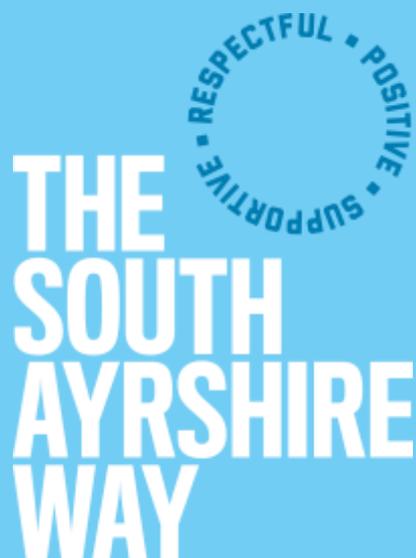


# Standing Orders Relating to Meetings

May 2022



RESPECTFUL  
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# Standing Orders Relating to Meetings

## Section 1

### Preliminary Matters

#### 1. Interpretation

- 1.1 These Standing Orders are made under Section 62 and Paragraph 8 of Schedule 7 of the Local Government (Scotland) Act 1973, and, subject to the provisions of that Act, apply to meetings and proceedings of the Council and its Committees (to be known as Panels).
- 1.2 The Interpretation Act 1978 will apply to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.
- 1.3 Part 4 of Schedule 6 of the Coronavirus (Scotland) Act 2020 contains temporary modifications of the Local Government (Scotland) Act 1973 in relation to (a) the grounds for exclusion of the public from meetings of local authorities and (b) the provision of copies of documents in respect of meetings of local authorities. The former includes a provision that ‘the public are to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus’.
- 1.4 The Local Government ( Scotland ) Act 2003 permits the holding of and participation in remote meetings.

#### 2. Definitions

- 2.1 In these Standing Orders, unless the context otherwise demands, the following terms will have the undernoted meanings:

<b><i>Term</i></b>	<b><i>Meaning</i></b>
Chair or Chairperson	The convener or person presiding at a Panel or other Committee, duly appointed by the Council
Clear days	When referring to service of Notices, the term ‘clear days’ refers to weekdays, excluding weekends, Bank Holidays, local or national holidays and public holidays of the Council, the day the Notice is received and the day on which the meeting is held
Councillor/ Councillors	A member of the Council duly elected at an election or by-election, and who has made and delivered to the Proper Officer of the Council a Declaration of Acceptance of Office in accordance with Section 33A of the 1973 Act
Monitoring Officer	The officer appointed by the Council in terms of Section 5 of the 1989 Act

<b>Term</b>	<b>Meaning</b>
Monitoring Officer	The officer appointed by the Council in terms of Section 5 of the 1989 Act
Signed by	Which shall include electronic signature
The 1973 Act	The Local Government (Scotland) Act, 1973
The 1975 Act	The Local Government (Scotland) Act, 1975
The 1985 Act	The Local Government (Access to Information) Act, 1985
The 1989 Act	The Local Government and Housing Act, 1989
The 1992 Act	The Local Government Finance Act, 1992
The 1994 Act	The Local Government Etc. (Scotland) Act, 1994
The 2000 Act	The Ethical Standards in Public Life Etc (Scotland) Act, 2000
The Council	South Ayrshire Council constituted by virtue of and incorporated under the 1994 Act
The Depute Provost	Any Vice-Convener or Chair of the Council duly appointed as such by a full meeting of the Council in terms of Section 4 (2) of the 1994 Act
The Provost	The Convener or Chairperson of the Council duly appointed as such by a full meeting of the Council in terms of Section 4 (1) of the 1994 Act
Vice Chair	The person presiding at a Panel or other Committee, in the absence of the Chair, duly appointed by the Council

## **Standing Orders Relating to Meetings**

### **Section 2**

#### **Meetings of the Council - Procedures**

#### **3. First Meeting of the Council after Elections**

- 3.1 The first meeting of the Council after an ordinary election of Councillors shall be held within twenty one days from the date of the election, on a date to be fixed by the Chief Executive as Returning Officer.
- 3.2 The Returning Officer for that Election or, failing him/ her, the Depute Returning Officer, will preside at the meeting until the Provost is elected following which the Provost will take the chair.
- 3.3 At the first meeting of the Council, the following business shall normally be transacted:
- (1) To note the election of Councillors;
  - (2) To take the sederunt, noting which Councillors have executed the Declaration of Acceptance of Office;
  - (3) To elect the Provost of the Council;
  - (4) If it is resolved to do so, to elect the Depute Provost of the Council;
  - (5) To appoint the Leader of the Council;
  - (6) To appoint the Depute Leader of the Council;
  - (7) To resolve what Panels will be appointed and the terms of reference of each of those Panels;
  - (8) To appoint members and Chairs and Vice-Chairs of all Panels of the Council, with the exception of a lay Chair of the Audit and Governance Panel, the tenure of a lay Chair of the Audit and Governance Panel being governed by specific contractual arrangements;
  - (9) To appoint members of the Licensing Board;
  - (10) To appoint representatives to outside bodies and working groups, in so far as can be competently done at this meeting;
  - (11) To approve the timetable of meetings; and
  - (12) To deal with any other urgent, competent business specified in the notice calling the first meeting of the Council.

