

**Report to: Clackmannanshire Council**

**Date: 23 June, 2016**

**Subject: Consequential Amendments to Standing Orders**

**Report by: Chief Executive**

### **1.0 Purpose & Background**

1.1 The purpose of this report is to submit revised Standing Orders as a consequence of the decisions taken by Council on 2 June, 2016, in relation to the report *The Council's Decision-Making Framework*.

### **2.0 Recommendation**

2.1 It is recommended that Council agrees the amendments which have been made to Standing Orders as a consequence of Council decisions taken on 2 June, 2016, in relation to the report Council's Decision-Making Framework.

### **3.0 Amendments to Standing Orders**

3.1 Standing Orders have been amended as follows in light of decisions taken at Council on 2 June, 2016:

<b>Reference</b>	<b>Detail</b>
Page 7, SO1.5, bullet point 2	Delete "Convenor" and insert "Chair". Delete "Vice Convenor" and insert "Vice Chair"
Page 7, SO1.5, bullet point 3	Delete "Resources and Audit" and insert "the Scrutiny"
Page 7, SO 1.5, bullet point 3	Delete "Resources and Audit" and insert "Scrutiny". Delete "Convenor" and insert "Chair"
Page 8, SO 2.4	Delete "Provost(s)" and insert "Provost" Delete "Convenor" and insert "Chair" Delete "Vice Convenor" and insert "Vice Chair"
Page 8, SO 2.5	Delete "Provost(s)" and insert "Provost" Delete "Convenor" and insert "Chair" Delete "Vice Convenor" and insert "Vice Chair"
Page 8, SO 2.6	Delete "Provost(s)" and insert "Provost" Delete "Convenor" and insert "Chair"

	Delete "Vice Convenor" and insert "Vice Chair"
Page 8, SO 2.7	Delete "Provost(s)" and insert "Provost" Delete references to "Convenor" and insert "Chair" Delete references to "Vice Convenor" and insert "Vice Chair" Delete "a" and insert "the"
Page 9, SO 3.2	Delete references to "Convenor" and insert "Chair" Delete references to "Vice Convenor" and insert "Vice Chair"
Page 9, SO 3.4	Delete bullet point 1 "Housing, Health and Care Committee" Delete bullet point 2 "Education, Sport and Leisure Committee" Delete bullet point 3 "Attainment and Improvement Sub Committee" Delete bullet point 4 "Enterprise and Environment Committee" Delete bullet point 5 "Resources and Audit Committee" Insert bullet point "Scrutiny Committee" Insert bullet point "Audit & Finance Committee"
Page 9, SO 3.5	Delete all references to: "Housing, Health and Care Committee" "Education, sport and Leisure Committee" "Attainment and Improvement Sub Committee" "Enterprise and Environment Committee" "Resources and Audit Committee"  Insert: "Scrutiny Committee" members = "8", quorum = "4" "Audit & Finance Committee" members = "8", quorum = "4"
Page 11, SO 3.6	Delete Standing Order 3.6
Page 11, SO 3.7	Delete Standing Order 3.7
Page 12, SO 4.0	In the table, delete "Education, Sport and Leisure Committee" and insert "Council"
Page 13, SO 4.10	Delete "the Education, Sport and Leisure Committee. The appointments are made" and insert "Council."

Page 14, SO 5.2	<p>Insert:</p> <p>The Spokesperson's role in respect of Services includes:</p> <ul style="list-style-type: none"> <li>• monitoring service performance in accordance with Council policies and procedures</li> <li>• leading on service issues at a political level</li> </ul>
Page 14, SO 4.17	In the table at 18.2, delete "business of the Education, Sport and Leisure Committee to the Convenor" and insert "Council to the Provost"
Page 15, SO 5.1	In row 3 of the table insert "Spokesperson for Education", "Spokesperson for Health and Social Work", "Spokesperson for Environment and Housing", "Chair of Scrutiny Committee", "Chair of Audit & Finance Committee", and "Chair of Planning Committee"
Page 15, SO 5.1	In rows 4-7 of the table, delete reference to the positions, Council Services and Policy Areas for: "Convenor of Housing, Health and Care" "Convenor of Education, Sport and Leisure" "Convenor of Enterprise and Environment" " Portfolio Holder for Partnership, Equality and Diversity"
Page 16, SO 5.2	Delete "Convenor's" and insert "Chair's"
Page 17, SO 6.2	Delete "nine weeks" and insert "calendar month"
Page 17, SO 6.3	Delete "Convenor" and insert "Chair"
Page 23, SO 9.2	At line 1 and 2, delete "a" and insert "the" In line 4, delete "Provosts" and insert "Provost"
Page 23, SO 9.3	Delete 5 references to "Convenor" and insert "Chair"
Page 23, SO 9.6	Delete all references to: "Education, sport and Leisure Committee" "Attainment and Improvement Sub Committee" "Enterprise and Environment Committee" "Housing, Health and Care Committee" "Resources and Audit Committee"  Insert: "Scrutiny Committee" quorum = "4" "Audit & Finance Committee" quorum = "4"
Page 23, SO 9.7	Delete "Convenor" and insert "Chair"
Page 24, SO 9.8	Delete two references to "Convenor" and insert "Chair"

Page 27, SO 10.1	Delete “Convenors” and “and other chairs” and insert “Chairs”
Page 32, SO 12.2	Delete “Convenor” and insert “Spokesperson”
Page 35, SO 14.0	In paragraph 4 in the table, delete “Convenor or”
Page 35, SO 14.2	Delete “Convenor (or--)”, leave “Chair”
Page 41, SO 18.7	Delete “Convenor of the”. Delete “committee” and insert “spokesperson”
Page 42, SO 19.0	Delete “Convenors” and insert “Chairs”
Page 42, SO 19.1	Delete “Convenor” and insert “Chair”
Page 42, SO 19.5	Delete two references to “Convenor” and insert “Chair”
Page 42, SO 19.6	Delete “Convenor” and insert “Chair”
Page 42, SO 19.7	Delete “Convenor” and insert “Chair”
Page 42, SO 19.8	Delete “Convenors” and insert “committee Chairs”
Page 42, SO 19.9	Delete “Convenor” and insert “Chair”
Page 42, SO 19.10	Delete two references to “Convenor” and insert “Chair” Delete two references to “Resources and Audit” and insert “Scrutiny”

3.2 These amendments are detailed as tracked changes in the pages included in the Appendix to this report. Changes to the index, page and paragraph numbers will be made after Council consideration of this report.

### **3.0 Sustainability Implications**

N/A

### **4.0 Resource Implications**

N/A

### **5.0 Exempt Reports**

5.1 Is this report exempt? No

## 6.0 Declarations

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 Council is effective, efficient and recognised for excellence

## 7.0 Equalities Impact

7.1 No groups are assessed to be adversely affected by the recommendations in this report

## 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.

## 9.0 Appendices

1 - Tracked Changes to Standing Orders, June, 2016

## 10.0 Background Papers

1 - Standing Orders, May, 2016

### Author(s)

NAME	DESIGNATION	SIGNATURE
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# Standing Orders

**May-June 2016**

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## APPLICATION & DEFINITIONS

The Interpretation Act 1978 will apply to these standing orders in the same way as it applies to an Act of Parliament.

These standing orders will overtake any standing orders we have previously approved and will take effect from. 15 May 2014.

The standing orders can only be changed or abolished when there has been an indication at a meeting of the Council that proposals to amend standing orders will be brought before the next meeting.

