
Report to: Clackmannanshire Council

Date: 12 May 2016

Subject: Amendments to Standing Orders

Report by: Councillor Robert McGill

1.0 Purpose

- 1.1 Notice was given by Councillor Watt at the Meeting of Council on 3 March 2016 of the intention to bring forward amendments to Standing Orders and this report follows on from that Notice.
- 1.2 The purpose of this report is to submit to Council the various proposals for the amendment of the Council's Standing Orders for which notice was given and to enable the Council to consider and decide upon the proposed changes detailed below in the recommendation.

2.0 Recommendation

- 2.1 It is recommended that Council :
- a) in Standing Order 1.5 (Page 7) inserts a new bullet point 3 - "The Convenor of Resources and Audit Committee shall be a member of the main Opposition Group.";
 - b) in Standing Order 1.5 (Page 7) inserts in the final bullet point after the word "by-election" insert "or arising as a result of a vacancy";
 - c) in Standing Order 3.4 (Page 9) at bullet point four deletes the words "and sub-committee" and makes any further required consequential amendments to Standing Orders (e.g. to the list in Standing Order 3.5);
 - d) in Standing Order 3.6 (Page 10) inserts after "Enterprise and Environment Committee" "unless appointed as a full member of the Committee. No other member or substitute may be appointed for this ex-officio membership.";
 - e) delete Standing Order 3.8 (Page 10);
 - f) in Standing Order 10.5 (Page 25) insert after "reasons for the decision." "The reasons will be recorded in the Minute of the Meeting.";
 - g) in Standing Order 10.6 (Page 25) insert after "reasons for the decision." "The reasons will be recorded in the Minute of the Meeting.";

- h) delete the existing Standing Order 12.2 (Page 29) and substitute "The Provost will then give members the opportunity to ask relevant questions of, and request explanations or more information from, that officer or any other officer at the meeting who holds relevant information, or to ask relevant questions where appropriate of the Leader of the Council or a Convener.;
- i) insert new Standing Order 13.9 (Page 30) "An amendment may not be moved or discussed until the original report has been moved and seconded.";
- j) in Standing Order 13.10 (Page 30) delete "must" and insert "should normally";
- k) delete existing Standing Order 13.22 (Page 31) and substitute "Once a motion or amendment has been moved and seconded, it can be withdrawn only by a decision of the majority of members present and entitled to vote"
- l) insert new Standing Order 19.10 (Page 39) " A Convenor of a committee may be requested to attend Resources and Audit Committee to answer questions on matters relevant to that committee's remit which are under consideration by Resources and Audit Committee. The committee Convenor will be given as much notice as is reasonably practicable of the requirement to attend and the issue to be discussed."

3.0 Background

- 3.1 At its meeting on 3 March 2016, Council noted that amendments to Standing Orders would be submitted to the next Council meeting for consideration in compliance with Standing Order 20.6 (Standing Orders can only be changed when notice has been given at a meeting that amendment proposals will be brought before the next meeting).
- 3.2 The purpose of the proposed amendments to Standing Orders is to provide further clarity in the light of issues experienced, to further a fair and reasonable political balance, and to enhance the scrutiny role of the Resources and Audit Committee. remove ambiguities and anomalies; improve definitions; improve and clarify wording where appropriate and carry out limited rearrangement of the contents of Standing Orders.

4.0 Sustainability Implications

NA

5.0 Resource Implications

Financial Details N/A

Staffing N/A

6.0 Declarations

6.1 The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box)
- The area has a positive image and attracts people and businesses
 - Our communities are more cohesive and inclusive
 - People are better skilled, trained and ready for learning and employment
 - Our communities are safer
 - Vulnerable people and families are supported
 - Substance misuse and its effects are reduced
 - Health is improving and health inequalities are reducing
 - The environment is protected and enhanced for all
 - The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail) N/A