3.4 No adjournment of the statutory meeting will take place to a date later than twenty one days from the date of the election.

#### **4. Ordinary Meetings**

4.1 Subject to Standing Orders 3 (First Meeting) and 5 (Special Meetings), unless otherwise agreed to by the Council, ordinary meetings of the Council shall be held on an 8-weekly cycle in accordance with a timetable approved by the Council. Changes to the timetable must be made not later than the preceding ordinary Council meeting.

4.2 Due notice of any alteration to the ordinary meeting, place or time, shall be given in compliance with the provisions of the 1973 Act.

4.3 A Panel shall hold such meetings as the Council may from time to time approve in the timetable of meetings as aforesaid.

4.4 An ordinary meeting may be held on a wholly remote basis by electronic means or in circumstances whereby some Councillors attend in person and others take part via remote means.

4.5 No sound, film, videotape, digital or photographic recording of the proceedings of any meeting shall be made without the prior approval of the Council, other than recording of the proceedings of meetings agreed by the Council, either for webcasting or as a back-up for a live webcast, or as an alternative where live webcasting is not possible . (All phones should be switched off or on silent and Councillors should not correspond, whether by email, text, social media or any other electronic means, with any other Councillor or other person during a Council meeting (except as required for the conduct of the meeting). Such restrictions shall not preclude participation in a meeting which takes place over a remote platform.)

#### **5. Special Meetings of the Council**

5.1 Special meetings of the Council may be convened under the following circumstances:

- (1) At any time by decision of the Council;
- (2) For consideration of urgent business in accordance with the provisions of Standing Order 5.4; and
- (3) By requisition in accordance with the provisions of Standing Order 5.3.

5.2 Those requesting a meeting in accordance with Standing Order 5.1 (2) shall do so by completing the form attached in [Appendix 1](#) specifying the purpose of the business proposed to be transacted at the meeting.

5.3 A Special Meeting may be called at any time by the Provost providing he/ she has received a requisition in writing specifying the business proposed to be transacted at the meeting and signed by at least seven Members of the Council. The date, time and venue of the meeting will be as determined by the Chief Executive but must be within fourteen days of receipt of the requisition.

5.4 The Provost may convene a Special Meeting if it appears to him/her that there are items of urgent business to be considered. If the office of Provost is vacant, or if the

Provost is unable to act for any reason, the Depute Provost of the Council may at any time call such a meeting. If the Offices of Provost and Depute Provost are both vacant or they are otherwise unable to act, the Chief Executive may convene such a meeting.

- 5.5 If the Provost agrees to convene a meeting, the notice of the meeting will confirm the special purpose for which it is being called and the date, time and venue will be as determined by the Chief Executive but shall be no later than 14 days from receipt of the form requesting the meeting.
- 5.6 The Chief Executive may determine in consultation with the Monitoring Officer and the Chair of a Panel, or in their absence the Vice -Chair, the requirement to convene a special meeting of any Panel. The notice of the meeting will confirm the special purpose for which it is being called and the date, time and venue will be as determined by the Chief Executive.
- 5.7 A Special Meeting may be held on a wholly remote basis by electronic means or in circumstances whereby some participants attend in person and other participants take part by remote means.

## **6. Place, Time and Duration of Meetings**

- 6.1 All meetings of the Council shall be held within the County Buildings, Ayr at 10.00 am or at such other place or hour as the Council or the Provost or Depute Provost may from time to time direct. Where it is deemed appropriate, the Chief Executive, in consultation with the Provost, may also call for a meeting of the Council to take place on a wholly remote basis by electronic means or in circumstances whereby some Councillors attend the Council Chambers/ County Buildings and others take part via remote means.
- 6.2 In the event of the business of the meeting not being completed within 4 hours, then, unless a motion to continue the meeting for a further specified period has been moved, seconded and voted upon without discussion, the meeting will stand adjourned and the remaining business will be carried forward to the next or another meeting.
- 6.3 Nothing in this Standing Order will prejudice the power of the Provost, at his/ her discretion, to adjourn temporarily any meeting for a brief period.

## **7. Notice of Meetings**

### **7.1 *Public Notification***

Public notification of meetings shall be given by posting a notice at the County Buildings and on the Council's website at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time the meeting is actually convened.

The notice of the meeting shall comprise:

- (1) the date, time and place of the meeting;
- (2) the list of items of business to be transacted; and

- (3) if it is likely that the public is to be excluded during the whole or part of the meeting, notification of that fact.