In these standing orders, the references to pieces of legislation are as follows:

<i>1973 Act</i>	The Local Government (Scotland) Act 1973
<i>1980 Act</i>	The Education (Scotland) Act 1980
<i>1982 Act</i>	The Civic Government (Scotland) Act 1982
<i>1985 Act</i>	The Local Government (Access to Information Act) 1985
<i>1989 Act</i>	The Local Government and Housing Act 1989
<i>1994 Act</i>	The Local Government etc. (Scotland) Act 1994
<i>1997 Act</i>	The Town and Country Planning (Scotland) Act 1997
<i>2000 Act</i>	Standards in Scotland's Schools Act 2000

References to *we*, *us*, *our* and *the Council* refer to Clackmannanshire Council, as constituted under the 1994 Act.



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## **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 ~~Chair~~ and Vice ~~Chair~~ of each standing committee and of any standing sub-committee(s). (Standing Order 3.4 sets out our Standing Committees)
- The ~~Convener~~ ~~Chair~~ of ~~the Scrutiny Resources and Audit~~ Committee shall be a member of the main opposition group
- The ~~Resources and Audit Scrutiny~~ Committee shall appoint a Vice ~~Chair~~ 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 or as arising as a result of a vacancy, 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.

## **2.0 COUNCILLOR APPOINTMENTS & REMOVAL FROM APPOINTMENTS**

### **2.1 Duration of Appointments**

2.2 Unless a councillor resigns from any appointment or is removed by the Council, each of the appointments referred to in standing orders 1.5 and 1.6 will stand until the next ordinary election.

### **2.3 Removing the Provost, committee Convenors and committee members**

2.4 We may remove the Provost, Depute Provost~~(s)~~, Leader, Depute Leader, any ~~Chair~~~~en~~~~venor~~, Vice ~~Chair~~~~en~~~~venor~~ of a committee/sub-committee or any member of a committee/sub-committee (this includes appointed members and co-opted members).

2.5 Removing the Provost, Depute Provost~~(s)~~, Leader, Depute Leader, ~~Chair~~~~en~~~~venor~~ or Vice ~~Chair~~~~en~~~~venor~~ of a committee/sub-committee from office may only be considered at a special meeting of the Council. His or her replacement will also be appointed at this meeting.

2.6 Notice must be given under these Standing Orders. The meeting must have been called only for the purpose of deciding whether the Provost (or the Depute Provost~~(s)~~, Leader, Depute Leader, ~~Chair~~~~en~~~~venor~~ or Vice ~~Chair~~~~en~~~~venor~~) should be removed from office.

2.7 Any motion to remove the Provost, Depute Provost~~(s)~~, Leader, Depute Leader, ~~Chair~~~~en~~~~venor~~, Vice ~~Chair~~~~en~~~~venor~~ or any member of a committee/sub-committee may be carried by a simple majority of those members present and eligible to vote at the meeting at which the motion is put. The Provost, a ~~Chair~~~~en~~~~venor~~ (or, in the absence of the Provost or the relevant ~~Chair~~~~en~~~~venor~~, ~~a the~~ Depute Provost or Vice ~~Chair~~~~en~~~~venor~~ or other member chairing the meeting) shall not have a casting vote for the purposes of Standing Orders 2.4.

2.8 Removing any other member of a committee/sub-committee may only be considered if a notice of motion is submitted in line with the terms of Standing Orders.

### 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 ~~Chair~~ ~~convener~~, Vice ~~Chair~~ ~~convener~~ (in the absence of the ~~Convener~~ ~~Chair~~) and any member of a committee chairing a committee meeting in the absence of the ~~Chair~~ ~~convener~~ and Vice ~~Chair~~ ~~convener~~ 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~~
- ~~• Attainment and Improvement sub-committee~~
- ~~• Enterprise and Environment Committee~~
- ~~• Resources and Audit Committee~~
- Scrutiny Committee
- Audit & Finance Committee
- Planning Committee
- Regulatory Committee
- Workforce Committee
- Local Review Body

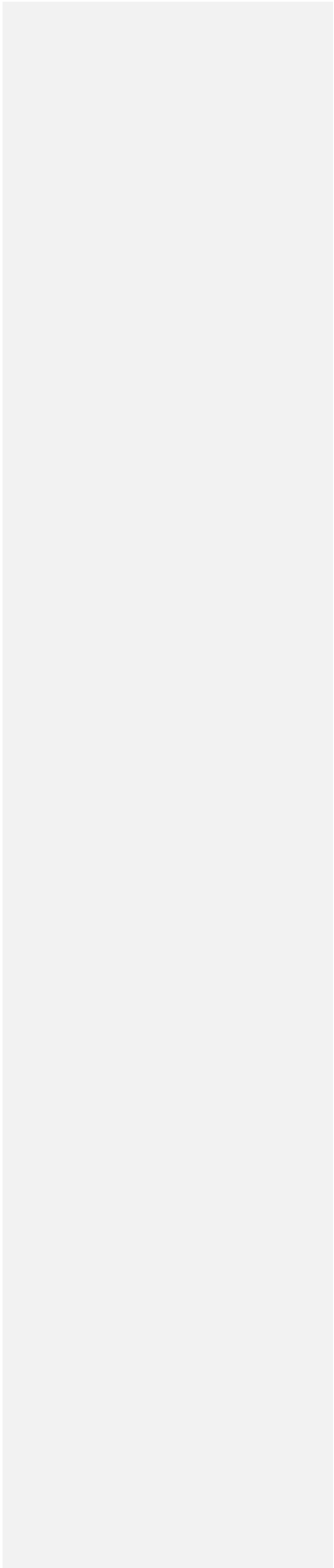
3.5 The number of members on each standing committee will be as follows.

	Members	Quorum	Appointed Members	Co-opted Members
<del>Housing, Health and Care Committee</del>	<del>8</del>	<del>4</del>	<del>-</del>	<del>-</del>
<del>Education, Sport and Leisure Committee</del>	<del>8</del>	<del>4</del>	<del>3 *(see 4.7 to 4.11)</del>	<del>-</del>
<del>Attainment and Improvement sub-committee</del>	<del>4</del>	<del>2</del>	<del>-</del>	<del>-</del>
<del>Enterprise and Environment Committee</del>	<del>8</del>	<del>4</del>	<del>-</del>	<del>4 (see 4.2)</del>
<del>Resources and Audit Committee</del>	<del>8</del>	<del>4</del>	<del>-</del>	<del>-</del>
<u>Scrutiny Committee</u>	<u>8</u>	<u>4</u>		
<u>Audit &amp; Finance Committee</u>	<u>8</u>	<u>4</u>		
Planning Committee	10	4	-	-
Regulatory Committee	8	4	-	-
Workforce Committee	Pool**	3	-	-

Local Review Body	10	3	-	-
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*\*\*3 Members to be drawn from a Pool of members willing to serve on the Committee.*

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~~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 unless appointed as a full member of the Committee. No other member or substitute may be appointed for this ex-officio membership.~~

~~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.~~

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### **3.68 Statutory Committees**

3.79 We will appoint the following statutory committees:-

#### 3.810 Attendance Committee

3.914 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.

#### 3.102 Education Appeals Committee

3.113 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.

3.124 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.

3.135 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.

3.146 Complaints Review Committee (Social Services)

3.157 The number of members and the constitution of the Complaints Review Committee (Social Services) will be set in line with council policy, as amended from time to time. However, any relevant statute will apply.

