee has not already acted under delegated powers;
  - 8.1.8 Other business which is included on the agenda, including those items advised for noting only, which in the case of the latter shall not be subject to debate or discussion nor shall it be competent to move any motion other than that the matter be referred to the next meeting of the committee as a substantive item.
  - 8.1.9 Questions submitted by Members in terms of Standing Order 15;
  - 8.1.10 Notices of Motion previously submitted in terms of Standing Order 13;

8.1.11 Notices of Motion intimated at the start of the meeting in terms of Standing Order 14, provided the Provost is of the opinion that it is a matter of urgency and the Council agree to consider the Motion;

8.1.12 Urgent Business, intimated at the start of the meeting, provided the Provost is of the opinion that it is a matter of urgency and the Council agree to consider the business.

## **9 THE POWERS AND DUTIES OF THE PROVOST**

**CS** 9.1 At all times, Members of the Council will respect the authority of the Provost. If the Provost speaks, any Member who is speaking to the Meeting will stop.

**CS** 9.2 The Provost's duty is to preserve order and ensure that Members are given a fair hearing by the Council. If two or more Members try to speak at the same time, the Provost will decide who is to speak first.

**CS** 9.3 The Provost will decide all matters of order, competency, relevancy and urgency and that ruling will be final.

### **What might happen if a Member misbehaves**

**CS** 9.4 If a Member persistently misbehaves by disregarding rulings by the Provost, or behaves improperly or offensively, or wilfully obstructs the business of the Council, the Provost may take any of the following courses of action either separately or in sequence –

9.4.1 Warn the Member about her/his behaviour;

9.4.2 Tell the Member not to speak during the remainder of the debate on the item being discussed.

9.4.3 Move that the Member should not speak again during the meeting. The motion will not require to be seconded, and will be decided without discussion; if the motion is carried the Member will not speak again during that meeting;

9.4.4 Move that the Member should be suspended for the remainder of the meeting. The motion will not require to be seconded, and will be decided without discussion; if the motion is carried the Member will leave the meeting immediately;

9.4.5 Adjourn the meeting for a short time as seems reasonable to the Provost in the circumstances.

- CS** 9.5 If there is disorder at any meeting of the Council, the Provost will be entitled to adjourn the meeting to another time the same day, or to another date and time as she/he may decide then or afterwards, and leaving the Chair in these circumstances will mean that the meeting is adjourned immediately.

**10**

**RULES OF DEBATE**

**How motions and amendments are moved and decided on**

- CS** 10.1 Every motion and amendment must be moved and seconded. The terms of all motions and amendments will be stated immediately when they are proposed and before the Member speaks to the motion or amendment. When a recommendation is on the papers before Members, preliminary discussion of the proposal is allowed. However it is open to the Provost at any time during that discussion to give three minutes warning that he requires any motion and amendments to be placed before him or the discussion will be brought to a close. If the Provost decides, a motion or amendment will be written down, signed by the mover and seconder, and given to the Executive Director - Customer Services who will read it to the meeting.
- CS** 10.2 When a motion and one amendment only are before the meeting a vote will be taken between the motion and the amendment and the proposal receiving a majority of the votes will become the decision of the Council.
- CS** 10.3 When a motion and two or more amendments are before the meeting, and if one of the proposals implies that no action or no immediate action be taken, a first vote will be taken between for and against “no action” or “no immediate action” as the case may be. If the proposal for “no action” or “no immediate action” is carried it shall become the decision of the meeting. If the proposal for “no action” or “no immediate action” is not carried a further vote will be taken amongst the remaining proposals as set out in 10.4 below.

