

ANGUS COUNCIL INTERIM STANDING ORDERS

PART I - PRELIMINARY

1. Application of Interpretation Act

The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament. Any Standing Order that is in italics is a statutory requirement and cannot be altered.

2. Commencement

These Standing Orders shall apply with effect from **X date** and shall be known as the Angus Council Interim Standing Orders

3. Definitions

In these Standing Orders, the following words and expressions shall have the meanings hereinafter expressly assigned to them, that is to say:-

“Council” means the Angus Council established by the 1994 Act

“the 1973 Act” means the Local Government (Scotland) Act 1973

“the 1989 Act” means the Local Government and Housing Act 1989

“the 1994 Act” means the Local Government etc (Scotland) Act 1994

“Proper Officer” means the person designated as such and for the purpose specified by the Council

“Head of Paid Service” means the person designated as such by the Council under Section 4 of the 1989 Act

“Monitoring Officer” means the person designated as such by the Council under Section 5 of the 1989 Act, or, if that person is unable to act owing to absence or illness, the person nominated by him/her as his/her deputy under sub-section (7) of that section

“Finance Officer” means the person designated by the Council for the purpose of Section 95 of the 1973 Act

“Standing Committee” means a Committee referred to in Standing Order No 31 or any other Committee which may be so designated by the Council at any time

“Angus Council Interim Standing Orders means the Standing Orders of the Council which apply from **x date** until such time as Angus Council decides otherwise”

“Angus Council Main Standing Orders means the Standing Orders of the Council which were put in place with effect from 10 May 2019”

“Order of Reference” means the Order of Reference specifying the functions referred and the functions delegated to the respective Standing Committees, and those functions delegated to the Special Arrangements Committee and the Special Children and Learning Committee as appended to the Angus Council Main Standing Orders including any made in terms of the recommendations agreed by Angus Council on 3 April 2020 in respect of the Council Report COVID-19: Special Arrangements In Relation To Decision Making Powers

“Scheme of Delegation” means the Scheme of Delegation specifying the functions delegated to the respective officers, as appended to Angus Council Main Standing Orders including any amendments made in terms of the recommendations agreed by Angus Council on 3 April 2020 in respect of the Council Report COVID-19: Special Arrangements In Relation To Decision Making Powers

“Statutory Officers” have the meaning shown in both Sets of Standing Orders at 45

“Working day” means any day, excluding Saturday and Sunday and any day on which Angus Council’s offices are closed.

“Clear day” means in relation to a notice, summons, or application, a working day falling between the date of the notice, summons or application and the meeting to which the notice, summons or application relates, but excluding the date of the notice, summons or application and the date of the meeting to which the notice, summons or application relates.

“Remote Members” elected members who attend Council, Committee or Sub-Committee meetings remotely.

The Special Arrangements Committee shall take on all such functions of Council and other Committees detailed in terms of the recommendations agreed by Angus Council on 3 April 2020 in respect of the Council Report COVID-19: Special Arrangements In Relation To Decision Making Powers and these standing orders known as the Angus Council Interim Standing Orders shall be read in light of such.

4. Financial Regulations

- (1) The Council shall make Financial Regulations to provide the framework within which the financial administration is to be conducted and ensure that sound financial control is operated. The provisions in Both Sets of Standing Orders, the Order of Reference of Committees and the Scheme of Delegation to Officers should be applied in accordance with the Council’s Financial Regulations.
- (2) The provisions of the Financial Regulations made by the Council in accordance with (1) above, so far as relating to procedures for tendering and contracts, shall be deemed to be part of Both Sets of Standing Orders for the purposes of Section 81 of the 1973 Act.
- (3) The provisions of the Financial Regulations shall be read in conjunction with Both Sets of Standing Orders in relation to the procedures for determining the annual revenue and capital budgets.

5. Application of Standing Orders to Committees and Sub-Committees

In these Standing Orders, those marked † in the margin shall apply (with the necessary changes) to Committees and Sub-Committees.

PART II - MEETINGS AND PROCEEDINGS OF THE COUNCIL

6. First Meeting of the Council after Elections

- (1) *The first meeting of the Council after the periodic ordinary election of Councillors shall take place on such date (within 21 days of the date of the election) as the Council may have determined prior to the election.*
- (2) Business to be transacted at such meeting shall be:-
 - (i) *the election, from among the members of the Council, of the Convener of the Council, who shall be known as the Provost, and, until such election has been completed, the Returning Officer shall preside;*
 - (ii) the election of a Depute Convener of the Council, who shall be known as the Depute Provost;
 - (iii) the election of a Convener and Vice-Convener of each of the Standing Committees of the Council;
 - (iv) the appointment of the members of Standing Committees;
 - (v) the appointment of members to represent the Council on Joint Boards, Joint Committees of the Council and other local authorities, and outside bodies on which the Council is entitled to be represented; and
 - (vi) *the adoption of a timetable of meetings of the Council.*
- (3) *In the case of an equality of votes, the Provost shall have a second or casting vote, except in any vote relating to the appointment of a member of the Council to any office, Committee or Sub-Committee, or to represent the Council on any other body, where, in the case of equality of votes the matter shall be determined by lot the method of which will be by the cutting of cards.*