3.168 All members appointed to the Complaints Review Committee (Social Services) will be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

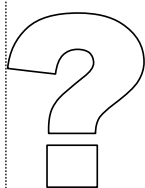
### 3.179 Joint committees

3.1820 We may make joint arrangements with other authorities to create joint committees or other groups for carrying out our statutory and other functions in accordance with sections 56 & 57 of the 1973 Act.

### 3.1924 Ad Hoc Committees

3.202 We may set up ad hoc Committees from time to time. The quorum of any ad hoc committee set up for a specific purpose will be at least one quarter of the members of the Council (including any appointed members but not including any co-opted members).

## 4.0 CO-OPTED & APPOINTED MEMBERS OF COUNCIL & COMMITTEES



Co-opted and appointed members of council and committees are members who are not councillors.

Appointed members are those individuals who are not councillors and who:

- a) sit on the ~~Education, Sport and Leisure Committee~~ Council as religious representatives
- b) are members of the Attendance Committee
- c) are members of the Education Appeals Committee
- d) are members of the Complaints Review Committee (Social Services)

Co-opted members are those individuals who are not councillors or appointed members and who sit on Council or any of our committees.

4.1 Subject to sections 57 and 59 of the 1973 Act (as amended by the 1994 Act), a committee may, if we approve, include within its members co-opted members or appointed members (or both), provided at least two-thirds of the members of all committees are councillors, (with the exception of any committee that has the power to decide on education matters, where at least half of the members of the committee

must be councillors). Persons we appoint to committees under this Standing Order will be appointed members, unless they are prevented from holding that office under section 59 of the 1973 Act. In this case, they will be appointed as co-opted members.

#### **4.2 Co-opted Members & Their Rights**

4.3 Co-opted members may:

- a) take part in the debate on issues coming before the committee of which they are members; and
- b) question officers as provided for in standing orders

4.4 Co-opted members may not:

- a) move or second a motion or amendment
- b) vote on any matter, including procedural matters, coming before a standing committee
- c) arrange a substitute (ref SO 9.14)

4.5 Co-opted members will not receive reports or other papers, including background papers, that contain exempt information (unless the appropriate committee agrees).

4.6 Co-opted members have no rights of access to reports or other papers containing confidential information.

#### **4.7 Appointed Members & Their Rights**

4.8 Appointed members are members of committees who are not elected members of the Council and who are not co-opted members. Appointed members will have rights equal to those of elected members with the following exceptions set out in these standing orders:

- appointed members may not take part in the vote on a motion to suspend standing orders (Ref Standing Order 20.3)
- unless a religious representative, an appointed member may not arrange for a substitute (ref Standing Order 9.13)

#### **4.9 Religious Representatives**

4.10 We must appoint three religious representatives to ~~the Education, Sport and Leisure Committee. The appointments are made~~Council in accordance with Section 124 of the 1973 Act (inserted by Section 31 of the 1994 Act)

4.11 Religious representatives only have voting rights on matters relating to the discharge of the authority's function as education authority.

**4.12 Non-Councillor Members of The Attendance Committee**

4.13 All members appointed to the Attendance Committee will (despite any provision of the Standing Orders) be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

**4.14 Non-Councillor Members of The Education Appeals Committee**

4.15 All members appointed to the Education Appeals Committee will (despite any provision of the Standing Orders) be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

**4.16 Non-Councillor Members of the Complaints Review Committee (Social Services)**

4.17 All members appointed to the Complaints Review Committee (Social Services) will (despite any provision of the Standing Orders) be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

The following Standing Orders also relate to co-opted and appointed members of Council or Committees:



6.4 - co-opted and appointed members cannot be counted as part of the required quorum (5) for a written request for a special meeting of the Council or any committee

8.7, 9.29, 9.30 - co-opted members must leave the room when a confidential item under section 50A(2) of the 1973 Act is discussed; this may also apply to appointed members

8.12 - the requirement for the press and public to leave the meeting if we agree that an item of business contains exempt information also applies to co-opted members but not to appointed members

9.14, 9.15 - the only co-opted or appointed members who can arrange for substitutes are religious representatives

9.17 - if a co-opted or appointed member does not go to any council or committee meetings for six months in a row, that member will no longer be a member of the council or committee unless we grant them leave of absence or we have approved their absence

9.19 - if a co-opted or appointed member is not able to go to the meeting for whatever reason, he or she may give his or her apologies either by telling the Head of Resources and Governance (before the meeting) or through another member who will give the apology at the beginning of the meeting. Only these apologies will be recorded in the minutes.

13.7, 13.13 - Co-opted members present at a meeting who do not have voting rights cannot not move or second a motion or an amendment

14.24. 14.26 - All appointed members of the Education Appeals Committee and the Complaints Review Committee (Social Services) are entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

18.2 in relation to questions which relate to the discharge of our functions as an education authority, appointed religious representatives may put a question that is relevant to the [Council to the Provost business of the Education, Sport and Leisure Committee to the Convener](#) (or to the Governance Manager for an explanation on a point of law or procedure), as long as the representative has given the question in writing to the Head of Resources and Governance no later than 12 noon, seven working days before the date of the meeting.

20.3 - Appointed members may not take part in the vote on a motion to suspend standing orders

## 5.0 POLITICAL RESPONSIBILITIES

5.1 Some of our members will have special areas of responsibility. These are:

<b>POSITION</b>	<b>COUNCIL SERVICES</b>	<b>POLICY AREAS</b>
Leader of Council	Resources and Governance	Community Planning Corporate Policy and Strategy Corporate Governance Financial strategy Best value
Depute Leader of the Council  <u>Spokesperson for Education</u>  <u>Spokesperson for Health &amp; Social Work</u>  <u>Spokesperson for Environment &amp; Housing</u>  <u>Chair of Scrutiny Committee</u>  <u>Chair of Audit &amp; Finance Committee</u>  <u>Chair of Planning Committee</u>	Strategy & Customer Services	Public Sector Reform Partnership Community Engagement
<u>Convener of Housing, Health &amp; Care</u>	<u>Housing</u> <u>Social Services</u>	<u>Care</u> <u>Health improvement</u> <u>Housing</u> <u>Health and Care integration</u> <u>Community safety</u>
<u>Convener of Education, Sport &amp; Leisure</u>	<u>Education</u>	<u>Education</u> <u>Sport</u> <u>Leisure</u>
<u>Convener of Enterprise &amp; Environment</u>	<u>Facilities Management</u> <u>Development &amp; Environment</u>	<u>Economic Development,</u> <u>Tourism, Employability</u> <u>Sustainability, Environment</u> <u>Roads and Transportation</u> <u>Waste Management</u>
<u>Portfolio Holder for Partnership, Equality &amp; Diversity</u>		<u>Equality and diversity</u> <u>Third Sector: Partnership, Joint Working, Funding, Scrutiny and Performance</u> <u>Role of Third Sector in delivery</u>

5.2 The ~~Chair's~~ ~~envener's~~ role in respect of Services includes:

- ensuring service performance is consistent with Council policies and procedures
- leading on service issues at a political level

The Spokesperson's role in respect of Services includes:

- monitoring service performance in accordance with Council policies and procedures
- leading on service issues at a political level

### 5.3 Policy forums

5.4 From time to time, we may set up policy forums to discuss particular issues. We will decide membership of forums. Policy forums will be chaired by an officer appointed by the Chief Executive.