- CS** 10.4 When a motion and two or more amendments (none of which implies that no action or no immediate action be taken) are before the meeting, the vote will be taken on all the proposals, each Member having one vote. If a proposal receives the support of an overall majority of the Members taking part in the vote, that proposal will become the decision of the meeting. In the event that none of the proposals receives the support of an overall majority of the Members voting, the proposal which has received the fewest votes will be dropped and a fresh vote will be taken on the remaining proposals and so on until one proposal has received the support of a majority of the Members voting. That proposal will become the decision of the meeting. In the event of the votes for two or more proposals being equal, the Provost will have a second or casting vote which s/he may use to decide which of them is to be dropped.
- CS** 10.5 Motions or amendments which are not seconded will not be discussed or recorded in the minutes. Except when the vote is taken by roll call, any Member who has moved a motion or amendment and who is in a minority of one will, if she/he asks, have her/his dissent from the eventual decision recorded in the minutes.
- CS** 10.6 A motion or amendment may be withdrawn by the mover if her/his seconder and the Council agree. Such a motion or amendment will not be inserted in the minutes.
- 10.7 A motion for the approval of a report of or a minute of a Committee or Short Life Working Group will be considered as an original motion and any proposal involving alteration or rejection of the report or minute will be dealt with as an amendment.
- 10.8 The Chairman of a Committee or short Life Working Group, if present, has the right to move approval of the report of or minute of that Committee.
- 10.9 In respect of any item on a committee agenda marked as for noting only, then the only competent motion [other than to note] will be for the matter to be referred to the next meeting of the committee as a substantive item. If such a motion is put to the meeting there shall be no other procedure than a vote for or against the terms of the motion. If the motion is carried then it will stand referred if it is lost then the item is noted.

**When a Member can speak and for how long**

- CS** 10.10 It is open to the Provost at any time to rule that, due to pressure of business and the number of Members wishing to speak to an item, no Member who had already spoken may speak again except on a point of order.

- CS** 10.11 A Member moving or seconding a motion or amendment will not speak for more than three minutes unless the Provost allows more time. Other Members will not speak for more than two minutes.
- CS** 10.12 The mover of an amendment and the mover of the original motion each have a right of reply, in that order, for not more than three minutes.
- CS** 10.13 When the mover of the original motion has replied, the Provost will close the debate, and no other Member will be allowed to speak. The Executive Director - Customer Services or the Provost will announce the terms of the motion and amendment(s) and take the vote.

## **11 HOW VOTES ARE TAKEN**

- CS** 11.1 Except where the law or the Standing Orders say something different, all questions coming or arising before the Council will be decided by a majority of the Councillors present and voting on that question.
- CS** 11.2 A vote will be taken by a show of hands except in the following circumstances.

### **Calling the roll**

- CS** 11.3 A Member may ask for a vote to be taken by calling the roll. If a quarter of the Councillors present agree then the vote will be taken in that way and the names of those voting for or against the motion or amendment will be taken down and recorded in the minutes.

### **What happens if votes are equal**

- CS** 11.4 In the case of an equality of votes, the Provost will have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a Councillor to any particular office or Committee in which case the decision will be decided by lot [which means a process whereby chance will determine the decision].

### **Different arrangements apply to appointments**

- CS** 11.5 When Councillors are to be appointed to any positions to be filled by the Council, and where the number of candidates nominated exceeds the number of vacancies, the Councillors to be appointed will be determined by a vote or votes in each of which Members will be entitled to vote for as many candidates as there are vacancies; but they may not cast more than one vote for any candidate. The name of the candidate having fewest votes will be deleted from the list and a fresh vote, or votes, will be taken. This process of elimination will be continued until the number of candidates equals the number of vacancies.
- CS** 11.6 Where only one vacancy requires to be filled, and any candidate has an absolute majority of the votes, the candidate will be declared appointed. Otherwise, the name of the candidate having fewest votes will be deleted from the list. This process of elimination will be continued until one candidate has a majority of the votes.
- CS** 11.7 If in any vote among more than two candidates there is equality of votes among the candidates having the least votes, the candidates whose names will be eliminated will be determined by an additional vote. The candidate having fewest votes will be deleted from the list. Where in any additional vote there is equality in votes, the candidate to be eliminated will be determined by lot.
- CS** 11.8 The provisions of the preceding paragraphs will apply in the case of the appointment of any other person (other than a Councillor) except that where there is an equality of votes the Provost will have a second or casting vote.

### **Whipping**

- CS** 11.9 Paragraphs 11.10 and 11.11 will apply on any occasion when an item of business is the subject of consideration at any meeting and that business –
- (1) has been the subject of prior discussion at a meeting of a political group; and
  - (2) at the meeting of the political group there has been an agreement that the group whip is applied to that business.
- CS** 11.10 At the commencement of the consideration of the item of business the Leader, or another member of the group present, will disclose to the meeting that the group whip has been applied to members of the group who are present, and will specify the particular matter or matters in respect of that business to which the whip applies.