7. Conveners and Vice-Conveners

- †(1) *At a meeting of the Council, the Provost or, in his/her absence, the Depute Provost shall preside. In the absence of both the Provost and Depute Provost, the Proper Officer shall call on the members of the Council to choose a member to preside.*
- (2) The term of office of the Provost and Depute Provost and of the Conveners and Vice-Conveners of Standing Committees shall be the term of office of the Council or, in the case of a person appointed to fill a casual vacancy, the remainder of that term.
- (3) The holders of the offices mentioned in sub-paragraph (2) above shall cease to hold office immediately on their ceasing to be a Councillor and shall be entitled to resign at any time during their term of office. At the conclusion of their term of office, they shall be eligible for re-election provided that they are re-elected as Councillors.
- (4) On a casual vacancy arising in any of these offices, an election to fill the vacancy shall be held as soon as practicable at a meeting of the Council, the agenda for which shall specify the filling of the vacancy as an item of business, and the election shall be conducted in the manner specified in Standing Order 6(3).

8. Meetings of the Council

- †(1) *Meetings of the Council shall be held at the places agreed by the Council or at such other places as the Provost shall determine.*
- (2) The ordinary meetings of the Council shall be held in accordance with the timetable approved by the Council, except that the Provost shall have the power, where in his/her sole discretion special circumstances so require, to alter or cancel the date of any meeting.

- (3) Special meetings of the Council for the consideration of the annual budget shall take place in accordance with the timetable fixed from time to time by the Policy and Resources Committee.
- (4) *A special meeting of the Council may be called at any time by the Provost or if required by at least seven members of the Council, and in the latter case shall be held within fourteen days of receipt of the requisition by the Director of Legal and Democratic Services.*

In the case of a requisitioned meeting, the notice required to be published in terms of Standing Order 9 shall in addition be signed by the members calling the meeting and shall specify the business proposed to be transacted at the meeting.

- (5) Should any group of elected members or an elected member wish to bring proposals regarding the Council's revenue and capital budgets to the annual Special Council meeting to set the Council Tax those budget proposals must be agreed with and a final version submitted to the Director of Finance no later than 15 working days before the date set for the Council Tax setting meeting (or by such other shorter period as may be agreed with the Director of Finance) and such budget proposals, excluding the rate of council tax to be set and proposed contributions to or from the Council Reserves (which will be disclosed as part of the formal motion/amendments at the meeting), will be published together as part of the Council reports for that Council meeting. For the avoidance of doubt, this will not prevent an elected member bringing an amendment or amendments to any budget proposals during the Council meeting as provided for in Standing Orders.

†9(a). Calling of Meetings

- (1) *Not less than three clear days before a meeting of the Council:*

 - (i) *notice of the time and place of the meeting shall be published at the principal office of the Council; and*
 - (ii) *a summons to attend the meeting, with an agenda specifying the business to be transacted and signed by the Director of Legal and Democratic Services, shall be delivered or sent by post to the usual place of residence of every member of the Council or such other place as a member may have specified by notice in writing to the Director of Legal and Democratic Services.*

- (2) *The validity of any meeting of the Council shall not be affected by the failure of any member to receive notice of a meeting.*

9(b). Remote Meetings Arrangements

Remote Members will be counted for the purposes of determining whether there is a quorum.

- A Remote Member will cast their vote as if participating in a roll call vote.
- Any Remote Member who has declared an interest in an item and withdrawn must pause/exit the communication link whilst the item is being considered. The Clerk will inform/re-invite the Remote Member (whether by email or otherwise) when to re-start the link and resume their participation.
- Any Remote Member must confirm that they are in a secure private location, and that no-one else is able to hear the proceedings from the device being used by that Remote Member, before they can participate in the consideration of any confidential and/or exempt item of business.

10. Quorum

- (1) *Subject to any statutory provision, seven members shall constitute a quorum at all meetings of the Council.*
- †(2) If, ten minutes after the time specified for the start of a meeting of the Council, a quorum is not present, no business shall be transacted and the meeting shall be adjourned until such date and time as the Provost shall determine.
- †(3) If, during any meeting of the Council, the Provost finds that there are fewer than seven members present, the meeting shall be suspended. At the end of ten minutes, the roll shall be called and if a quorum is not present, the meeting shall be adjourned until such other date and time as the Provost shall determine.

11. Order of Business

- (1) At an ordinary meeting of the Council, the business shown on the agenda shall (unless otherwise agreed by the Council at the meeting) proceed in the following order:-
 - (i) Declarations of Interest;
 - (ii) Reception of deputations;
 - (iii) Minutes of the Council and Committees (which, unless reported for information only, shall be read or held as read, considered and disposed of);
 - (iv) Questions of which due notice has been given in terms of Standing Order 24(1), in the order in which they have been received by the Director of Legal and Democratic Services;
 - (v) Motions of which due notice has been given in terms of Standing Order 25(1) in the order in which they have been received by the Director of Legal and Democratic Services;
 - (vi) General Business, including matters which the Council is required by statute to enact at a meeting of the authority;
 - (vii) Business determined by the Provost to be a matter of urgency by reason of special circumstances.
- †(2) *Except as otherwise prescribed by statute, no item of business shall be considered at a meeting of the Council unless either:-*
 - (i) *a copy of the agenda including the item has been open in advance to inspection by members of the public in terms of the 1973 Act; or*
 - (ii) *by reason of special circumstances which shall be recorded in the minutes of the meeting, the Provost is of the opinion that the item should be considered at the meeting as a matter of urgency.*

†12. Reception of Deputations

- (1) Every application for the reception of a deputation must be in writing, duly signed and delivered or faxed or e-mailed to the Director of Legal and Democratic Services no later than 5pm on the working day preceding the meeting at which the deputation wish to be received. The application must relate to an issue that is time critical or necessary. The application must state the subject on which the deputation wish to be received and the action (if any) which it is proposed that the Council should take.
- (2) If the application to be received is granted (if necessary after a vote), the deputation shall consist of not more than ten persons.