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## **6.0 COUNCIL & COMMITTEE MEETINGS - ORDINARY & SPECIAL MEETINGS**

### **6.1 Ordinary meetings**

6.2 Subject to 6.3, Ordinary meetings will usually be held every ~~nine weeks~~ calendar month in the Council Chamber or at such other places and on such other dates and at such other times as the Provost may set.

6.3 Subject to there being business for the Committee, the Planning Committee will usually be held every six weeks in the Council Chamber or at such other places and on such other dates and at such other times as the Convener-Chair may set.

### **6.4 Special meetings**

6.5 A special meeting may be called at any time:

- by the Provost or in the absence of the Provost, by a Depute Provost; or
- by a written request signed by at least as many councillors as represents the quorum of the Council (which is 5) or Committee of the Council (see Standing Order 3.5) and which specifies the business proposed. Appointed members and co-opted members must not be included in the quorum number;
- the agenda for a special meeting will be limited to the item of business specified in the request for the meeting.

6.6 The agenda for a special meeting will be limited to items of business requiring a decision before the next ordinary meeting of the Council or of the relevant committee. If the Head of Resources and Governance believes that a request for a special meeting contains an item of business that does not meet this requirement, the item will be removed from the agenda. The councillors who have asked for the special meeting will be told this. They can ask for the item to be included on the agenda of the next scheduled ordinary meeting of the Council or appropriate committee.

6.7 A special meeting will be held within 10 working days from when the Head of Resources and Governance receives a valid request. This Standing Order may not be suspended.

## **6.8 Postponing Meetings**

6.9 In agreement with the Head of Resources and Governance, or the Clerk, the Provost may postpone any meeting to another day, time or place.

## **7.0 COUNCIL & COMMITTEE MEETINGS - NOTICE OF MEETINGS**

### **7.1 Notice to members of the Council & Committees**

7.2 Not less than five clear working days before the meeting, the Head of Resources and Governance will give notice of the meeting to all members of the Council or Committee in accordance with the 1973 Act (as amended).

7.3 If a member gives reasonable notice, the notice can be posted or delivered to him/her at his/her usual home address (or at any other address they inform the Head of Resources and Governance about in writing). The Head of Resources and Governance Services will decide the most efficient way to deliver the papers. The notice will contain or will come with:

- notice of the date, time and place of the meeting;
- an agenda setting out the list of items of business to be considered; and
- copies of any reports associated with the items on the agenda.

7.4 If a councillor or other committee member does not receive the notice, the meeting will still be valid (under paragraph 2(3) of schedule 7 of the 1973 Act).

7.5 All councillors will have access to all committee papers, including those containing Confidential and Exempt Information.

### **7.6 Notice to the press and public**

7.7 Subject to Standing Orders 8.10 to 8.17, Council meetings will be open to the public and the press. No later than five clear working days before a council meeting, the Head of Resources and Governance must publish the time and place of the intended meeting.



- 7.8 In accordance with the 1973 Act, and subject to Standing orders 8.10 to 8.17, copies of the items set out in the notice of meeting will be made available for inspection by members of the public at our offices as determined by the Head of Resources and Governance. Copies will also be made available on our website ([www.clacksweb.org.uk](http://www.clacksweb.org.uk)).
- 7.9 The Head of Resources and Governance may decide not to give notice to the press if a meeting is to be called at short notice or if the meeting is a meeting of the Workforce Committee and the business of the Committee includes information that is exempt under paragraph 1 of schedule 7A of the 1973 Act.
- 7.10 If possible, notice will be given not less than five clear working days before the meeting (there is a shorter statutory requirement of three days). Reports containing exempt information or confidential information (as defined in Standing Orders 8.19 and 8.21) will not be made available to the press or the public. Co-opted members will not receive reports containing confidential information. The appropriate committee will decide who should receive exempt information.
- 7.11 Copies of the agenda and accompanying reports will be available for the public to see at Council headquarters not less than five clear working days before the meeting (unless the meeting is called at shorter notice). If this happens, the agenda and reports will be available for the public to see as soon as is practical. We will also put copies of agendas on our website ([www.clacksweb.org.uk](http://www.clacksweb.org.uk)).

## **8.0 COUNCIL & COMMITTEE MEETINGS - MEETING AGENDAS**

### **8.1 Reports**

- 8.2 Officer reports must be signed by the appropriate Head of Service and Director. Joint service reports must be signed by all appropriate chief officers. The Head of Resources and Governance may, unless the appropriate officers can show good cause, refuse to admit to the agenda any report that is not signed in line with this standing order.
- 8.3 As far as appropriate, reports will be presented in the standard format, as prescribed by the Head of Resources and Governance. Failure to follow this Standing Order will not in itself make the report invalid.

8.4 If a committee asks that a report is passed to a Council meeting without making a decision, the full committee report shall be annexed to the council report .

Where approval of a committee decision is being sought, the report to Council shall refer to the relevant committee and date of meeting and set out the committee decision(s) to be approved..

As far as appropriate, the report will be presented using the template report for seeking Council approval of committee decisions prescribed by the Head of Resources and Governance. Failure to follow this Standing Order will not in itself make the report invalid.

8.5 Councillors preparing reports for us will be entitled to support from suitably qualified and experienced officers. In asking for support, Councillors will follow recommendations made by the Head of Resources and Governance. Councillors will also make sure that any officer who is asked to give support is given reasonable notice of what the councillor needs.

## **8.6 Agenda Structure**

8.7 The agenda for meetings will be divided into the following parts:

Part 1 Items to which members of the public and press have unrestricted access and during consideration of which the meeting will be open to the public in accordance with sections 50A(1).

Part 2 Items containing Exempt Information (section 50A(4) of the 1973 Act) . This part will set out which category of Exempt Information under schedule 7A of the 1973 Act may result in the public requiring to leave the meeting during a debate on the item.

Although an officer may have indicated that an item contains Exempt Information, we will decide if the public are to be required to leave the meeting when the item is being discussed.

Part 3 Items containing Confidential Information (section 50A(2) of the 1973 Act). By law, the public and the press (including co-opted members for this purpose) must not be present when the item is being discussed.

8.8 Any councillor will have the right to have an item placed on the agenda for a meeting, if they give the Head of Resources and Governance notice in writing (setting out the nature of the item) at least seven clear working days before the date of the relevant meeting

8.9 The final decision on which items will appear on the agenda rests with the Head of Resources and Governance in consultation with the Clerk.

**8.10 Exempt and Confidential Information**

8.11 Reports containing Exempt Information (exempt items) will be clearly marked 'Exempt' and that the report is 'Not for publication' because it contains Exempt Information within the meaning of schedule 7A of the 1973 Act. It is likely that the public will be required to leave the meeting during the debate on reports containing exempt information.

8.12 If any item of business being discussed at a Council meeting contains Exempt Information, we will decide if the press and public (including co-opted members but not appointed members) must leave the meeting while the discussion is taking place. This standing order may not be suspended.

8.13 Standing Order 8.12 will not apply to any Councillor going to a committee that he or she is not a member of. (See also SO 9.23)

8.14 Reports containing Confidential Information (confidential items) will be clearly marked 'Confidential' and that the report is 'Not for publication' because it contains confidential information within the meaning of section 50A (2) and (3) of the 1973 Act.

8.15 If any item of business being discussed at a Council meeting contains Confidential Information, the press and public (including co-opted members and in certain cases appointed members) must leave the room while the discussion is taking place. This Standing Order may not be suspended.