## 7.2 **Notice to Councillors**

Notice of meetings shall be given by the Chief Executive to all Councillors in accordance with the provisions of the 1973 Act as amended, by posting or delivering to each Councillor at his or her usual place of residence or at such other address as may be notified to the Chief Executive, or sending by electronic means, at least three clear days before the meeting (or, if the meeting is convened at shorter notice, then at the time the meeting is actually convened), specifying the following:

- (1) the date, time and place of the meeting;
- (2) the list of items of business to be transacted, and
- (3) if it is likely that the public is to be excluded during the whole or part of the meeting, notification of that fact.

7.3 The validity of any meeting of the Council shall not be affected by the failure of any Member to receive notice of a meeting.

## 8. **The Agenda**

8.1 Each item of business to be transacted at a meeting will be noted on the agenda which will be approved by the Chief Executive or the Head of Legal, HR and Regulatory Services. No other item of business will be considered at the meeting unless in accordance with Standing Order 13.1 (12) (Urgency).

8.2 Copies of the agenda and any accompanying reports will be open for inspection by members of the public at the Chief office of the Council at County Buildings and on the Council's website, at least three clear days before the meeting, except:

- (1) where the meeting is convened at shorter notice, in which case the agenda and reports will be available for public inspection from the time the meeting is convened;
- (2) where an item is added to an agenda, copies of which are open for inspection by the public, copies of the item (or of the revised agenda), and copies of any report for the meeting relating to the item, will be open for inspection from the time the item is added to the agenda; and
- (3) there may be excluded from the copies of reports the whole or part of any report which relates only to items during consideration of which, in the opinion of the Head of Legal, HR and Regulatory Services, the meeting is likely not to be open to the public.

## 9. **Cancellation of Meetings**

9.1 The Provost may cancel any scheduled meeting because of lack of business or unavailability of Councillors due to illness or other reasons as are thought appropriate. Cancellation will be intimated as soon as possible by email to Councillors and on the Council's website.

## **10. Public Access to Meetings**

10.1 All meetings of the Council will be open to the public, except that:

- (1) Whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that there will be a disclosure of exempt information (see [Appendix 2](#)), the public may, by resolution of the meeting (under Standing Order 21.1 (6)), be excluded from the meeting while the particular matter is being considered.
- (2) Whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information (see [Appendix 2](#)) will be disclosed in breach of an obligation of confidence, the public shall be excluded from the meeting while the particular matter is being considered.
- (3) The Provost has power to exclude any members of the public from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour which is impeding or likely to impede the work or proceedings of the Council.

10.2 No members of the public will be permitted to speak or to take any part in the proceedings of a meeting of the Council except when addressing a meeting of the Partnerships Panel under the procedures for Petitions (Standing Order 31), or in accordance with other procedures for hearings etc (such as at the Regulatory Panel).

## **11. Non-Attendance of Councillors**

11.1 If a member of the Council is unable to attend a meeting for whatever reason he/ she may tender his/ her apologies either by intimating them to the Chief Executive in advance of the meeting or by another Councillor doing so prior to the commencement of business and these apologies only shall be incorporated in the minute of meeting. A Member may be regarded as being present at a meeting if he/ she is able to participate from a remote location by a communication link, and shall be counted for the purposes of deciding if a quorum is present.

11.2 Subject to the provisions of Section 35 of the 1973 Act and Section 19 of the 2000 Act, if a Councillor fails throughout a period of six consecutive months to attend any meeting of the Council, the Chief Executive will, unless such Councillor has been granted leave of absence by the Council, inform the Council who will consider whether the failure to attend was due to some reason approved by them and, if they are not satisfied as to the cause of such failure, that Councillor will cease to be a member of the Council.

11.3 Subject to the provisions of the 1973 Act and the 2000 Act, the Council may grant a leave of absence to any Councillor who, for a reason approved by Council, is unable to attend any meeting of the Council for a continuous period of six months.

11.4 Attendance at any Panel of the Council or any Joint Committee, Joint Board or other body to which any function of the Council has been delegated or any meeting of any body of persons at which the Councillor is authorised to represent the Council is deemed to be attendance at a meeting of the Council for the purposes of this Standing Order.