- CS** 11.11 The Leader, or the other member, will give notice in writing to the Executive Director - Customer Services, at the time the disclosure is made in terms of paragraph 11.10, setting out the information disclosed, and the Director will –
- record in the minutes of the meeting the information disclosed; and
  - Keep a register of notices given to him, which register will be open to inspection by any person.

## **12 PROCEDURAL MOTIONS**

- CS** 12.1 The Provost may adjourn a meeting for a reasonable interval if s/he decides there is a good reason to do so.
- CS** 12.2 The Council may adjourn any meeting for a reasonable interval or to another date as the Council may agree then, or that failing, the Provost may decide then or afterwards. The vote on such a motion, on being seconded, will be taken without amendment or discussion and by show of hands. A similar motion to adjourn to another day will not be competent within a period of one hour after the decision on the earlier motion.

### **Closing debate**

- CS** 12.3 The following closure motions will be permitted during discussion of another motion provided the Member moving the closure motion has not spoken during the debate. They will be moved, seconded and voted on without discussion. The Provost will proceed as follows –

12.3.1 “That the question be now put”

If the Provost considers the matter has not been sufficiently discussed, she/he may refuse to accept the motion; if the motion is accepted it will be put to the vote. If the motion is carried, the movers of any amendment and of the original motion will be entitled to a right of reply and the Provost will then put the original motion and amendment to the vote. If the closure motion is not carried, a similar motion may be made after every three additional Members have spoken.

12.3.2 “That the meeting do now adjourn”

If the Provost is satisfied that the matter before the meeting has been well enough discussed, s/he may refuse to accept this closure motion and instead put the motion “that the question be now put”. If the Provost is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be discussed any longer on that occasion, the adjournment motion will be put to the vote without giving the mover of the original motion or amendment a right of reply; if the adjournment motion is carried, the original motion and remaining business will stand over until a resumed meeting of the Council. If this closure motion is not carried, a similar motion will not be competent within a period of one hour after the decision on the previous closure motion.

### **13 HOW A MEMBER SUBMITS A MOTION FOR THE NEXT MEETING**

- CS** 13.1 If a Member wishes a motion to be considered at a meeting (other than one on a matter of urgency under Standing Order 14) it must be written down, signed by the Member and countersigned by another Member, and given or sent to the Executive Director - Customer Services to be received by her/him at least 10 clear days [clear days excludes the day of submission of the Motion and the day of the Meeting but includes Saturdays, Sundays or Public Holidays] before the next ordinary meeting of the Council. This is called giving notice of a motion.
- CS** 13.2 These notices of motion will be included on the agenda for the next meeting in the order in which the Executive Director - Customer Services receives them. If the Provost considers that more than one of these motions deals with the same subject, only the motion received first will be considered.

The requirements for written notification shall also be satisfied by an email of the motion being submitted by individual members via their Council email account.

### **14 HOW A MEMBER SUBMITS AN URGENT MOTION**

- CS** 14.1 A motion which does not relate to the business which is included on the agenda for a meeting may be considered at the end of a meeting even if a Member has not given notice of it under Standing Order 13. It will only be considered if the Provost is of the opinion that it is a matter of urgency because of special reasons, which will be recorded in the minutes, and the Council agree to consider the motion. However, if a Member wishes a motion considered as a matter of urgency, it must be given to the Executive Director - Customer Services not later than two hours before the start of the meeting. It will be read to the meeting by the Director at the point stated at Standing Order 8.1.3. If the Provost considers that the motion is not urgent then it will be included as an item of business for the next ordinary meeting, unless it is disposed of in some other way before then.

The requirements for written notification shall also be satisfied by an email of the motion being submitted by individual members via their Council email account.