- (3) No more than two members of any deputation shall be permitted to address the meeting and they may speak in total for no more than ten minutes.
- (4) Any member of the Council may put any relevant question to the deputation, but shall not express any opinion on the subject matter until the deputation has withdrawn. If the subject matter relates to an item of business on the agenda, no debate or discussion on it shall take place until the relevant minute or other item falls to be considered in terms of the order of business.
- (5) No deputation from a party will be considered on an item relating to tenders or staffing conditions of service.

†13. Applicants, Supporters and Objectors

- (1) Where the Council is acting in a regulatory capacity, applicants, supporters and objectors, along with other persons whose Convention rights (within the meaning of Section 1(2) of the Human Rights Act 1998) are or will be directly affected by the decision of the Council, shall be given an opportunity to address orally any points which they wish the relevant meeting of the Council, Committee or Sub-Committee to take into account in coming to its decision. For the avoidance of doubt, this shall not be an opportunity to table submissions, drawings, plans, show slides/make visual presentations, unless the Convener of the meeting, in his/her sole discretion, considers it appropriate in exceptional circumstances to permit this.
- (2) Subject to any statutory provisions providing differently, the following procedures shall apply to applicants, supporters, objectors and any other persons with an interest (hereinafter referred to as "relevant parties") who wish to address a meeting to which this Standing Order applies.
- (3) Relevant parties who wish to be heard at a meeting must submit an application (either in writing, by electronic mail, by fax or by telephone) to the Director of Legal and Democratic Services no later than 5.00 pm on the working day preceding the meeting at which they wish to be heard. For the avoidance of doubt, all statutory consultees on a regulatory matter shall be exempt from the need to apply to be heard at meetings.
- (4) Relevant parties (or any spokesperson representing them) shall be allowed an appropriate time in which to present their case. However, the Convener of the meeting may restrict any lengthy speeches by parties, for example where a point is merely being repeated, and, in the interest of business efficiency, give guidance to the speakers as to what he/she considers to be a reasonable time (normally 5 minutes). After each individual relevant party has spoken, a member of the Committee or Sub-Committee (or at a meeting of the Council, a member of the Council) may put any relevant question to that speaker, but shall not express an opinion on the subject matter until the relevant parties have withdrawn to the public benches.
- (5) For the avoidance of doubt, applicants shall have the last word in relation to their application and shall therefore be permitted to speak after all other relevant parties have been heard.

14. Petitions

Where the petition relates to a matter where the Council is acting in a regulatory or quasi judicial capacity this will form part of the planning or licensing process and be dealt with separately to this Standing Order.

Petitions may be lodged in paper form or as an e petition to the appropriate Director. Where the petition exceeds 50 signatories, details are to be provided to the Director of Legal and Democratic Services for inclusion in a Schedule to a report presented as required to the Scrutiny and Audit Committee.

Petitions will only be accepted where the name and address has been provided with all signatories requiring to be resident in Angus.

Following consideration of the initial report, the committee may:

- (i) Note receipt of the petition and take no further action;
- (ii) Determine that appropriate action has already been taken or is planned, and no further action is necessary;
- (iii) Request a fuller report from the relevant officer;
- (iv) Undertake a detailed scrutiny review, gather evidence and make recommendations to the relevant committee.

Notwithstanding (i) – (iv) above, the committee may refer the matter to full Council, where in the view of the Scrutiny and Audit Committee, its significance requires a debate.

†15. Order of Debate

- (1) Any member of the Council wishing to speak at any meeting of the Council shall so indicate by verbally intimating this, when called upon, and address the Provost and restrict his/her remarks:-
 - (i) to the matter before the meeting by moving, seconding or supporting a motion or any relative amendment;
 - (ii) to moving or seconding a procedural motion;
 - (iii) to asking a question;
 - (iv) to making a point of clarification; or
 - (v) to raising a point of order.
- (2) No member shall speak in support of a motion or amendment until it has been seconded.
- (3) No member shall speak more than once (except when raising a point of order, making a point of clarification, moving or seconding a procedural motion) in a debate on any one motion and amendment. However, the mover of the substantive motion (or an amendment which has become the substantive motion) in any debate shall have a right of reply but, in so replying, shall not introduce any new matter.
- (4) After the mover of the substantive motion has commenced his/her reply, no member shall speak in the debate except when raising a point of order or moving or seconding a procedural motion.
- (5) Any member wishing to raise a point of order may do so (but only immediately after it has arisen) by stating that he/she is raising a point of order. Any member then speaking shall stop speaking and the Provost shall call upon the member raising the point of order to state its substance. No other member shall be entitled to speak to the point of order except with the consent of the Provost. The Provost shall give a ruling on the point of order, either immediately, or after such adjournment as he/she considers necessary. Thereafter, the member who was previously speaking shall resume his/her speech, provided the ruling so permits.

- (6) Any member wishing to ask a question relating to the matter under consideration may do so at any time before the formal debate begins.