7.0 Equalities Impact

7.1 N/A

8.0 Legality

8.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

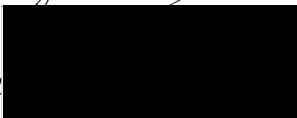
9.0 Appendices

9.1 Appendix 1 - Relevant Pages from existing Standing Orders

10.0 Background Papers

None

Author(s)

NAME	DESIGNATION	SIGNATURE
Robert McGill	Councillor	

Appendix 1

Extract pages from existing Standing Orders where Changes are proposed

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Extract pages from existing Standing Orders where Changes are proposed

1.0 FIRST COUNCIL MEETING AFTER AN ELECTION

1.1 Convening the Meeting

1.2 In an election year, we will hold our first meeting within 21 days from the date of the election. The Chief Executive will set the date and time of this first meeting.

1.3 Mandatory Items of Business

1.4 At this first meeting, the first item of business will be the election of the Provost. Until the Provost is elected, the Returning Officer will chair the meeting.

1.5 At this meeting we will also:

- Elect the Depute Provosts, Leader and Depute Leader of the Council
- Appoint the Convenor and Vice Convenor of each standing committee and of any standing sub-committee(s). (Standing Order 3.4 sets out our Standing Committees)
- The Resources and Audit Committee shall appoint a Vice Convenor without having to get approval or ratification from the Council
- Appoint to the Licensing Board a number of Councillors no fewer than five and no greater than ten as we may determine from time to time.
- Decide the political balance on each committee and sub-committee. We will set aside seats on committees and sub-committees to achieve a balance between the political parties, as far as is reasonably practical under section 15 of the 1989 Act. At the first Council meeting following a by-election, we will also review the party balance on each Committee and sub-committee.

1.6 Discretionary Items of Business

1.7 At this first meeting, we may (but do not need to):

- appoint committee and sub-committee members
- appoint representatives to the Joint Valuation Board and the various outside organisations we are represented on if these appointments may be reasonably made at that meeting and if we consider it is appropriate to make appointments at that time.
- deal with any urgent and/or relevant business, taking account of the law and these standing orders. The Chief Executive and the Returning Officer may have put on the agenda such items as are considered urgent and/or relevant.

3.0 COMMITTEES

3.1 We may at any time appoint committees to help carry out our functions in accordance with the provisions of the 1973 Act . We will set out the powers and duties of these committees.

3.2 The Convenor, Vice Convenor (in the absence of the Convenor) and any member of a committee chairing a committee meeting in the absence of the Convenor and Vice Convenor shall have the same powers as the Provost in a council meeting.

3.3 Council Standing Committees

3.4 We will appoint the following standing committees:

- Housing, Health and Care Committee
- Education, Sport and Leisure Committee
- Enterprise and Environment Committee
- Resources and Audit Committee and sub-committee
- Planning Committee
- Regulatory Committee
- Workforce Committee
- Local Review Body

3.5 The number of members on each standing committee will be as follows.

	Members	Quorum	Appointed Members	Co-opted Members
Housing, Health and Care Committee	8	4	-	-
Education, Sport and Leisure Committee	8	4	3 *(see 4.7 to 4.11)	-
Enterprise and Environment Committee	8	4	-	4 (see 4.2)
Resources and Audit Committee	8	4	-	-
Resources and Audit sub-committee	6	3	-	-
Planning Committee	10	4	-	-
Regulatory Committee	8	4	-	-
Workforce Committee	Pool**	3	-	-
Local Review Body	10	3	-	-