## **15 A MEMBER MAY ALSO SUBMIT QUESTIONS FOR A MEETING**

- 15.1 A Member may put a question to the Leader or to a Policy Lead Councillor at any ordinary meeting of the Council. The question, which may comprise a series of component parts about the same subject, must be about any relevant and competent business which is not included on the agenda for the meeting. The Member must give the question in writing to the Executive Director - Customer Services not later than 48 hours before the start of the meeting.
- 15.2 The person who is being asked to answer a question will decide whether to answer it in writing or orally at the meeting. Questions and any written answers, numbered in the order in which they have been received, will be tabled at the start of the meeting.
- 15.3 Arising from each answer given, the Member who asked the question may ask one supplementary question to clarify the answer given.
- 15.4 No discussion will be allowed, and it will not be competent to move any motion arising from a question or the answer given.
- 15.5 A Member may not submit more than two written questions for any one meeting. If the Provost is of the opinion that a question is out of order for any reason, it will not be answered.
- 15.6 Written questions and any written answers will be recorded in the minutes.

**16 CAN A DECISION OF THE COUNCIL BE CHANGED**

- CS** 16.1 No motion which seeks to alter or revoke a decision of the Council or has that effect will be considered within a period of 6 months of the original decision.
- CS** 16.2 However, it will be competent to review a decision before the end of the 6 month period, provided –
- 16.2.1 That notice has been given on the agenda that the previous decision may be altered or revoked, unless it is inherent in the terms of a report of or minute of a Committee submitted to the Council; and
- 16.2.2 The Provost is satisfied that a material change of circumstances has occurred. This means that the Provost must decide first whether there has been a new development which has a bearing on the original decision or that some important piece of information was not available when the original decision was made. Secondly, the Provost must decide whether this change is material, which means that if the change had taken place before the Council took their decision, or they had known all the facts on which the decision was based, the change of circumstances would have influenced their judgement and they might reasonably have taken a different decision.

**17 MINUTES OF MEETINGS**

- CS** 17.1 Minutes of meetings of the Council and its Committees, Sub Committees and Short Life Working Groups will be prepared by the Executive Director of Customer Services and will be included on the agenda for the next ordinary meeting of the Council, its Committees, Sub Committees or Short Life Working Groups as appropriate. At that meeting they will be considered, corrected if need be, and where they are held to be a correct record of the meeting, they will be signed by the person presiding at that next ordinary meeting.
- CS** 17.2 No discussion or amendment will be competent on minutes submitted other than an amendment to the effect that they are not a correct record. Any amendment will include the words of the alteration which is proposed to the minutes. An objection to the correctness of a minute will be dealt with by way of an amendment to a motion approving the minutes.
- CS** 17.3 Only Members of the Council who were present at the meeting to which the minutes relate may vote on the correctness of these minutes.

- CS** 17.4 A written summary prepared by the Executive Director - Customer Services in terms of the relevant law will not constitute part of the minutes and will not be subject to the preceding paragraphs of this Standing Order. [The relevant law in this case is Section 50C(2) of the Local Government (Scotland) Act 1973.]

**18**

**DEPUTATIONS**

- CS** 18.1 Subject to what is said in Standing Order 18.2 below the Council or any Committee or Sub-Committee may hear depositions, of not more than 3 persons on any matter that is included within their terms of reference and delegation, other than where they are exercising a statutory function to determine an application by any person.
- CS** 18.2 Where a matter is the subject of consideration by more than one Committee, Sub-Committee or Short Life Working Group, or by one or more of those and the Council, or at more than one meeting of the same body, a request by a deputation to be heard will be considered only at the meeting where it is anticipated that matter will be finally determined (as distinct from being the subject of preliminary consideration or the subject of a recommendation). It will not be competent to consider a request to be heard on the same matter within a period of six months of the original decision, unless the Provost is satisfied that a material change of circumstances has occurred: always provided that where a matter may be the subject of consideration on more than one occasion the Provost will, in her/his sole discretion, determine whether on each occasion the issue to be discussed is so closely related as to be regarded as the same matter.
- CS** 18.3 Every application for a deputation must be in writing, signed by a representative of the organisation or group wishing to be heard and setting out the matter on which they wish to be heard and delivered to the Executive Director - Customer Services no later than three working days before the meeting concerned; but the Provost may, at her/his sole discretion allow an application to be considered at shorter notice.
- CS** 18.4 When an application is considered whether to hear a deputation, the merits of the matter itself will not be discussed. Unless the meeting agrees unanimously to hear or to refuse to hear the deputation, a vote will be taken without discussion on whether to hear the deputation.
- CS** 18.5 A deputation will have 10 minutes to present its case. If the meeting decides to hear more than one deputation on the same subject, the depositions will be heard together, and the Provost will decide how much time to allow, up to a maximum of 10 minutes each.