†16. Motions and Amendments

- (1) Other than for any regulatory or quasi-judicial meetings, the mover of any motion or amendment shall, immediately upon being called upon by the Provost to speak, state the exact terms of the motion or amendment before proceeding to speak in support thereof. The mover of any motion or amendment will be required to submit such terms to the Director of Legal and Democratic Services no later than 5pm on the working day preceding the meeting at which the matter is to be discussed, except in the case of:-
 - (i) motions or amendments to approve or disapprove without further qualification;
 - (ii) motions or amendments to remit for further consideration; and
 - (iii) motions or amendments the terms of which have been fully set out in a minute of a Committee or Report by an officer.
- (2) Every amendment must be relevant to the motion to which it is moved. The Provost shall decide as to the relevancy and shall have the power, with the consent of the meeting, to conjoin motions or amendments which are not inconsistent with each other.
- (3) All additions to, omissions from, or variations upon a motion shall be considered as amendments to the motion and shall be disposed of accordingly.
- (4) A motion or amendment once moved and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (5) Where an amendment to a motion has been moved and seconded, no further amendment may be moved until the result of the vote arising from the first amendment has been announced.
- (6) If an amendment is rejected, a further amendment to the original motion may be moved. If an amendment is carried, it shall take the place of the original motion and any further amendment shall be moved against it. Following consideration of the original amendment, a maximum of two further amendments to a motion will be permitted, subject to the member proposing to move such an amendment giving notice of it prior to the vote being taken.
- (7) A motion for the approval of a minute (or any part thereof) or a report of a Committee shall be considered as an original motion and any proposal involving alteration or rejection of such minute shall be dealt with as an amendment.
- (8) The Provost shall have the prior right to move the approval of the minute (or any part thereof) of any meeting of the Council or any recommendations in a Report by an officer.
- (9) A motion (which has not been the subject of a report or recommendation to the Council) which would involve expenditure not provided for, or reduce income provided for in the Capital or Revenue Budgets shall not be competent unless accompanied by information provided by the Director of Finance on the costs and funding options, unless the Council in an emergency specifically resolves otherwise (see Guidance Note attached).
- (10) A motion to challenge the accuracy of a minute of a meeting shall not be competent unless intimated in writing to the Director of Legal and Democratic Services at least two working days prior to the meeting at which the minute is being submitted for approval as a correct record, unless the said minute has not been circulated with the papers for the meeting.

- (11) (i) A motion or amendment moved but not seconded, or which has been ruled by the Provost to be incompetent, shall not be put to the meeting nor shall it be recorded in the minute, unless the mover immediately gives notice to the Director of Legal and Democratic Services requesting that it be so recorded.
- (ii) Alternatively, a member may request his/her dissent to be recorded in the minute in respect of a decision with which he/she disagrees.

†17. Time allowed for speaking

- (1) A member who is moving any motion or amendment (other than a motion for the adoption of annual reports, accounts or budget) shall not speak for more than five minutes, other members shall not speak for more than three minutes and the mover in exercising a right of reply shall not speak for more than three minutes.
- (2) These time limits may be exceeded with the consent of the majority of the members present and the Provost shall be entitled to gauge such consent in relation to any speech without taking a vote.

†18. Closure of Debate

- (1) At any meeting of the Council, it shall be competent after eight or more members (including the movers and seconders of a motion and amendment) have spoken in a debate on any one motion and amendment, for any member who has not spoken in such debate to move "that the question be now put".
- (2) Such motion, if duly seconded, shall, without any discussion or amendment, be put to the vote. If the motion for closure is carried, the debate on the substantive motion shall cease except for the mover's right of reply, and the substantive motion and amendment shall immediately be put to the vote. If the motion for closure is not carried, the debate shall be resumed. Subsequent motions for closure may be made after a further three members have spoken.
- (3) No motion for closure may be made during the course of a speech.
- (4) This Standing Order will not apply to meetings of the Development Standards Committee, Civic Licensing Committee or any other Committee and/or Sub-Committee when acting in a quasi-judicial capacity.

†19. Voting

- (1) *Subject to Standing Order 27 and any statutory provisions regarding a minimum number of votes required to decide a matter, every question shall be determined by a majority of votes of the members present (as allowed under of Section 43 of the Local Government in Scotland Act 2003) and voting.*
- (2) *In the case of an equality of votes, the Provost shall have a second or casting vote, except in any vote relating to the appointment of a member of the Council to any office, Committee or Sub-Committee, or to represent the Council on any other body, where, in the case of equality of votes the matter shall be determined by lot.*
- (3) Every vote shall be taken by roll call beginning with the Provost, except in the case of any matter relating to the appointment of a particular member of staff or relating to disciplinary or grievance proceedings affecting a particular member of staff, when the vote shall be taken by show of hands, or, if so resolved, by ballot.

- (4) Immediately prior to any vote being taken, the Director of Legal and Democratic Services shall read out the question on which the vote is to be taken. Thereafter, no one shall interrupt the proceedings until the result of the vote has been announced.

†20. Voting in the case of vacancies and appointments

- (1) In the filling of vacancies in the membership of any Committee or Sub-Committee and the making of appointments of members of the Council to any body, where more than one candidate has been nominated and seconded, members shall be entitled to vote for up to as many candidates as there are places to be filled. Candidates shall be appointed in the order of number of votes received until all vacant places have been filled.
- (2) In the event of two or more candidates tying with the lowest number of votes to fill the last vacant place, a further vote shall be taken between or among those candidates, each member having one vote, and in the event of a further tie, the appointment shall be determined by lot.