## **12. Quorum**

- 12.1 No business will be transacted at any meeting of the Council unless at least one quarter of the whole number of members of the Council (that is to say seven Councillors) are present to form a quorum. For the avoidance of doubt, 'present' shall include the participation of Councillors via a remote meeting platform.
- 12.2 If within ten minutes after the time appointed for the commencement of a meeting of the Council, a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed, and the minute of the meeting will disclose this fact.
- 12.3 If, at any time after a meeting has commenced, the number of Councillors present falls below the quorum, the Provost will suspend the proceedings. If, after the lapse of five minutes, the Provost finds that the quorum has not been achieved, (s)he will adjourn the meeting to such other date and time as may be fixed, and any business not considered at the adjourned meeting will be postponed to and considered at the reconvened meeting.
- 12.4 The quorum for Panels shall be determined from time to time but shall not be less than one-fourth of the membership. Subject to the above and Standing Order 35.2 (10) (the Cabinet when it meets as the Education Authority), the quorum for Panels shall be three. In the case of the Audit and Governance Panel, three Councillors shall be required to constitute a quorum. In the case of the Cabinet, three Portfolio Holders are required to constitute a quorum.

## **13. Order and Conduct of Business at Meetings**

- 13.1 The order of business at every meeting of the Council (other than the first meeting of the Council held in accordance with Standing Order 3 above) shall be:
- (1) The Provost, or, in his/ her absence, the Depute Provost, shall take the chair; if both are absent the Council shall appoint a Convener for the time being from the Councillors present and that Councillor shall act as Chair during the absence from the meeting of the Provost or Depute Provost;
  - (2) The sederunt shall be taken;
  - (3) Any apologies shall be tendered;
  - (4) Any Declaration of Interest shall be intimated;
  - (5) Presentations;
  - (6) Minutes of the previous meeting or meetings of the Council submitted for approval and signed by the Provost as a correct record;
  - (7) The minutes of the Cabinet and each other Panel of the Council as appropriate intimated for noting as a correct record and/ or for the Council to approve the decision (if a paragraph is marked with a 'C') the Minutes will be held to be approved unless an objection is made by a member to any paragraph when it is submitted for approval when the process in Standing Order 13.2 shall be followed or otherwise any recommendations made to it by such Panels;

- (8) Any items referred to the Council for determination by the Cabinet or any of its other Panels;
  - (9) Business remaining from the last meeting (if any);
  - (10) New Business in the form of reports from the Chief Executive or relevant Chief Officer as listed in the agenda;
  - (11) Notices of motion submitted in accordance with Standing Order 18 (in the order in which they have been received) so far as specified in the agenda;
  - (12) Any business not specified in the agenda and brought before the meeting as a matter of urgency and of which notice has not been given as provided at Standing Order 18 (Notice of Motion) provided that (i) notice of motion in respect of such business shall have been given by the mover thereof after item (4) of the order of business above, and (ii) the Provost shall be of the opinion that the matter should be considered at the meeting as a matter of urgency; and
  - (13) Formal questions submitted in accordance with Standing Order 26.
- 13.2 When an objection is made, it will be noted by the Chief Executive and considered after disposal of the unopposed minutes. The mover and seconder of a paragraph marked 'C' may speak in support of the minutes either when submitting it for consideration or, if there is an objection to it, when the objection is debated,
- 13.3 The Council may agree at any meeting to vary the order of business so as to give precedence to business of special urgency or for reasons of convenience.
- 13.4 At the last meeting of Council prior to election, no new Business, motions or questions may be brought before the meeting. All Minutes of the previous meeting or meetings of the Council shall be submitted for approval and signed by the Provost as a correct record.

#### **14. Minutes**

- 14.1 Minutes of Council and Panel meetings will be compiled and kept by the Head of Legal, HR and Regulatory Services.
- 14.2 Minutes of Council meetings will be submitted to the next ordinary Council meeting for approval as a correct record. Minutes of Panel meetings will be submitted to the next appropriate Ordinary Panel meeting for approval as a correct record and then intimated to the next Ordinary Council meeting for noting and for approval by Council of any items which require Council approval in terms of these Standing Orders and/ or the Scheme of Delegation.
- 14.3 There will be no discussion of minutes except as to their accuracy. Any question of accuracy must be raised by motion and voted on without discussion. No written notice of motion is required.
- 14.4 The Provost shall move the Council minutes submitted for approval and will sign the Council minutes once they are approved. The relevant Panel Chair shall move any item referred to Council from a Panel for final decision in accordance with Standing Orders and the Scheme of Delegation. The relevant Panel Chair at a

Panel meeting shall move the Panel minutes submitted for approval and will sign the Panel minutes once they are approved.

- 14.5 In the absence of the Provost or other Councillor who presided at the Council or Panel meeting in question, any other Councillors who were present may move the minutes for approval. In every case the motion to approve must be seconded by another Councillor who was present at the meeting in question.
- 14.6 Notwithstanding the foregoing provisions, where appropriate, having regard to the timing of meetings and the business required to be conducted, the Chief Executive may determine that Panel minutes be submitted to the next Ordinary Council for approval rather than to the next Ordinary Panel meeting. After approval by Council, the minutes in question shall then be submitted to the next Ordinary Panel meeting for noting.
- 14.7 A Council or Panel meeting which has had its minutes properly signed will be deemed to have been held, and all Councillors present at the meeting will be deemed to have been duly qualified under statute until the contrary is proved.