- CS** 18.6 Any Member may put one question to the deputation that is relevant to the subject, but the merits of the case must not be discussed by Members whilst the deputation is being heard.
- CS** 18.7 It will not be competent to move any motion arising from the subject matter raised by a deputation, unless the matter is included as an item of business on the agenda for the meeting, and discussion will be reserved until that item is reached.

**19. COMMITTEES AND SUB-COMMITTEES**

- 19.1 Committees and Sub-Committees will be appointed in terms of the Scheme of Administration and Delegations which is referred to in Standing Order 26.
- 19.2 Standing Orders marked CS will apply to meetings of any Committee, Sub-Committee and Short Life Working Group with suitable modification.

**20. ARRANGING MEETINGS OF COMMITTEES AND SUB-COMMITTEES**

- 20.1 The dates of ordinary meetings of Committees will be decided by the Council on the basis of a programme of meetings which will normally be decided each year.
- 20.2 The Chair of a Committee (or in whose absence the Vice-Chair) may for good cause cancel or alter the date, time or place for a meeting of a Committee, but not after the summons for the meeting has been issued. The Chair (or in whose absence the Vice-Chair) may call a meeting of the Committee on dates in addition to those already decided by the Council.
- 20.3 The Chair (or in whose absence the Vice-Chair) of a Sub-Committee will call meetings of the Sub-Committee as these are required.
- 20.4 The dates of meetings of a Short Life Working Groups will be decided by the Group. The Chair of a Short Life Working Group (or in whose absence the Vice-Chair) may for good cause cancel or alter the date, time or place for a meeting, but not after the summons for the meeting has been issued.

**21. HOW MANY MEMBERS MUST BE PRESENT AT COMMITTEES AND SUB-COMMITTEES**

- CS** 21.1 No business will be considered at a meeting of a Committee or Sub-Committee unless at least a quarter of the whole number of voting Members are present; and there must, in any case, be at least three voting Members present.
- 21.2 In the case of the Council when it is dealing with the functions of the Council as education authority, the Members appointed because they are persons interested in the promotion of Religious Education will be treated as voting Members. For the avoidance of doubt the Teacher Representatives are not to be treated as voting members.
- 21.3 In the case of the Audit and Scrutiny Committee any persons appointed who are not Councillors will be treated as voting Members.

**CS22. ATTENDANCE OF COUNCILLORS AT COMMITTEES ETC**

- 22.1 Any Councillor may be present at a meeting of a Committee or Sub-Committee of which the Councillor is not a Member. The Councillor will be entitled to take part in the discussions generally, without giving notice, but is allowed to speak and vote only on any particular issue affecting the Members' Ward which is delegated to the Committee or sub-committee provided written notification is given to the Executive Director of Customer Services and is received by him/her not later than 24 hours prior to the time at which the meeting is scheduled to commence. The Chairman will decide whether, in the circumstances of any matter, the provisions of this Standing Order will apply to the Member who has given notice, and the Chairman's ruling, which will be given as soon as possible after the start of the meeting, will be final.
- 22.2 A Councillor cannot speak and vote in terms of the provisions at 22.1 above at a meeting of the Planning, Protective Services and Licensing Committee when it is considering an application for planning permission, nor in similar circumstances when a Local Review Panel is considering an appeal in respect of an application for planning permission.
- 22.3 Notwithstanding the provisions of paragraph 22.1 a Councillor cannot be present at a meeting of a Committee or Sub-Committee of which she/he is not a Member when:-
- The public have been excluded from the meeting; and
  - The meeting is considering a matter where the decision may affect the interests of any person as an individual; and

- The decision is made after a hearing by the Committee or Sub-Committee where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative

22.4 If a Committee or Sub-Committee has a hearing:-

- On a matter where the decision may affect the interests or rights of any person as an individual; and
- Where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative;

Members of the Committee or Sub-Committee may only take part in or vote on the matter if they have attended the entire proceedings of the hearing.