8.16 Standing Order 8.15 will not apply to any councillor going to a committee that he or she is not a member of. (See also SO 9.23)

8.17 The Head of Resources and Governance in consultation with the Governance Manager will decide whether a report contains Exempt Information or Confidential Information. If the Head of Resources and Governance in consultation with the Governance Manager advises that the item of business should be admitted to Part 1 as an unrestricted item of the agenda, the item will be given unrestricted circulation. However, our right to decide at the meeting to consider the item in private will still apply.

**8.18 Revealing information**

8.19 We will not reveal any document (or any part of any document) marked 'Not for publication by virtue of Paragraph ... of Part 1 of schedule 7A to the Local Government (Scotland) Act 1973' to the press or public unless and until the document has been made available to the public or the press under section 50A of the 1973 Act.

8.20 Information on any part of the proceedings of the Council which the public have not been allowed to see may not be revealed to the public unless and until we have authorised it or the information has been made available to the public or the press under section 50A of the 1973 Act. Co-opted members will only receive the information if the committee has agreed that they can have access to Exempt Information.

8.21 We will not reveal Confidential Information within the meaning of section 50A(3) of the 1973 Act contained in any background documents to the press or public (which for this purpose includes co-opted members) .

8.22 Without affecting the Councillors' Code of Conduct and standing orders no councillor will use or reveal to any person any Confidential or Exempt Information that comes to his or her knowledge through his or her office as a councillor.

## 9.0 COUNCIL & COMMITTEE MEETINGS - GENERAL OPERATION

### 9.1 Chairing Meetings

9.2 The Provost, if present, will chair council meetings. If the Provost is not present, ~~a the~~ Depute Provost will chair the meeting. If neither the Provost nor ~~a the~~ Depute is present, the councillors present will decide who will chair the meeting. The Standing Orders relating to the Provost will apply to the Depute Provosts or to any member chairing a meeting of the Council.

9.3 The ~~Convener~~Chair, if present, will chair committee meetings. If the ~~Chair~~convener is not present, the Vice ~~Chair~~convener will chair the meeting. If neither the ~~Chair~~convener nor the Vice ~~Chair~~convener is present, the members present who are eligible to vote will decide who will chair the meeting. The Standing Orders relating to the Provost will apply to any member chairing a meeting of a committee.

### 9.4 Quorum

9.5 The quorum is the minimum number of people who must be present before the council meeting can take place and make valid decisions.

9.6 No business will be carried out at a meeting unless a quorum of councillors is present. Quorums are as follows:

	Quorum
<del>C</del> Council	5*
<del>Scrutiny Committee</del>	4
<del>Audit &amp; Finance Committee</del>	4
<del>Education, Sport and Leisure Committee</del>	4
<del>Attainment and Improvement sub-committee</del>	2
<del>Enterprise and Environment Committee</del>	4
<del>Housing, Health and Care Committee</del>	4
<del>Resources and Audit Committee</del>	4
Planning Committee	4
Regulatory Committee	4
Workforce Committee	3
Local Review Body	3

\* Paragraph 4(1) of Schedule 7 of the 1973 Act

9.7 If 10 minutes after the time appointed for a meeting the quorum has not been met, the Provost, ~~Convener~~Chair or person chairing the meeting will postpone the meeting.

The minutes of the meeting will record that no business was carried out due to the lack of a quorum.

9.8 If at any time during a meeting a question arises on the presence of a quorum, the Provost, ~~Chair~~ or person chairing the meeting will (after allowing an interval of five minutes) arrange for the Councillors present to be counted. If a quorum of Councillors is not present, those agenda items which are unresolved will be postponed to a future meeting at a time and date that the Provost, ~~Chair~~ or person chairing the meeting decides. Notice of the rescheduled time and date may be given immediately or at a later date in line with Standing Order 7.2.

9.9 Decisions taken during that part of the meeting where there was a quorum present are valid.

#### **9.10 Attendance at meetings**

9.11 The names of the members (including co-opted members) present at each meeting and the names of those members (including co-opted members) who have sent an apology for not attending will be recorded in the minutes of the meeting.

#### **9.12 Substitutes**

9.13 If a Councillor cannot come to a meeting, he or she may arrange for any Councillor who has not already agreed to act as substitute for another Councillor to go to the meeting as his or her substitute. Councillors going to meetings as substitutes must tell the Clerk before the meeting starts. Details of the substitutions will be recorded in the minutes of the meeting. A Councillor (whether or not acting as a substitute) may not be replaced during a meeting. ('Meeting' includes any part of a meeting that has been postponed.)

9.14 If a religious representative who has been appointed under section 124 of the 1973 Act (as amended by section 31(4) of the 1994 Act), cannot come to a meeting, he or she may arrange for another person representing one of the 3 statutorily prescribed designations to go to the meeting as his or her substitute. Persons going to meetings as substitutes for religious representatives must tell the Clerk before the meeting starts. Details of the substitutions will be recorded in the minutes of the meeting. A religious representative (whether or not acting as a substitute) may not be replaced during a committee meeting. ('Meeting' includes any part of a meeting that has been postponed.)

9.15 No other co-opted or appointed member can arrange a substitute.

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### **9.16 Failure to Attend Meetings**

- 9.17 If a councillor does not attend any council meetings (which includes meetings of committees, sub-committees, joint committees, joint boards or other bodies carrying out any Council function and representing the Council at a meeting of any body of persons) for six months in a row, the councillor will no longer be a member of the Council, unless we grant them leave of absence or we have approved their reasons.

However, by virtue of section 35(3) of the 1973 Act members of the armed forces or civil service shall not cease to be councillors due to failure to attend a meeting for six months in a row as a result of employment on military service during war or an emergency. This provision applies to co-opted and appointed members.

- 9.18 If a Councillor does not attend any meetings of an external body to which he or she has been appointed by the Council for 12 months in a row and no substitute has attended in his/her place, the Councillor will no longer be a member of the external body unless we grant him/her leave of absence or if we have approved their reasons.
- 9.19 If a member of the Council (including co-opted and appointed members) is not able to go to a meeting for whatever reason, he or she may give his or her apologies either by telling the Head of Resources and Governance before the meeting or through another member who will give the apology at the beginning of the meeting. Only these apologies will be recorded in the minutes.

### **9.20 Councillors' Attendance At Committees They Are Not Members Of**

- 9.21 Councillors (but not co-opted or appointed members) have the right to go to all meetings of council committees even if they are not members of the committee. Councillors do not have the right to speak at any committee they are not a member of unless the matter being discussed concerns his or her ward and no other ward
- 9.22 If any issue we are considering affects, or is likely to affect, constituency interests in more than one council ward, this right will not apply.
- 9.23 The person chairing the meeting will decide whether a Councillor has the right to contribute to the proceedings under standing order 9.19 and will give reasons for his/her decision which shall be recorded in the minute.
- 9.24 Any Councillor using this right will only speak on the matter in question and may speak for no more than 5 minutes unless the Convenor determines otherwise.



9.25 Any Councillors attending a committee they are not members of can remain in the room during discussion of Exempt or Confidential items of business.

#### **9.26 Public Attendance At Meetings**

9.27 Members of the public may attend meetings as observers.

9.28 The taking of photographs, use of mobile phones or music players, and audio or video recordings are not permitted during meetings unless with the express permission of the Provost.