## **15. Duties and Powers of Provost/ Depute Provost**

- 15.1 Without prejudice to the provisions of Standing Order 3 (First Meeting), the Provost will preside at all meetings of the Council. In his/ her absence, the Depute Provost will preside at the Council meeting and, in the absence of both, the Chief Executive will preside over the meeting until the Council appoints a Convener for that meeting.
- 15.2 Without prejudice to the whole other provision of these Standing Orders, the Provost shall have power:
- (1) To decide on all matters of decorum, order, competency and relevancy;
  - (2) To determine all matters of procedure for which no provision is made within these Standing Orders;
  - (3) To decide between two or more Councillors rising or wishing to speak by calling on the Councillors whom he/ she first observed to do so;
  - (4) To order the exclusion of any members of the public to prevent or suppress disorderly conduct or other misbehaviour;
  - (5) In ruling that certain language is unacceptable, to seek withdrawal of a remark, an apology or any other action required, in the opinion of the Provost, to allow the meeting to proceed properly;
  - (6) To rule upon the acceptability of behaviour during the course of the meeting;
  - (7) In the event of disorder arising, to adjourn the meeting to a time and date as he/ she shall fix then or later, and his/ her leaving the chair in such circumstances shall without further procedure have the effect of a formal adjournment of the meeting;
  - (8) To exercise both a deliberative and a casting vote unless otherwise provided by statute;

- (9) To seek advice from the Chief Executive or the Head of Legal, HR and Regulatory Services in respect of any of the foregoing powers; and
- (10) To exercise the powers set out in Standing Order 16.7 below.

15.3 The Provost shall have the duty:

- (1) To ensure that Standing Orders are observed;
- (2) To ensure that a fair opportunity is given to all Councillors to express their views on any item of business;
- (3) To preserve order within the meeting; and
- (4) To sign the minutes of the previous meeting, adjusted in accordance with any amendments adopted by the Council.

15.4 The decision of the Provost on all matters within his/ her powers shall be final and shall not be open to question or discussion.

## **16. Councillors' Conduct at Meetings**

16.1 All Councillors must comply with the requirements of The Councillors' Code of Conduct and associated regulations and guidance as issued by the Standards Commission for Scotland from time to time.

16.2 Deference shall at all times be paid to the authority of the Provost. When he/ she begins to speak, any Councillors addressing the meeting shall give way; he/ she shall be heard without interruption, and no Councillors shall speak until the Provost has finished speaking.

16.3 All Councillors must respect the Provost, colleagues, Council employees and any members of the public present during meetings or other formal proceedings of the Council.

16.4 Councillors are accountable for their own individual conduct in meetings of the Council at all times irrespective of the conduct of others. Abusive or offensive language shall not be acceptable. Councillors shall have regard at all times to the requirements of equalities legislation.

16.5 All Councillors must comply with rulings from the Provost in the conduct of business of the Council. This includes rulings on the proper and timely conduct of meetings, the acceptability of language used and the fairness and sufficiency of debate. Councillors present at the meeting share the responsibility for the proper and expeditious discharge of business and the role of the Provost requires to be supported and respected.

16.6 No behaviour disruptive to a meeting shall be acceptable and where appropriate, the sanctions specified in Standing Order 21.1 (1) (Suspension of a Councillor) will be invoked.

16.7 In the event of persistent misconduct of a Councillor by disregarding the ruling of the Provost, or behaving improperly or offensively or using unbecoming language, or wilfully obstructing the business of the meeting, the Provost may take any of the following courses either separately or in sequence:

- (1) direct the Councillor to refrain from speaking during the remainder of the debate on the matter under discussion;
- (2) adjourn the meeting for such period as seems expedient to the Provost; and
- (3) in the event of general disturbance which in the opinion of the Provost renders the due and orderly despatch of business impossible, the Provost may, in addition to any other power vested in him/ her, without the question being put, suspend the meeting for such period of time that he/ she considers expedient.

## **17. Declaration of Interests of Councillors**

- 17.1 The Councillors' Code of Conduct makes provision in Section 5 for the circumstances in which a Councillor who is present at a meeting must declare an interest in relation to any contract, proposed contract or other matter to be considered at that meeting. An interest may be financial or non-financial, registerable under the Code or non-registerable and may relate to a Councillor's personal interests or to the interests of other persons.
- 17.2 Councillors are required to declare an interest in accordance with the requirements of the Councillors' Code of Conduct, having regard to the general exclusions, the specific exclusions and the objective test, namely, whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice a Councillor's discussion or decision making in their role as Councillor.
- 17.3 Any declaration of interest should be made as soon as practicable after the start of a meeting where that interest arises. Any declaration of interest should identify the item or items of business to which it relates and state clearly the specific nature of the interest.
- 17.4 A Councillor who has declared an interest must withdraw from the meeting room, or remote meeting platform (as applicable), until discussion and voting on the relevant item of business is concluded, (except in circumstances where the Code specifies there is no need to withdraw).
- 17.5 The minutes of the meeting shall record the name of any Councillor who has declared an interest, the nature of the interest and whether or not the Councillor remained in the meeting, took part in the debate or voted.