## **OTHER MATTERS**

### **CS23 INTERESTS OF MEMBERS IN CONTRACTS OR OTHER MATTERS**

- 23.1 The Ethical Standards in Public Life etc. (Scotland) Act 2000, together with the Code of Conduct for Councillors and the Dispensation Note to Local Authorities make it a requirement for Members, in relevant circumstances, to declare an interest.
- 23.2 A Member will give a notice of all registerable interests, financial or non financial, to the Executive Director - Customer Services.
- 23.3 The Executive Director - Customer Services will maintain a Register of Declarations of Interests made by Members. An Elector for the Council's area may look at the register.
- 23.4 The Code of Conduct issued by the Standards Commission for Scotland, under the Ethical Standards in Public Life etc (Scotland) Act 2000 makes provisions about how Members should conduct themselves as Councillors. The Code applies to Members of the Council. Any other persons, who are not members, who may be appointed or co-opted to any Committee or Sub-Committee or Short Life Working Group will, as a condition of appointment, require to accept the provisions of the Code and agree to be bound by its terms and in regard to any breach, or alleged breach, of the Code be subject to investigation by the Monitoring Officer, in accordance with the Council's Public Interest Disclosure Policy and otherwise as the Monitoring Officer in his statutory power may determine.

- 23.5 If a Member has a financial or non financial interest which is required to be declared in terms of the Code of Conduct, and is present at a meeting where the relevant matter is being considered, she/he must disclose the fact at the beginning of the meeting or as soon as the interest becomes apparent to her/him.
- 23.6 When a Member declares an interest they must specify whether that interest is declared as a financial or non-financial interest in terms of The Code of Conduct. If the matter is a financial interest then before discussion takes place on the matter in which the Member has declared an interest, the Member will leave the room in which the meeting is taking place. If the matter is a non financial interest then, where in the particular circumstances, and having regard to all the relevant facts, the Member considers that a member of the public acting reasonably would consider that the Member might be influenced by the interest in the Member's role as a councillor then before discussion takes place on the matter in which the Member has declared an interest, the Member will leave the room in which the meeting is taking place.
- 23.7 In regard to the Register of Interests maintained by the Executive Director - Customer Services, the Director will incorporate into that register disclosures relating to financial or non-financial interests declared at any meeting from time to time.

## **CS 24.**

### **DISCLOSING INFORMATION**

- 24.1 Information whether contained in a document or otherwise which is confidential information within the meaning of the relevant law will not be disclosed to any person. (The relevant law in this case is Section 50A(2) of the Local Government (Scotland) Act 1973) unless required to do so under the Freedom of Information (Scotland) Act 2002.
- 24.2 Any part of a document marked "Not for Publication by Virtue of Paragraph ... of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973" will not be disclosed to any person unless and until disclosure has been authorised by the Council, Committee, Sub-Committee or Short Life Working Group or unless required to do so under the Freedom of Information (Scotland) Act 2002.
- 24.3 Any information discussed at a meeting of the Council, Committee, Sub-Committee or a Short Life Working Group, from which the public have been excluded will not be disclosed to any person unless disclosure has been authorised by the Council, Committee, Sub-Committee or Group or unless required to do so under the Freedom of Information (Scotland) Act 2002.

- 24.4 In addition to what it says in 24.2 and 24.3, no Member will disclose to any person any information coming to her/his knowledge by virtue of her/his office as a Councillor where such disclosure would prejudice the interests of the Council unless required to do so under the Freedom of Information (Scotland) Act 2002.

**CS 25. SCRUTINY OF THE POLICY AND RESOURCES, COMMUNITY SERVICES AND ENVIRONMENT, DEVELOPMENT AND INFRASTRUCTURE COMMITTEES**

- 25.1 Where on the consideration by the Policy and Resources, Community Services and Environment, Development and Infrastructure Committees of any item of business, not fewer than nine Members of the Council, at least four of whom are elected Members of the relevant Committee, require immediately at the time the decision is taken (but not otherwise) that the decision should be subject to scrutiny by the Council then, subject to paragraph 2 below, the decision shall be treated as a recommendation to the Council for consideration and determination.