9.29 If any item of business being discussed at a council meeting contains Exempt Information we will decide if the press and public (which for this purpose includes co-opted members but not appointed members) must leave the room while the discussion is taking place. This Standing Order may not be suspended. (see SO 8.12)

9.30 If any item of business being discussed at a council meeting contains Confidential Information, the press and public (which for this purpose includes co-opted members and in certain cases appointed members) must leave the room while the discussion is taking place. This Standing Order may not be suspended. (see SO 8.15)

9.31 If there is any misbehaviour, we have the right to ask members of the public to leave.

9.32 We may exclude people from a meeting or require that they leave if their presence or behaviour is causing, or is likely to cause, a disturbance. The Provost may issue a warning to any person creating a disturbance or may order that person to be removed from the meeting.

9.33 If there is a general disturbance during any part of the meeting open to the public, the Provost may order the meeting to be cleared.

### **10.0 COUNCIL & COMMITTEE MEETINGS - CONDUCT**

#### **10.1 Powers & Duties of the Provost (applies to ~~Convenors-Chairs and other chairs~~)**

10.2 It is the duty of the Provost to make sure that standing orders are followed and to make sure that all members receive a fair hearing.

10.3 When the Provost begins to speak, other members must stop speaking.

- 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 reasons will be recorded in the Minute of the Meeting. 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 reasons will be recorded in the Minute of the Meeting. 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.

## 10.12 The Interests of Councillors in Contracts and Other Matters



A personal interest is an interest that must be registered or declared by a councillor under the Councillors' Code of Conduct. This includes non-financial interests that members of the public might reasonably think could influence the actions, speeches or votes of a councillor. A personal interest will also exist where a decision of the Council or of a committee of the Council will affect:

- a councillor, their partner, relative or close friends; or
- the organisation employing any of these people.

10.13 Any Councillor who has a personal interest in a matter arising at a meeting must take account of the Councillors' Code of Conduct before deciding whether or not he or she should take part in any discussion on the matter. He or she must seek the advice of the Head of Resources and Governance in consultation with the Governance Manager, where appropriate, on the terms of the Code and how it may affect the behaviour of any councillor in particular circumstances.

10.14 Formally registering a personal interest does not mean that a Councillor no longer needs to declare the interest if it is relevant to the business of the Council or a committee of the Council.

10.15 A Councillor must leave any Council meeting when a matter in which he/she has a personal interest is being considered.

## 10.16 The interests of employees in contracts and other matters

10.17 In addition to any duty under section 68 of the 1973 Act, if any employee of the Council knows that he or she has a financial interest in any contract that we have entered into (or propose to enter into), or in some other matter that we are to consider, and which (in either case) is not:

- a personal contract of employment with us; or
- the tenancy of a house we have provided;

he or she will give notice of the interest in writing to the Head of Resources and Governance.

10.18 Under this standing order, if a member of staff has a financial interest in a contract or other matter that is due to be considered at a meeting of the Council at which he or she is present, he or she must reveal the interest in accordance with section 39 of the 1973 Act.

### **10.19 Behaviour**

10.20 If the Provost determines that any member at any meeting is behaving or has behaved improperly or offensively, or is deliberately obstructing our business, the Provost may take any or all of the following courses of action:

- Ask the member to stop speaking during the rest of the debate on the matter under discussion.
- Ask for a vote on the proposal that the member is not allowed to contribute to the rest of the meeting. The motion does not need to be seconded and will be put to the vote without being discussed beforehand. If the motion is carried by a simple majority of those voting, the member named will not speak for the rest of that meeting. Although it may not have been seconded, the motion will be recorded in the minutes.
- Move that the member should leave the meeting. This motion does not need to be seconded and will be put to a vote without being discussed beforehand. If the motion is carried by a simple majority of those voting, the member named must immediately leave the meeting. Although it may not have been seconded, the motion will be recorded in the minutes.
- Postpone the meeting for a period of time that he or she considers to be appropriate.

10.21 Members are required to behaviour courteously at all times during meetings and to treat members and officers with respect.

### **10.22 Adjournments & Breaks**

10.23 The Provost may adjourn a meeting at any time for any reason. He/she shall state the reason for the adjournment which shall be recorded in the minute. An adjournment will last not longer than 15 minutes.

10.24 Subject to the Provost's effective management of the meeting, there may be a 10 minute break after approximately every two hours of sitting.

10.25 Subject to the Provost's effective management of the meeting, there may be a 30 minute meal break after approximately three hours of sitting.

## **11.0 COUNCIL & COMMITTEE MEETINGS - ORDER OF BUSINESS**

### **11.1 Order of Business**

11.2 The Provost may make a statement at the start of a meeting on any matter of civic importance. There will be no debate on such matters.

11.3 Discussion at ordinary meetings of the Council will usually take place in the following order.

- Roll call – The Head of Resources and Governance will arrange for the names of members present at the meeting to be recorded
- Recording apologies and notice of substitutions
- Declarations of interest
- The order of business
- Minutes of the previous meeting or meetings of the Council
- List of Committee meetings convened since the previous Council meeting
- Leader of the Council's Report on key issues and activities
- Committee Recommendations referred to Council for approval
- Any questions to the Provost (if the order of business set out in the agenda includes questions to the Provost, the Provost may decide at which stage of the meeting he or she will take the questions)
- Reports and other items of business that do not contain exempt or confidential information
- Motions (formal proposals for items to be discussed) from members
- Items containing exempt information where we decide the press and public can attend
- Items containing exempt information where we decide the press and public cannot attend
- Items containing confidential information.

11.4 The order of business may be rearranged by the Provost or if we agree on the motion of any councillor.

### **11.5 Urgent business**

11.6 No business, other than that set out on the agenda, will be carried out unless the Provost decides that due to special circumstances the item should be discussed as a matter of urgency (see section 50B(4)(a) and (b) of the 1973 Act).

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 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~~Spokesperson.

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 An amendment may not be moved or discussed until the original report has been moved and seconded.

13.10 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.

13.11 Amendments should normally 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.

13.12 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.

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

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

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

13.16 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

### **13.17 Speaking On A Motion Or Amendment**

13.18 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.

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

13.20 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).

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

### **13.22 Withdrawing a Motion or Amendment**

13.23 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.

### **13.24 Putting A Motion (or Motion as Amended) To Council**

13.25 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.



## 14.0 COUNCIL & COMMITTEE MEETINGS - VOTING

Co-opted members may not vote on any matter, including procedural matters, unless they are sitting on either the Education Appeals Committee or the Complaints Review Committee (Social Services) (ref SOs 4.4, 4.13, 4.15)



Appointed members may not take part in the vote on a motion to suspend standing orders (Ref Standing Order 20.3)

Members who have withdrawn from the meeting due to a personal interest may not vote on the item concerned (ref Standing Order 10.15)

Councillors attending committees they are not members of cannot vote even if they can speak 9.21

The Provost (or ~~Convener~~ or Chair) will not have a casting vote in relation to the filling of posts held by councillors and other representatives and in the appointment of employees (ref Standing Order 14.17, 14.22).

### General

- 14.1 Unless otherwise provided by law or standing orders, every question coming to or arising at a council meeting will be decided by a simple majority of the members who are present and eligible to vote on a show of hands.
- 14.2 After the Provost or ~~Convener~~ (or Chair) has announced that any matter is to be put to the vote, the Clerk will (if any member asks) explain that matter. The Provost will then start to take the vote. No member will interrupt the proceedings until the result of the vote is announced.
- 14.3 The Provost will ask firstly for votes on any amendment and then for votes on the motion or motion as amended. The Provost will confirm the outcome of the vote with the Clerk and announce the result of the vote.
- 14.4 Unless the law or standing orders provide otherwise, the Provost will have a 'casting vote'. He or she may exercise the casting vote if there is an equal number of votes for or against any motion or amendment.
- 14.5 When a motion and an amendment are before the meeting and notice has been given of one or more further amendments, the amendments and voting will be in the order in which notice was given.
- 14.6 If an amendment is defeated, other amendments (of which previous notice has been given) may be moved. If any amendment is moved and seconded, voting will proceed in accordance with standing orders.