## **18. Notices of Motion Intended for Consideration at Next Meeting**

- 18.1 Every notice of motion must be in writing and signed by the Councillor giving the notice and seconded in writing and signed by another Councillor. Every motion must be relevant to some matter in relation to which the Council has functions or which affects the area of the Council. The Provost will, if need be, give a ruling as to whether the motion is relevant and/ or competent.
- 18.2 Every such notice must be delivered to the Chief Executive at his or her office not later than 12.00 noon on the day five clear days before the date of the next meeting of the Council, otherwise it will not appear on the agenda for such meeting. The motion may be delivered by hand, post or email. (For example, if the Council meets

on Thursday, then any Motions for this meeting would require to be delivered to the Chief Executive at her/ his office by 12.00 noon on the Wednesday of the preceding week (5 clear days).)

- 18.3 If any motion raises an issue affecting the operational policy or finances of the Council which has not been the subject of a report to the Cabinet, the motion may (if approved after discussion) be referred to the Cabinet for consideration.
- 18.4 All motions considered valid by the Chief Executive and of which notice has been duly given will be included in the agenda for the next meeting in the order in which they were received by the Chief Executive, who will record both the date and time of receipt of the original notice.
- 18.5 If more than one such motion, in the opinion of the Chief Executive, having consulted with the Provost, deals with the same subject matter, only the motion first lodged will be considered.
- 18.6 If a motion, notice of which is specified in the agenda, is not moved either by the Councillor who has given the notice or by some other Councillor on his/ her behalf when it arises on the agenda, it will, unless postponed by leave of the meeting, be considered as abandoned and may not be moved without fresh notice.
- 18.7 Notwithstanding Standing Order 18.2 above, the Provost may accept a notice of motion delivered to the Chief Executive not later than 12.00 noon on the day prior to the day of the meeting if the Provost is satisfied by reason of special circumstances that the motion should be considered as a matter of urgency.

## **19. Motions and Amendments - General**

- 19.1 In relation to items of business on the agenda, the Provost will ask the Council Administration if they wish to propose a motion (except in relation to 13.1 (11) Motions, when the proposer of the motion shall be given the first opportunity to propose the motion, which failing, any Member may propose the motion). If a member of the Council Administration does not propose a motion, any Member may propose a motion. Any such motion must be immediately seconded. Thereafter the Provost will seek any amendments, which should also be seconded. The proposer of any motion or amendment may speak to their motion or amendment when proposing it, otherwise shall be allowed to speak to it during debate.
- 19.2 The Provost may require that any motion or amendment shall be reduced to writing and a copy thereof passed to the Clerk and circulated to each Councillor and may require any motion or amendment to be read out prior to it being put to the meeting.
- 19.3 Subject to Standing Order 19.4, motions or amendments made but not seconded will not be discussed or recorded in the minutes.
- 19.4 When a motion or amendment has been moved but not seconded, the mover may require his or her dissent in respect of a decision taken on the item of business to which the motion or amendment relates to be entered in the minute, and such dissent shall be so recorded by the insertion of a note that the Councillor concerned asked that his/ her dissent be recorded together with the motion or amendment which failed to find a seconder.
- 19.5 Any motion or amendment which seeks to add to, take from or otherwise alter or amend the annual budgets previously approved by Council (relating to the Revenue

Budget, the General Services Capital Programme, the Housing Revenue Account, Setting of Council Rents, the Housing Investment Programme and Common Good Accounts) shall require to detail the cost of the proposal(s) being advanced or the savings proposed to be achieved and the consequential impacts (including, without limitation to the foregoing generality, equalities impacts) of that cost or those savings on the budget as previously approved by Council.

- 19.6 A motion or amendment once moved and seconded shall not be altered or withdrawn without the consent of the mover and seconder.
- 19.7 An amendment must be relevant to the motion, should be either to leave out words, and/ or insert and/ or add others but should not have the effect of introducing new and unrelated subject matter into the motion before Council. The Provost shall have the authority to rule out of order any amendment, which he/ she may consider irrelevant, or substantially the same as the motion or another amendment.
- 19.8 No Councillor shall move or second more than one motion or amendment upon a particular issue although a Councillor who has moved or seconded a motion or amendment shall not be precluded from moving or seconding a fresh amendment if the original motion or amendment is withdrawn.
- 19.9 Except where the Provost notes that those Councillors at the meeting are in general agreement with regard to any unopposed motion, each motion and amendment will be put to the vote in accordance with Standing Order 23 below.