†21. Adjournment and duration of meetings

- (1) During any meeting of the Council, it shall be competent for a member, at any time, except in the course of a speech by another member, to move that the meeting be adjourned, but no motion for adjournment may be made within thirty minutes of a motion for adjournment having previously been rejected if the Council is still considering the same item of business.
- (2) A motion for adjournment shall have precedence over all other motions and, if moved and seconded, shall be put to the meeting without discussion or amendment.
- (3) If the motion is carried, the meeting shall be adjourned until the time specified in the motion, or such other time as the Council may then fix, being on the same day or any other day within a period of four weeks.
- (4) Where a meeting has been adjourned without a time for its resumption having been fixed, it shall be resumed at such other time as may be fixed by the Provost.
- (5) When an adjourned meeting is resumed, the proceedings shall be commenced at the point at which they were interrupted by the adjournment.
- (6) The Provost may adjourn any meeting of the Council if he/she is of the opinion that the business of the meeting cannot properly be conducted by reason of disorder. Such adjournment shall be signified by the Provost stating this he/she is adjourning the meeting for this reason and shall be for one hour or such shorter period as may be specified by the Provost at that time.
- (7) Every meeting of the Council, or meeting of the final committee of a number of consecutive committee meetings, shall end not later than 3 hours (excluding any period as a result of (6) above) after the time at which the Council, or the first committee meeting of that group, commenced.
- (8) It shall, however, be competent, before the expiry of the time limit, for any member to move that the meeting be continued for such further period as is deemed appropriate.

†22. Powers and Duties of Provost

- (1) It shall be the duty of the Provost:-
 - (i) to preserve order and ensure that any member wishing to speak is given due opportunity to do so and a fair hearing;

- (ii) to call members to speak subject to the provision that where an alternate budget is being proposed, then the largest non-administration group will have the right to move their proposals after the budget has been moved and seconded;
 - (iii) to decide all matters of order, competency and relevancy.
- (2) The decision of the Provost on all matters referred to in this Standing Order shall be final and shall not be open to question or discussion in any meeting of the Council.
- (3) Deference shall at all times be paid to the authority of the Provost. When the Provost commences speaking, the Provost shall be heard without interruption.

†23. Suspension of Members

- (1) If any member of the Council disregards the authority of the Provost, obstructs the meeting or, in the opinion of the Provost otherwise acts in an offensive manner at a meeting, the Provost may move that such member be suspended for the remainder of the meeting. If seconded, such a motion shall be put to the vote immediately without discussion.
- (2) If such a motion is carried, the suspended member shall leave the meeting
- (3) A member who has been suspended in terms of this Standing Order shall not re-join the meeting except with the consent of the meeting.
- (4) In the event of a motion for suspension of a member being defeated, the Provost may, if he/she thinks it appropriate to do so, adjourn the meeting as if a state of disorder had arisen.

24. Questions

- (1) At any ordinary meeting of the Council, a member may put a question to the Provost, or to the Convener of any Standing Committee relating to the functions of that Committee, irrespective of whether the subject matter of the question relates to business which would otherwise fall to be discussed at that meeting, provided that notice in writing of the question, duly signed, has been delivered to the Director of Legal and Democratic Services, not later than 4 working days before the meeting.
- (2) One supplementary question, limited to clarifying any answer given, may be asked by the original questioner.
- (3) No discussion shall be permitted on any question or answer which does not relate to an item of business otherwise falling to be considered at that meeting.
- (4) Questions of which notice has been given in terms of paragraph (1) above, and the answers thereto, shall be recorded in the minutes of the meeting only if the questioner so requests, but any supplementary questions and the answers thereto shall not be so recorded.

†25. Notice of Motions

- (1) At any ordinary meeting of the Council, a member may propose a motion which does not directly relate to an item of business under consideration at the meeting, only if prior notice in writing of such motion has been given to the Director of Legal and Democratic Services at least 7 clear days before the meeting.
- (2) The terms of motions of which notice has been given in terms of (1) above shall appear as items of business for consideration at the next ordinary meeting of the Council.

- (3) If a member who has given notice of a motion is absent from the meeting when the motion falls to be considered or, if present, fails to move it, any other member shall be entitled to move it, failing which the motion shall fall.

†26. Alteration or Revocation of Previous Decision

- (1) Subject to (2) below, a decision shall not be altered or revoked within a period of 6 months from the date of such decision being taken.
- (2) Where the Provost rules that a material change of circumstances has occurred to such extent that it is appropriate for the issue to be reconsidered, a decision may be altered or revoked within 6 months by a subsequent decision arising from:-
 - (i) a recommendation to that effect, by an officer in a formal Report; or
 - (ii) a motion to that effect, of which prior notice has been given in terms of Standing Order 25.
- (3) This Standing Order shall not apply to the ongoing progression or development of an issue on which a decision is required.

†27. Suspension of Standing Orders

- (1) It shall be competent for a member at any time during a meeting to move suspension of the whole or any specified part of any of the following Standing Orders:-

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| 12 | Reception of deputations; |
| 13 | Applicants, Supporters and Objectors; |
| 24 | Questions; |
| 25 | Notices of motion; |
| 26 | Alteration or revocation of previous decision |
| 36 | Rights of Members to attend meetings, etc. |

and such a motion, if duly seconded, shall be put to the vote immediately without amendment or discussion.