- 25.2 Paragraph 1 above shall not apply to any decision which arises on an item of business –

(a) Where –

- (i) the Committee has considered a matter where the decision may affect the interests of any person as an individual; and
- (ii) the decision is made after a hearing by the Committee where the person has a right in terms of any law, standing order or administrative procedure, to be heard in person or by a representative, or

- (b) Where, in the opinion of the Chairman, there is a requirement that the decision be given effect to before the next ordinary meeting of the Council.

**CS 26. SUSPENDING OR ALTERING STANDING ORDERS**

- 26.1 A Standing Order can only be suspended at a meeting of the Council, or a Committee, Sub-Committee or Short Life Working Group if at least two-thirds of the Councillors present agree.

- 26.2 None of these Standing Orders can be cancelled or altered unless:-

- A resolution to do so is passed after notice is given at a previous ordinary meeting of the Council; or

- A report is made to the Council by the Executive Director - Customer Services proposing such cancellation or alteration.

26.3 Standing Orders 26.1 and 26.2 cannot be suspended.

## **27. SCHEME OF DELEGATION**

27.1 The Council may make a Scheme of Administration and Delegation including for the purpose of arranging for the discharge of any of the functions of the Council by a Committee, Sub-Committee, Group or Officer.

27.2 A Scheme of Delegation will form part of the Constitution, and Standing Order 25.2 will apply to any alteration to the Scheme of Delegation as it applies to these Standing Orders.

## **28. CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS**

28.1 The Council will make Contract Standing Orders and Financial and Security Regulations for the regulation of contracts and for the proper planning and control of its financial and related affairs.

28.2 Contract Standing Orders and Financial and Security Regulations will form part of the Constitution and Standing Order 25.2 will apply to any alteration of them as it applies to these Standing Orders.

28.3 Contract Standing Orders and Financial and Security Regulations will apply to Committees, Sub-Committees, Groups, Members of the Council, Officers and Agents of the Council as appropriate.

## **Appendix 1**

### **PROTOCOL FOR THE USE OF VIDEO-CONFERENCING FACILITIES**

**The following protocol shall be adopted in relation to the conduct of any meeting which the Council has determined will be suitable for video conferencing of the Council and its various Committees, Sub-Committees and Working groups, with the exception of any meeting dealing with any quasi judicial matter. Participation via video conferencing will be permitted from appropriate Council premises as determined from time to time by the Executive Director of Customer Services.**

#### **Prior to the Meeting**

- 1) Any Member wishing to participate by video-conference link in any meeting of the Council, or of a Committee or Sub-Committee, must intimate his/her request in writing to the relevant Clerk [copied also to the Executive Director of Customer Services or his nominee] at least 48 hours in advance of the start of the meeting and must specify at which of the premises presently identified as suitable in terms of this Protocol the establishment of the remote link is requested.
- 2) The Clerk will as soon as possible notify the Provost, or the relevant Chair, and will take steps to ascertain that the requested venue is available throughout the required period, that the link can be established, that staff support for this link and for the Member using it can be provided, and that all associated facilities, e.g. telephone, fax, email, are available.
- 3) For the avoidance of doubt, the Provost/Chair may not participate remotely, but may at their sole discretion determine that the meeting is not suitable for participation by video conference and in such circumstance the member will be notified of this decision by the clerk, as soon as possible.
- 4) In the case of a number of requests being received for the establishment of multiple remote links for the same meeting, such requests will be considered in chronological order of receipt until the maximum number that the equipment can support has been reached, subject to priority being given to voting members of the relevant Committee or Sub-Committee (including as a result of a successful "local member" request under Standing Order 22).
- 5) Details of fax and email facilities at the remote venue must be verified and tested.
- 6) The video-conference link must be established and tested before the commencement of the meeting.
- 7) The video-conferencing equipment must be arranged in such a way that the Chair can see the remote Member(s), as well as those present in the Chamber or meeting room.

#### **At the meeting**

- 8) The Provost or Chair will confirm at the outset and at any reconvening of the meeting that he/she can see and hear all participating Members. Any Member participating by remote link must also confirm at the outset and at any reconvening of the meeting that he/she can see and hear the proceedings at the main venue and at any/all other remote links.