**3 Members to be drawn from a Pool of members willing to serve on the Committee.

- 3.6 In addition to the Members above, the Leader of the Council is, ex-officio, a (non-voting) member of the Housing, Health and Care Committee; Education, Sport and Leisure Committee; and the Enterprise and Environment Committee.
- 3.7 The Leader of the Council is, ex-officio, one of the Administration's three members of the Resources and Audit Committee and as such will have full voting rights on this Committee.
- 3.8 In addition to the members above, the Convenor of the Housing, Health and Care Committee is ex officio a (non-voting) member of the Resources and Audit Subcommittee.
- 3.9 Statutory Committees**
- 3.10 We will appoint the following statutory committees:-
- 3.11 Attendance Committee
- 3.12 The number of members and the constitution of the Attendance Committee will be set in line with Council policy, as amended from time to time. However any relevant statute will apply. Our Standing Orders do not apply to meetings of the Attendance Committee.
- 3.13 Education Appeals Committee
- 3.14 The number of members and the constitution of the Education Appeals Committee will be set in line with Council policy, as amended from time to time. However, any relevant statute will apply. Our Standing Orders do not apply to meetings of the Education Appeals Committee.
- 3.15 The Education Appeals Committee will be made up of three members appointed and trained by the Head of Resources and Governance, who will take account of their previous experience of working with young people.
- 3.16 All members appointed to the Education Appeals Committee will be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

- 10.4 The Provost will decide the order in which members may speak.
- 10.5 The decision of the Provost on all questions of procedure, order, competency, relevancy arising from standing orders will usually be final. If the Provost's decision is challenged, he or she will explain the reasons for the decision. The decision may be put to a vote but can only be overturned or amended if it is agreed by a majority of the members present at the meeting who are eligible to vote.
- 10.6 The Provost may determine all questions of procedure where no specific provision is made under these Standing Orders. If the Provost's decision is challenged, he or she will explain the reasons for the decision. The decision may be put to a vote but can only be overturned or amended if it is agreed by a majority of the members present at the meeting who are eligible to vote.
- 10.7 Points of order**
- 10.8 A point of order is a verbal objection made to the Provost, saying that a statement or proposed procedure or action at the meeting may be breaking the law or standing orders. The term 'point of order' does not include the arguments, the principles or the political views expressed in debate, or relate to how true, valid or accurate any statement made in the course of debate is. A difference of opinion is not a point of order.
- 10.9 Any member (voting or non-voting) may raise a point of order arising at any point in the meeting, but must clearly tell the meeting on what basis a standing order or any law has been, or is about to be, broken.
- 10.10 A member who is addressing the meeting when a point of order is raised will stop until the clerk has explained whether or not the point raised is a point of order.
- 10.11 If the point is confirmed by the clerk as a point of order, the Provost will decide how the point of order should be dealt with. If the point is not confirmed to be a point of order, it will not be accepted and the discussion will continue.

- 11.7 If the Provost decides that an item of business may be discussed as a matter of urgency under Standing Order 11.6, he or she will give his or her reasons for the decision before the item is discussed. The reasons will be recorded in the minutes of the meeting (see section 50B(4)(a) and (b) of the 1973 Act).

12.0 COUNCIL & COMMITTEE MEETINGS - INTRODUCING REPORTS

- 12.1 The Provost will direct that reports to the Council must be introduced, without interruption where appropriate, by the officer presenting the report.
- 12.2 The Provost will then give members the opportunity to ask questions and request explanations or more information from that officer or from any other officer at the meeting who holds information that is relevant to the matter under consideration.
- 12.3 During this period of questions and explanation, members must not make statements. The point a member wishes to raise must be framed as a question. A motion or an amendment cannot be moved at this stage.
- 12.4 When, in the opinion of the Provost, members have had a reasonable opportunity to ask questions and request explanations or more information, the Provost will advise that the Council may now discuss the matter.

13.0 COUNCIL & COMMITTEE MEETINGS - DISCUSSION & DEBATE RULES

- 13.1 The Provost will decide the order in which members will speak during the debate.
- 13.2 Members will address the meeting through the Provost.
- 13.3 Motions**
- 13.4 Motions for approval of a report will be treated as the original motion. Any motion proposing to alter a report will be dealt with as an amendment.
- 13.5 Motions must be set out in writing before they can be debated or put to a vote.
- 13.6 Motions must be moved and seconded before they can be debated or put to a vote.
- 13.7 Persons (such as co-opted members) who do not have voting rights may not move or second a motion.

13.8 Amendments

13.9 Amendments must relate to the motion by seeking to vary the terms of the motion or make an addition to the motion which bears direct relevance to the terms of the motion.