- (2) No motion for the suspension of Standing Order 26 (alteration or revocation of previous decision) shall be held to have been carried unless it has received the vote of not less than two thirds of the members present and voting.

†28. Admission of Public and Press

- (1) *Except where otherwise required by statute, every meeting of the Council shall be open to the public and press remotely.*
- (2) *The Council may, however, by resolution exclude the public and press while considering any matter which falls within the categories of "exempt information" specified in Schedule 7A to the 1973 Act. (appended hereto)*
- (3) *The terms of any such resolution specifying the part of the proceedings to which it relates and the categories of exempt information involved shall be specified in the minutes.*

†29. Exclusion from Meeting of Members with other Interests

- (1) Members should be aware of their need to comply with The Councillors' Code of Conduct.

- (2) A member who has made a declaration in terms of Section 112 of the Local Government Finance Act 1992 (by reason of being in arrears with Community Charge or Council Tax) shall be entitled to be present during the discussion of and to speak in relation to any matter to which that section applies but not to propose or second any motion relative thereto or to vote on the matter.
- (3) This Standing Order shall apply to persons other than members of the Council who are members of any Committee or Sub-Committee in the same way as if they were members of the Council.

PART III - COMMITTEES AND SUB-COMMITTEES

30. Appointment of Committees

- (1) Subject to any statutory provision, the Council shall appoint the Standing Committees referred to in Standing Order 31, and may at any time appoint Committees for any purpose it deems necessary.
- (2) The Council shall delegate or refer to such Committees such matters as it may from time to time think fit. The matters so delegated or referred to Standing Committees shall be those set out in the Order of Reference.

31. Standing Committees

The Standing Committees of the Council shall be:-

Children and Learning
Civic Licensing
Communities
Development Standards
Policy and Resources
Scrutiny and Audit

32. Membership of Standing Committees

- (1) The Development Standards Committee shall consist of 13 members and the Civic Licensing Committee shall consist of 10 members of the Council.
- (2) The Children and Learning Committee shall consist of 15 members of the Council, and in addition, five persons who are not members of the Council, being:-
 - (i) *three persons representative of church interests, appointed in terms of Section 124 of the 1973 Act; and*
 - (ii) two teachers employed in educational establishments under the management of the Council, nominated in such manner as the Council may determine.
- (3) All other Standing Committees of the Council shall consist of 15 members of the Council except for Scrutiny and Audit Committee which shall consist of 13 members with not less than 8 of those appointed being councillors who are not members of the Administration.
- (4) In appointing members to Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the 1989 Act except in the case of the Scrutiny and Audit Committee where the majority of members must not be members of the Administration. The Leader and Depute Leader of the Council are not permitted to be members of the Scrutiny and Audit Committee.

- (5) Members shall be appointed to Committees at the first meeting of the Council after the ordinary election of Councillors. It shall, however, be competent for the Council to vary the membership at any time, provided:
 - (i) that the political balance referred to in (4) above is maintained; and
 - (ii) that each member of the Council is afforded proper opportunity to serve on Committees.
- (6) Persons who are not members of the Council (but who are appointed to any Committee in terms of these Standing Orders) shall, subject to their right to resign, or to any disqualification, remain members of those Committees from the date of their appointment until the next ordinary election of Councillors.
- (7) Substitutes shall be permitted on all Standing Committees of the Council with the exception of the Development Standards and Civic Licensing Committees, subject to intimation being made to the Director of Legal and Democratic Services not later than the commencement of the meeting. It shall not however be possible for a member to substitute for only part of a meeting. The Leader and Depute Leader of the Council are not permitted to act as substitutes at meetings of the Scrutiny and Audit Committee.

33. Appointment of Sub-Committees

- (1) Subject to any statutory provision, and to these Standing Orders, each Standing Committee shall appoint the Standing Sub-Committees specified in its Order of Reference, and may at any time appoint such other Sub-Committees for any purpose as it deems necessary.
- (2) Each Standing Committee (excluding Development Standards and Civic Licensing) shall appoint an Executive Sub-Committee comprising three members of the Committee, with delegated powers to decide any matter (other than a matter affecting Council policy):-
 - (i) which would normally be decided by the Standing Committee but which, by reason of its urgency, requires to be decided upon during the annual recess of the Council or, in the case of acceptance of tenders, outwith the approved timetable of meetings and the delegated powers contained in Section 16.8 and Appendix 1 of Financial Regulations; and
 - (ii) which has been specifically referred by the Committee for consideration, at other times of the year.

The Convener of the Committee, in consultation with the Director of Legal and Democratic Services, shall determine whether a matter is urgent or is policy in terms of this Standing Order.

- (3) The Executive Sub-Committee of the Policy and Resources Committee shall have delegated powers to consider applications for early retiral/voluntary redundancy from those employed under the Chief Officers Scheme.
- (4) Members of the Executive Sub-Committee appointed in terms of (2) above shall be entitled to appoint substitute members (who need not be members of the parent Committee) to attend in their place. The Leader and Depute Leader may not serve as substitutes to attend the Executive Sub-Committee of the Scrutiny and Audit Committee.
- (5) Subject to any statutory requirement, any two or more Standing Committees may appoint a joint Sub-Committee to discharge such functions of mutual interest as the Standing Committees concerned may determine, and each Standing Committee may

delegate to such joint Sub-Committees such of its own delegated functions as it may determine.