## **20. Debate and Speeches**

- 20.1 Except with the consent of the Provost, the original mover of a motion (but not an amendment) shall speak for no more than ten minutes and, thereafter, no Councillor shall speak to a motion or amendment or in reply for more than five minutes. A Councillor who seconds a motion or an amendment may, when seconding, reserve the right to speak at a later point in the debate.
- 20.2 A Councillor may either sit or stand when speaking, and shall address the Provost.
- 20.3 Subject to Standing Order 20.4, a Councillor must direct his or her speech to the question under discussion and may only speak once during the debate on an item of business to either: move an amendment or motion, or to second or speak to an amendment or motion moved by another Councillor.
- 20.4 The exceptions to Standing Order 20.3 are:
- (1) to exercise a right of reply (under Standing Order 20.9);
  - (2) on a point of order;
  - (3) questions; and
  - (4) by way of personal explanation.
- 20.5 Any Member may ask a question at any meeting of the Council concerning any item of business arising upon the agenda of any senior officer present at the meeting or the relevant portfolio holder provided such questions are relevant to the item of business under consideration.

- 20.6 Questions seeking clarity on the terms of any motion or amendment shall be made to the mover, seconder or the relevant Portfolio Holder. . Clarification can also be sought from any senior officer present at the meeting. The Councillors or officer to whom the question is addressed shall be given the opportunity of replying in writing.
- 20.7 On a point of personal explanation, a Councillor who has previously spoken on an item of business may, with consent of the Provost, speak in personal explanation of some material part of a former speech by him/ her which may appear to have been misunderstood, or as to some statement or act wrongly attributed to him/ her. The Councillor must confine his/ her remarks strictly to that point and must not refer to other matters nor endeavour to elaborate a former speech by new arguments, or a reply to other Councillors.
- 20.8 A Question of Order shall relate only to an alleged breach of a Standing Order. Any Member indicating a desire to raise a question of order shall state at the outset the number or terms of the Standing Order considered to be infringed and the way in which the Member raising it considers that it has been broken. A Councillor shall cease speaking when a point of order is raised until the point in question has been decided by the Provost who shall be sole and final judge as to the competency and validity of the point of order. No Member other than the Member who raised the Question of Order will speak to that question, except with the permission of the Provost.
- 20.9 After a Question of Order is decided, the Member who was addressing the meeting at the time when it was raised will be entitled to proceed with the discussion, giving effect to the Provost's ruling.
- 20.10 The mover of a motion shall have a right of reply at the close of the debate in the motion, immediately before it is put to the vote. The mover of an amendment has no right of reply to the debate on that amendment. The mover of a motion shall, in his/ her reply, strictly confine himself/ herself to answering previous speakers, and shall not introduce any new matter.
- 20.11 After the reply is concluded, the discussion shall be held to be closed, after which no Councillors shall be permitted to offer an opinion or to ask a question or otherwise interrupt proceedings or to speak, except with regard to the manner of taking a vote and the question under discussion shall be put by the Provost.

## **21. Procedural Motions**

- 21.1 The following motions are permitted during discussion of another motion. They will be moved, seconded and put to a simple vote of 'Agree' or 'Disagree' without discussion and shall take precedence over the motion under discussion.

### **(1) *Suspension of a Councillor***

In the event of any Councillors at any Council meeting disregarding the authority of the Provost, or being guilty of obstruction or offensive conduct or conduct likely to disrupt the orderly execution of the business of the meeting, a motion may be moved and seconded to suspend such Councillors for the remainder of the meeting. The motion shall be put to the meeting without discussion. Should the motion be carried, such Councillors shall thereupon retire from the meeting. A Council Officer shall act upon any orders he/ she may receive from the Provost in pursuance of such decision.

(2) ***Move to Vote***

At the close of any speech, any Councillor who has not yet spoken on the question before the meeting, may move 'That the question be now put'. If this is seconded, then the Provost, if he/ she is of opinion that the subject has been sufficiently discussed, shall, without further debate, put this to a vote. If it is carried, the mover of the original motion shall have the right to reply, in accordance with Standing Order 20.8.

(3) ***Adjournment of Meeting***

A motion for the adjournment of the meeting may be put at the conclusion of any speech by any Councillor. It should be moved and seconded without a speech, and shall at once be put by the Provost in the form of 'Adjourn' or 'Not Adjourn'. A second motion for the adjournment of the meeting shall not be made within a period of half-an-hour, unless it be moved by the Provost, when it shall be dealt with as above.

(4) ***Proceed to Next Business***

It shall be competent for any Councillor at the close of any speech to move without comment that the Council proceeds to the next business and if the motion is seconded it shall at once be put to a simple vote. When a motion is carried that the Council proceeds to the next business, the motion under discussion shall be considered as abandoned.