#### **14.7 Roll Call Vote**

- 14.8 Any member (whether or not eligible to vote) can ask for a roll-call vote on any matter which is to be put to a vote.
- 14.9 If a vote is taken by roll call, the names of those members voting for or against the motion or amendment will be included as part of the minutes of the meeting.

#### **14.10 Recording Votes In The Minutes**

- 14.11 A member may ask that the minutes of the meeting record a note of his or her vote for or against any motion or amendment.
- 14.12 The minutes of the meeting will record the vote, including any abstentions (when someone has decided not to vote).
- 14.13 A member may ask that the minutes of the meeting record a note of his or her disagreement with a decision of the meeting.

#### **14.14 Filling Posts Or Offices Held By Councillors & Other Representatives**

- 14.15 If the number of councillors or other persons nominated to be appointed to any office or position to be filled by the Council is higher than the number of vacancies, there will be a vote (or votes). Each councillor will be entitled to vote for as many candidates as there are vacancies, but will not vote for more than one candidate for any single vacancy.
- 14.16 The names of all those nominated will be put to the meeting in alphabetical order of surname.
- 14.17 If only one vacancy needs to be filled and a candidate has an absolute majority (more than 50%) of the votes cast, the candidate will be declared to be appointed. If there is no absolute majority, the name of the candidate having the fewest votes will be taken off the list. This process will continue until a candidate has an absolute majority of votes cast (if there is only one vacancy) or until the number of candidates left equals the number of vacancies (if there is more than one vacancy). The candidate or candidates will then be declared or appointed.

14.18 If a vote involves more than two candidates having the fewest votes (and the same number of votes), another vote will take place to decide which candidate will be taken off the list. If the candidates with the fewest votes still have the same number of votes, the candidate to be taken off the list will be decided by drawing lots.

14.19 If only one vacancy needs to be filled and there are two candidates with an equal number of votes, the appointment will be decided by drawing lots.

14.20 Standing orders 14.15 to 14.19 do not apply to appointing officers (ref SO 14.22)

#### **14.21 Appointing Officers**

14.22 Where there are more than two candidates for any appointment and none gets an absolute majority of votes, the candidate having the fewest votes will not be considered further. Voting will continue until there is an absolute majority of the councillors, present and voting at the meeting, in favour of any candidate.

#### **14.23 Non-Councillor Representatives On The Attendance Committee**

14.24 All members appointed to the Attendance Committee will (despite any provision of the Standing Orders) be entitled to vote on any issue those committees are discussing, whether or not they are elected members of the Council.

#### **14.25 Non-Councillor Representatives On The Education Appeals Committee**

14.26 All members appointed to the Education Appeals Committee will (despite any provision of the Standing Orders) be entitled to vote on any issue this committee is discussing, whether or not they are elected members of the Council.

#### **14.27 Non-Councillor Representatives On the Complaints Review Committee (Social Services)**

14.28 All members appointed to the Complaints Review Committee (Social Services) will (despite any provision of the Standing Orders) be entitled to vote on any issue this committee is discussing, whether or not they are elected members of the Council.

## **15.0 COUNCIL & COMMITTEE MEETINGS - PROCEDURAL MOTIONS**

- 15.1 The procedural motions specified below will be allowed during the discussion of another motion or at such appropriate point as the Provost shall determine. A procedural motion can only proceed with the consent of the Provost. He/she shall state reasons for his/her decision which shall be recorded in the minute and which shall be open to challenge in terms of SO 10.5
- 15.2 When a procedural motion has been moved and seconded, it will be put to the vote without being discussed beforehand. Co-opted members may not move or second a procedural motion. The result of the vote will be recorded in the minutes of the meeting.
- 15.3 If a procedural motion is defeated, a similar motion will not be accepted until two additional members who want to speak on the motion or amendment under debate, and who have not already done so, have been allowed to speak.
- 15.4 **That we Move to the Next Item Of Business**
- 15.5 We may decide if the Provost agrees, to move to the next item of business in accordance with Standing Order 15.2.
- 15.6 **That The Matter Is Put To The Vote**
- 15.7 The Provost may refuse to accept this motion if he or she believes that the matter before the meeting has not been discussed in enough detail.
- 15.8 If the Provost accepts the motion, it will be immediately voted on in accordance with Standing Order 15.2.
- 15.9 If the motion is carried, the mover of the substantive motion may use the right of reply and the matter will be put to the vote immediately thereafter.
- 15.10 **That the debate should be postponed**
- 15.11 If the Provost thinks that the matter before the meeting has been sufficiently discussed, he or she may refuse the motion and put before Council the motion 'that the matter is put to the vote'.

15.12 If the Provost's motion 'that the matter is put to the vote' is not seconded or is defeated, he/she will put the motion 'that the debate should be postponed' to the vote provided it has been seconded. If that motion is carried, the continued debate on the matter will be postponed to the next ordinary meeting of Council.

**15.13 To continue an item of business**

15.14 We may continue the discussion on any item of business to another day, time or place in accordance with Standing order 15.12.

15.15 If the motion 'to continue an item of business' is carried, the original substantive motion will be carried over to the next meeting of the Council.

**15.16 That the meeting should be postponed**

15.17 We may postpone a meeting in accordance with Standing Order 15.12.

**16.0 COUNCIL & COMMITTEE MEETINGS - NOTICES OF MOTION INTENDED FOR CONSIDERATION AT THE NEXT MEETING**

16.1 A notice of motion will be in writing and will be signed by the member presenting it.

16.2 Notice must be delivered to the Head of Resources and Governance at his or her office no later than seven clear working days before the date of the next meeting of the Council. If this deadline is missed, the motion will not be included in the agenda.

16.3 Every motion must be relevant to matters within our powers and duties or involve an issue that will affect, or is of interest to the people of Clackmannanshire.

The Head of Resources and Governance in consultation with the Governance Manager may refuse to accept any notice of motion which (due to any enactment, rule of law or any provision of these standing orders), should not be considered. In these circumstances, the Head of Resources and Governance in consultation with the Governance Manager will (within two working days of receiving the notice of motion) tell the member putting forward the motion of this decision and, if asked to do so, will set out reasons in writing.

- 16.4 Motions may not contain offensive or abusive language and may not contain argument. The Head of Resources and Governance in consultation with the Governance Manager may refuse to accept any motion that fails to meet these requirements.
- 16.5 The Head of Resources and Governance will include (in the order in which he or she received them) on the agenda for the next meeting motions of which valid notice has been given and which have been accepted in terms of Standing Orders 16.3 and 16.4. He or she will record the date and time of receiving the notice on the original notice.
- 16.6 If the Head of Resources and Governance considers that, after having consulted the Provost, more than one motion deals with the same subject matter, only the motion lodged first will be included on the agenda.
- 16.7 A motion may only be considered by a committee if it is within the powers of the committee to decide on the motion.
- 16.8 If a councillor has had a motion accepted on to the agenda of any meeting, we may still consider the motion even if the councillor is not present. Before we can consider the motion and vote on it, it must be moved and seconded by members present at the meeting. If this fails to happen, the motion will be dropped from the agenda and cannot be raised again except as a new motion at a future meeting of the Council.