- (6) Without prejudice to the foregoing sub-paragraph, any Standing Committee(s) may establish such joint advisory and/or consultative groups, without delegated powers, as it thinks fit. The membership of such groups may include persons who are not members of the Council.

34. Membership of Sub-Committees

- (1) In appointing members to Sub-Committees, a Standing Committee shall, so far as possible, give effect to the principles regarding political balance set out in the 1989 Act save in the case of the Scrutiny and Audit Committee.
- (2) Members shall be appointed to Standing Sub-Committees at the first meeting of the parent Committee after the ordinary election of Councillors. It shall, however, be competent for the Committee to vary the membership at any time thereafter, provided the political balance referred to in (1) above is maintained, so far as possible.
- (3) In appointing any Sub-Committee, a Standing Committee shall appoint members to be Convener and Vice Convener thereof, who shall hold office for such period as the Committee shall specify at the time of appointment (or if no period is fixed, for the life of the Council). The Convener of any Sub-Committee of the Scrutiny and Audit Committee must not be a member of the Administration.

35. Days and Times of Meetings

- (1) The ordinary meetings of the Standing Committees shall be held in accordance with a timetable approved by the Council.
- (2) Special meetings of Standing Committees, and all meetings of Standing Sub-Committees and any other Committee or Sub-Committee, shall be held on such dates and times (including during the recess) as the respective Conveners of those Committees or Sub-Committees shall determine.
- (3) It shall be within the discretion of the Convener of any Committee or Sub-Committee to cancel, advance or postpone an ordinary meeting if, in his/her opinion, there is a good reason for doing so.
- (4) Four or more members of a Standing Committee or two or more members of any other Committee or Sub-Committee, may, by notice in writing, require a special meeting of that Committee or Sub-Committee to be called to consider the business specified in the notice. Such a meeting shall be held within fourteen days of receipt of the notice by the Director of Legal and Democratic Services.

36. Right of Members to attend meetings and/or place items on agenda

- (1) Any member of the Council shall be entitled to attend any meeting of any Standing Committee or Standing Sub-Committee (other than those mentioned in Standing Order 40(4)(iii) where the public and press have been excluded) and shall, with the consent of the Committee or Sub-Committee concerned, be entitled to speak for a maximum of three minutes but not to propose or second any motion or to vote.
- (2) A member of the Council, who is not a member of a particular Standing Committee or Standing Sub-Committee and wishes that Committee or Sub-Committee to consider an item of business which is within its remit, shall, at least 7 clear days (or where a

meeting is called at shorter notice, as soon as practicable) before an ordinary meeting, give written notice of the item and its general import to the Director of Legal and Democratic Services who shall arrange for it to be placed on the agenda of the Committee or Sub-Committee. The member shall be entitled to attend the meeting and speak in relation to the item, but shall not be entitled to propose or second any motion or to vote.

- (3) A member of a Standing Committee or Standing Sub-Committee who wishes to raise any item of business which is within the remit of that Committee or Sub-Committee shall, at least 7 clear days (or where a meeting is called at shorter notice, as soon as practicable) before an appropriate meeting give written notice of the item, its general import and any motion which he/she proposes to move thereon, to the Director of Legal and Democratic Services who shall arrange for it to be placed on the agenda of the Committee or Sub-Committee.

37. Notices and Order of Business of Meetings

- (1) Except in cases of urgency, every notice calling a meeting of a Committee or Sub-Committee shall be given in writing at least three clear days before the date of the meeting.
- (2) The agenda issued with the notice calling each meeting of a Committee or Sub-Committee shall specify the business to be transacted and the order in which it will be brought before the meeting. The business shall proceed in that order, unless otherwise resolved by the Committee or Sub-Committee at the meeting.
- (3) Except as mentioned in (4) below, every member of the Council shall be entitled to receive, on request, a copy of every notice calling a meeting of any Committee or Sub-Committee, together with the agenda and any reports.
- (4) The preceding sub-paragraph shall not apply to the agenda and any reports issued in connection with a meeting of the Committee or Sub-Committees listed in Standing Order 40(4), except with the consent of the Committee or Sub-Committee concerned.

38. Quorum

The quorum of Standing Committees and Sub-Committees shall be as follows:-

All Standing Committees	5 members
Executive Sub-Committees	3 Members
All other Committees and Sub-Committees comprising 4 or more members	At least $\frac{1}{4}$ of the whole membership, providing that the quorum shall never be less than 3 members.

39. Minutes of Meetings of Committees and Sub-Committees

- (1) The minutes of each meeting of a Standing Committee shall be submitted as soon as is practicable to an ordinary meeting of the Council for information purposes only. The minutes of each meeting of a Standing Sub-Committee shall be submitted as soon as possible to an ordinary meeting of the parent committee for information purposes only. Minutes of meetings of special Committees and special Sub-Committees may, if the Committee or Sub-Committee so determine, be submitted after the Committee or Sub-Committee has exhausted its remit.
- (2) The minutes of each meeting of a Standing Committee or Sub-Committee shall be submitted to the next meeting of the Committee or Sub-Committee for approval as a correct record and signature by the Convener.