An amendment which contains an expenditure proposal must identify a budget from which the expenditure can be met.

13.10 Amendments must be set out in writing before they can be debated or put to a vote.

Except in exceptional circumstances, amendments should be submitted to the Clerk by noon on the day prior to the meeting. Amendments will be collated by the Clerk and circulated to members as soon as possible after receipt and in any case in advance of the meeting.

At the meeting, amendments will be taken in the order in which they have been submitted to the Clerk.

13.11 The Provost may rule out of order any amendment he or she considers irrelevant or substantially similar to the motion or to any previous amendment.

13.12 Amendments must be moved and seconded before they can be debated or put to a vote.

13.13 Persons (such as co-opted members) who do not have voting rights may not move or second an amendment.

13.14 Only one amendment may be debated at the one time.

13.15 Notice of any second or subsequent amendment must be given before the end of the debate on the amendment currently being discussed. If notice is not given at the right time, any subsequent amendments will not be accepted.

It shall be competent for the mover of a motion, with the consent of the member seconding the motion, to accept an amendment to that motion

13.16 Speaking On A Motion Or Amendment

13.17 A member moving or seconding a motion or an amendment or using a right of reply may speak for no more than 10 minutes, unless they have the permission of the Provost.

13.18 Other members taking part in the discussion will speak for no more than five minutes unless they have the permission of the Provost.

13.19 A member who has spoken on a motion will not speak again during the debate on the motion unless :

- the Provost gives him/her permission;
- he or she wishes to comment on a motion which has been amended since he/she spoke;
- the proposer of the motion uses the right of reply at the end of the debate. The right of reply will be limited to answering matters raised in debate; or
- by making a point of order (which will be dealt with in accordance with Standing Order 10.8-10.11).

13.20 The mover of an amendment has no right of reply.

13.21 Withdrawing A Motion or Amendment

13.22 A motion or an amendment can only be withdrawn by the mover (the person who put forward the motion/amendment) and the seconder (the person who supported the motion/amendment).

13.23 Putting A Motion (or Motion as Amended) To Council

13.24 The Provost will put the motion to the Council after the mover of a motion (or motion as amended) has used the right to reply, or has declined to exercise the right of reply. No other member will speak on the motion.

The Provost will put the motion to the Council without giving the mover a right of reply when the motion has not been debated.

19.0 COUNCIL & COMMITTEE MEETINGS - QUESTIONS TO CONVENORS

- 19.1 Any member of a committee may put a question that is relevant to the business of that committee and not arising from any agenda item to the Convenor (or to the Governance Manager for an explanation on a point of law or procedure), as long as the member has given the question in writing to the Head of Service no later than 12 noon seven working days before the date of the meeting.
- 19.2 Questions to Convenors will only be answered in writing and copies of answers will be produced at the following committee meeting.
- 19.3 No supporting questions will be allowed.
- 19.4 Questions, and any written answers, will be reproduced and numbered in the order in which they have been received and will be made available to members at the beginning of the meeting.
- 19.5 If the Convenor decides that a question is out of order, the question will not be answered. The Convenor shall give reasons for his/her decision. The reasons will be recorded in the minute of the meeting.
- 19.6 'Written questions' will include a series of written questions asked by one or more members that deal with one or more subjects which, in the opinion of the Convenor, are so closely related that they should be treated as one subject.
- 19.7 Questions to the Convenor may not be opened up to general debate.
- 19.8 No supporting questions will be allowed in the case of questions to Convenors.
- 19.9 A question may only be put to the Convenor of a committee if the subject matter of the question is relevant to the committee's remit.

20.0 SUSPENDING & AMENDING STANDING ORDERS

20.1 Suspending Standing Orders

- 20.2 Subject to the provisions of these Standing Orders, Standing Orders may be suspended at any meeting of the Council or a Committee by a motion passed by a majority of at least two thirds of the votes of councillors present and eligible to vote at the meeting.