## **17.0 COUNCIL & COMMITTEE MEETINGS - WITHDRAWING PREVIOUS DECISIONS**

- 17.1 No motion that tries to alter or withdraw a council or committee decision (or has that effect) will be considered or passed for at least six months from the date of the original decision, unless:
- the Provost is satisfied that circumstances have changed in a relevant way . The Provost shall give his or her reasons for determining that circumstances have changed in a relevant way which shall be recorded in the minute.
  - the notice of the meeting indicates that the decision may be withdrawn or altered (this information does not need to be specifically highlighted if the withdrawal or alteration is set out in the terms of a report or of any committee minute put forward to us); or
  - a decision is required by law.

## **18.0 COUNCIL & COMMITTEE MEETINGS - QUESTIONS TO THE PROVOST**

- 18.1 Any councillor may put a question that is relevant to the business of the Council to the Provost (or to the Governance Manager for an explanation on a point of law or procedure), provided the member has given the question in writing to the Head of Resources and Governance no later than 12 noon, seven working days before the date of the meeting.
- 18.2 Standing Order 18.1 will also apply to religious representatives we have appointed in relation to questions which relate to the discharge of our functions as an education authority.
- 18.3 If there is any doubt or dispute, the Provost will decide whether the question is to be answered verbally or in writing.
- 18.4 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.
- 18.5 If the Provost decides that a question is out of order, the question will not be answered. The Provost will give reasons for his/her decision. The reasons will be recorded in the minute of the meeting.
- 18.6 The councillor who asked the original question may ask two supporting questions to make the answers clearer. The Provost will decide whether the supporting questions will be answered verbally or in writing.
- 18.7 The Provost may decide to refer the question to the ~~Convener of the~~ appropriate spokesperson committee, to the Leader of the Council, or to an officer of the Council.
- 18.8 Questions and answers will be recorded in the minutes.
- 18.9 '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 Provost, are so closely related that they should be treated as one subject.
- 18.10 Questions to the Provost may not be opened up to general debate.

## 19.0 COUNCIL & COMMITTEE MEETINGS - QUESTIONS TO ~~CONVENORS~~

### CHAIRS

- 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 ~~Convener-Chair~~ (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 ~~Convener-Chair~~ decides that a question is out of order, the question will not be answered. The ~~Chair convener~~ 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 ~~Chair convener~~, are so closely related that they should be treated as one subject.
- 19.7 Questions to the ~~Chair convener~~ may not be opened up to general debate.
- 19.8 No supporting questions will be allowed in the case of questions to ~~Convenorscommittee Chairs~~.
- 19.9 A question may only be put to the ~~Chair convener of~~ a committee if the subject matter of the question is relevant to the committee's remit.
- 19.10 A ~~Chair convener of~~ a Committee may be requested to attend ~~Scrutiny Resources and Audit~~ Committee to answer questions on matters relevant to that committee's remit which are under consideration by ~~Scrutiny Resources and Audit~~ Committee. The committee ~~Chair convener~~ will be given as much notice as is reasonably practicable of the requirement to attend and the issue to be discussed.



## **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.
- 20.3 Appointed members may not take part in the vote on a motion to suspend standing orders.
- 20.4 Committees cannot suspend our financial regulations or contract standing orders.
- 20.5 Standing Orders 20.2.to 20.4 cannot be suspended.

The following Standing Orders already referred to also cannot be suspended:

- 6.7 A special meeting will be held within 10 working days from when the Head of Resources and Governance receives a valid request.
- 8.12 If any item of business being discussed at a council meeting contains exempt  
9.29 information, we will decide if the press and public must leave the room while the discussion is taking place. This standing order will apply to co-opted representatives but not appointed representatives.
- 8.15 If any item of business being discussed at a council meeting contains confidential  
9.30 information, the press and public must leave the room while the discussion is taking place. This will apply to co-opted representatives and may apply to appointed members.



### **20.6 Amending Standing Orders**

- 20.7 Standing orders can only be changed or abolished when notice has been given at a meeting of the Council that proposals to amend standing orders will be brought before the next meeting and regardless of circumstances must appear as an item on the agenda of that meeting.

## 21.0 COUNCIL & COMMITTEE MEETINGS - MINUTES OF MEETINGS

- 21.1 Minutes of council meetings will be prepared by the Head of Strategy and Customer Services and, issued to members of the Council no later than five clear working days before the next ordinary meeting of the Council with the items listed in SO 7.3. The minutes will record decisions only. Members do not have the right to have matters noted in the minute other than as provided for in these Standing Orders. The minutes will be submitted for approval, corrected if necessary and when agreed to be a true record of the proceedings of the meeting they relate to signed by the Provost.
- 21.2 No discussion or amendment will be accepted on minutes of a previous meeting, other than an objection that they are not a correct record. Any objection for this reason will, if not agreed, result in an amendment to a motion approving the minutes or part of the minutes.
- 21.3 A voting member who was not present at the meeting that the minutes refer to may ask that the minutes of the current meeting record their disagreement with a decision recorded in the minutes of the earlier meeting.

The following matters referred to in the following Standing Orders will also be included in the minutes of Council and Committee meetings:



- 9.11 The names of the members present at each meeting will be  
9.13 recorded in the minutes of the meeting, as well as the names of those members  
9.14 who have sent an apology for not attending and any substitutes attending.
- 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. These reasons will then be recorded in the minutes of the meeting
- 14.9 If a vote is taken by roll call, the names of those members voting for or against the motion or amendment will be included as part of the minutes of the meeting.
- 14.11 A member may ask that the minutes of the meeting record a note of his or her vote for or against any motion.
- 14.12 The minutes of the meeting will record the vote, including any abstentions (when someone has decided not to vote)
- 14.13 A member may ask that the minutes of the meeting record a note of his or her disagreement with a decision of the meeting.
- 15.2 The outcome of a vote on procedural motions will be recorded in the minute.
- 18.8 Questions and answers to the Provost will be recorded in the minute.

## **22.0 DELEGATION**

### **22.1 Delegation arrangements**

22.2 We may make a scheme of delegation to committees and officers to carry out our functions. The scheme of delegation will form part of and be read with these standing orders.

### **22.3 Delegation to committees and officers**

22.4 If the law and these standing orders allow, we will delegate our functions, services, activities or other matters (whether under statute or otherwise) to relevant committees and officers but only insofar as permitted within our Scheme of Delegation.

22.5 We may vary, add to, withdraw or restrict any reference to delegation to any committee or officer, or by specific authority refer any function to any committee or officer. Despite the terms of standing order 22.2, any single matter may be referred to a committee or officer as a specific authority by a simple majority of members present and eligible to vote.

22.6 Any arrangement contained in or made under the scheme of delegation for a committee or officer to carry out a function will not prevent us or the relevant committee from carrying out that function. To avoid any doubt, we or the committee may not act on any matter so as to overrule a decision taken by a committee or officer under delegated powers where action in carrying out that decision has already been taken (as that would be against the law).

## **23.0 DEEDS & OUR COMMON SEAL**

23.1 Under the 1973 Act and the Requirements of Writing (Scotland) Act 1995, deeds that we have to sign and seal will be sealed with our common seal and signed on our behalf by the Chief Executive or the Governance Manager (or any other proper officer who has been authorised by either of them).

23.2 The Governance Manager will be responsible for keeping safe and using our common seal.