40. Delegation to Committees and Sub-Committees

- (1) The Standing Committees and Sub-Committees of the Council and the Special Arrangements Committee and Special Education Committee shall have the terms of reference and specific delegated authority specified in the Order of Reference.
- (2) Each Standing Committee or Standing Sub-Committee and the Special Arrangements Committee and Special Education Committee shall have delegated authority to determine any matter within its Order of Reference, with the exception of any specific restrictions contained in Standing Orders or in its Order of Reference.
- (3) Subject to the provisions of Standing Orders 41 and 42, the delegation conferred by the previous sub-paragraph on the Standing Committees and Sub-Committees of the Council and on the Special Education Committee shall not apply where:
 - (i) following a division in Committee (or Sub-Committee), two members immediately indicate that they wish the matter to be referred to the Special Arrangements for decision; or
 - (ii) following a division in Committee and within 3 working days of the date of the Committee (or Sub-Committee) meeting (the day of the meeting being considered as one of those days), 2 members give notice in writing to the Director of Legal and Democratic Services that they wish the matter to be referred to the Special Arrangements Committee for decision,

and in either case the matter shall be so referred, and such matters, together with those excluded from delegation under the provisions of any other Standing Order, shall be specially identified in the minutes submitted to each meeting of the Special Arrangements Committee, on the basis that the matter referred requires a decision and was not for noting.

- (4) The provisions of sub-paragraph (3) above shall not apply to:-
 - (i) any matter where the Committee or Sub-Committee is required to act quasi-judicially;
 - (ii) any proceedings of any Committee or Sub-Committee specifically established in terms of statute for the purpose of those proceedings;
 - (iii) any proceedings at meetings of the following Sub-Committees:-
 - School Attendance Sub-Committee
 - Education Special Cases Sub-Committee
 - Staffing Sub-Committee
 - Education Records Review Sub-Committee
 - Case Sub-Committee
 - Personnel Appeals Sub-Committee
- (5) Committees and Sub-Committees shall conduct their business within their terms of reference and, in exercising the authority delegated to them, shall do so always in accordance with the following provisions. However, in relation to any matter (i) not specifically referred to in the Order of Reference, or (ii) in Standing Order 41, it shall be competent, for the Committee, whose remit the matter most closely resembles, to consider such matter and to make any appropriate recommendation to the Council. In the interest of efficiency whenever possible business should only be presented to one committee being the committee whose order of reference includes the principal issues to be considered.

- (6) Committees and Sub-Committees shall exercise the authority delegated to them having regard to, and in accordance with, the policy of the Council.
- (7) Committees and Sub-Committees shall conduct any business relating to contracts always in accordance with the Standing Orders, Financial Regulations and administrative procedures adopted by the Council.
- (8) Committees and Sub-Committees shall conduct their business having regard where appropriate to the constituency interests of local members in the matters under consideration.
- (9) The Council may, if it so resolves, deal with any matter falling within the Order of Reference of any Committee or Sub-Committee without the requirement of receiving a report or minute of that Committee or Sub-Committee referring to that matter.
- (10) Subject to any statutory requirement, the Council may at any time vary, add to, restrict or recall any reference or delegation to any Committee or Sub-Committee, and any specific direction by the Council in relation to the remit of a Committee or Sub-Committee shall take precedence over the terms of any provision in the Order of Reference.
- (11) A Committee may, at any time, deal with any matter falling within the Order of Reference of any of its Sub-Committees without the requirement of the submission of a report or minute of that Sub-Committee referring to that matter.
- (12) Subject to any statutory requirement, a Committee may, at any time, vary, add to, restrict or recall any reference or delegation to any of its Sub-Committees and any specific direction by a Committee shall take precedence over the terms of any provision in the Order of Reference.
- (13) A Committee may at any time refer any item of business to a Standing Sub-Committee for consideration and report and may, if the Committee considers it appropriate to do so, delegate to the Sub-Committee such additional powers to dispose of the business as the Committee thinks fit.
- (14) If any matter is of interest to a Committee or Committees other than the one to which the matter is referred or delegated, either or any of the Committees concerned shall be entitled (in the case of a matter referred but not delegated, without the necessity of the prior approval of the Council) to submit a proposal or recommendation relative to the matter to any other Committee or Committees, and any such proposal or recommendation shall appear as an item of business on the agenda of the next convenient meeting of such Committee or Committees. However, no action shall follow on the submission of any such proposal or recommendation without the approval of the Committee within whose remit the matter falls.
- (15) If a matter is of common or joint interest to a number of Committees, and is a delegated matter, no action shall be taken until all Committees have considered the matter.
- (16) In the event of disagreement between Committees in respect of any such proposal or recommendation which falls within the delegated authority of one Committee, the decision of that Committee shall prevail. If the matter is referred but not delegated to any Committee, a report summarising the views of the various Committees shall be prepared by the Director of Legal and Democratic Services and shall appear as an item of business on the agenda of the next convenient meeting of the Council.

41. Exclusions from Delegations

There shall be excluded from any delegation:-

- (i) any of the Council's functions in respect of the setting of the Council Tax or resolving to borrow money;
- (ii) the incurring of capital expenditure for which no provision or insufficient provision has been made in the capital budget;
- (iii) the undertaking of borrowing or investment activity which is not in accordance with the annual Treasury Management Strategy Statement and Investment Strategy;
- (iv) the incurring of revenue expenditure for which no provision or insufficient provision has been made in the revenue budget;