- 9) Any Member participating by remote link who declares an interest in any item of business in terms of Standing Order 23 and is either required to leave the room or determines to do so, shall leave the room at the remote venue and this departure will be confirmed by a member of staff at that venue. This member of staff will thereafter confirm to the remote Member when he/she may rejoin the meeting.
- 10) Should any aspect of the video-conference link fail, the Provost or Chair may call a short adjournment of up to five minutes to determine whether the link can quickly be re-established. Efforts should continue to re-establish the link but the meeting shall continue to deal with the business whilst this happens.
- 11) In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting (as detailed in 10) then the presumption will be that the meeting should continue to deal with the item. If the link is successfully re-established then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- 12) Should a remote Member wish to move a motion or amendment, which, in accordance with Standing Order 10 the provost or chair rules that it should be set down in writing, the Member will arrange for this to be faxed or emailed on his/her behalf by a member of staff at the remote venue. If necessary, a short adjournment should be called to allow delivery of the fax or email to the Clerk. Should the fax or email equipment transmission fail, back-up arrangements for transmission by email or fax should be available.
- 13) A remote Member participating in a vote will cast his/her vote as if participating in a roll call vote.

### **Confidential/Exempt Items**

- 14) If a remote Member wishes to participate in discussion of a confidential/exempt item, he/she, and the member of staff at the remote venue, must verify that the venue is secure, that no member of the public has access and that no recording of the proceedings is being made, by any person. The members of staff present will ensure that no recording is taking place.
- 15) The following amendments to the Council Standing Orders shall apply on any occasion when the meeting has a member authorised by the Provost or Chair to attend in such a manner.

Subject to Standing Order 4, Members may be able to participate by means of video conferencing if so agreed by the Chair of the Meeting in accordance with arrangements agreed from time to time by the Council.

- CS** 1 The Council has determined to adopt a protocol to allow attendance by Members at a Meeting by means of video conferencing provided the request is intimated timeously and agreed to in terms of the protocol which is attached to these Standing Orders at Appendix 1. Any Member so authorised to participate by video conferencing shall be regarded as present for the purposes of determining a quorum.

- CS** 2 For the avoidance of doubt, attendance by video conferencing will be with the agreement of the Provost/Chair and process for arranging attendance as set out in the protocol must be complied with. In all circumstances the Chair would have the final authority and would additionally be dependent on the availability of designated accommodation, staffing resource and technology.
- CS** 3 In the event of any failure of the video conferencing link the Chair will immediately require the clerk to determine if the meeting is still quorate, if it is then the business of the meeting will continue, if there is no quorum then the meeting will only in such circumstances, adjourn for a period specified by the Chair to allow the connection to be re-established.
4. The attendance by any Member under this Standing Order can be undertaken by video conference and will be subject to the protocol for such attendance by Members of the Committee and all relevant provisions of these Standing Orders.

16) The Council has determined that there should be a phased introduction of video conferencing and initially the meetings agreed for such participation are so undernoted. The Council will revisit this list as and when required but subject to changes to the terms of these Standing Orders.

#### PHASE 1

1. Area Committees scheduled for Council Chambers including:
  - a. Common Good Fund
  - b. Area Community Planning Group
2. Audit and Scrutiny Committee
3. Short Life Working Groups

## **Appendix 2**

### **Protocol for Area Committee Business Days**

1. At the start of each year the Area Committee will agree a programme of business days and the Head of Legal and Regulatory Support shall arrange accommodation for the scheduled meetings and notify the members of the arrangements.
2. The Area Chair shall convene the meetings which will be informal and no minutes shall be taken.
3. The meeting shall not be regarded as a formal meeting to which the Local Government Access to Information provisions would apply and all members should recognise and respect that circumstance.
4. Members attending the business days should recognise that the meetings are designed to encourage and support good relations between all members and this objective will only be achieved if the meetings operate in a spirit of mutual trust and respect. This may on occasion mean that meetings progress on Chatham House protocol and or having regard to the commercial confidentiality of matters that may be discussed.
5. No decision can be taken at such a meeting. Officers may attend meetings if it has been agreed in advance by the Area Chair and the Chief Executive.