(5) ***Suspension of Standing Orders***

Any one or more of the Standing Orders (other than Standing Order 22 (Rescinding/ Revocation of Previous Decision/ Resolution) and Standing Order 33 (Standing Orders), in any case of urgency as determined by the Provost or upon a motion being made, may be suspended at any meeting of the Council provided that two thirds of the members of the Council present and entitled to vote (and an absolute majority of the members of the Council) shall so decide. It shall not be competent for the Council to suspend any Standing Order which gives effect to any provision of Schedule 7 to the Local Government (Scotland) Act 1973 (Arrangements for Meetings and Proceedings of Local Authorities) or any other statutory provision. For the avoidance of doubt, no Panel of the Council shall have power under this Standing Order or otherwise to suspend any Standing Order.

(6) ***Press and Public***

Any Councillor may move to exclude or re-admit the press and public under Section 50A (4) of the 1973 Act. If this be seconded then the Provost shall, without further debate, put this to a simple vote.

## **22. Rescinding/ Revocation of Previous Decision/ Resolution**

22.1 Except where required by statute, no decision of the Council may be reconsidered and no item of business the same or substantially the same as one previously determined by the Council (as ruled by the Provost) may be discussed by the Council or any Panel of the Council (but without prejudice to the call-in process under Standing Order 35.4) within six months of the date of the making of the previous decision or determination of the item, except when two-thirds of the Councillors present and voting at a meeting of the Council (and an absolute majority of the whole Council - ie 15 Councillors) agree otherwise, or where the Provost rules that there has been a material change of circumstances which shall include where there has been a change in the law or the decision is unable to be implemented for reasons outwith the control of the Council or the failure to reconsider may result in a potential loss of life or substantial economic loss to the Council. The Provost shall explain the reason for the ruling and the reason shall be minuted. For the avoidance of doubt, no Panel of the Council shall have power to vote to reconsider an item of business as aforesaid. Requests for changes within a six month period to the membership of the Cabinet and other Panels, Committees and Sub-Committees, and representatives of the Council on Joint Committees, Joint Boards and other external bodies and organisations are not considered to be the same or substantially the same.

## **23. Voting**

23.1 Without prejudice to Standing Order 19.9, each motion and amendment will be put to the vote in accordance with this Standing Order 23.

23.2 Unless dispensed with by the Provost, the terms of the motion and any amendment(s) will be read out to the meeting.

23.3 After the Provost has announced the issue on which a vote is to be taken and voting has commenced, no Councillor will be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings, until the result of the vote is declared.

23.4 When a motion only, or a motion and one amendment only, are before the meeting, a vote shall be taken 'for' and 'against' the motion, or, as the case may be, between the motion and amendment, with the amendment being taken first.

23.5 When a motion and two or more amendments are before the meeting, the amendment last proposed, (except when one of the amendments implies negation as herein after provided) shall be put against that amendment immediately preceding, and then the one which is carried shall be put against the next preceding, and so on until there remains only one amendment, between which amendment and the original motion the vote shall be taken.

23.6 Where a Councillor desires to move an amendment which is the direct negative of the motion this shall be first put to the vote against the motion. If this amendment, (the direct negative) is carried the motion and any other amendment(s) shall fall and shall not be put to the meeting; if the amendment being the direct negative is not carried, the motion and remaining amendment(s) shall be put to the vote in accordance with the preceding Standing Order.

23.7 At each stage, the result of the vote on the basis of a simple majority of those present and voting will be announced.

23.8 All votes on procedural motions will be taken by electronic voting or on a show of hands. Voting otherwise will be by electronic voting or by a show of hands, except in the following circumstances:

(1) subject to Standing Order 23.8 (2), if any Councillor present and voting so requests, the Clerk will call out the names of all the Councillors and will record in the minutes of the meeting the names of those:

- voting for or against the motion or amendment; or
- abstaining from voting, or
- absent from the meeting when the vote was taken.

(2) on a motion put forward, seconded, and carried without discussion, by a majority of Councillors at the meeting, voting will be by ballot which will be undertaken by the Clerk to ensure the secrecy of the vote. No written notice of motion is required.

Where the meeting is being held via a remote meeting platform, unless there is an agreed electronic voting system in use which allows for a secret ballot, such a ballot may not be feasible, and voting shall be by roll call vote.

23.9 All votes on procedure (Standing Orders 21 and 22) shall be taken electronically or by a show of hands.

23.10 In the case of an equality of votes, the Provost or Depute Provost or other Councillor presiding, will have a second or casting vote and may exercise it at his/ her discretion (except as otherwise provided by statute and except as detailed in Standing Order 24 – Voting on Appointments).

23.11 In all other cases, only those Councillors who have been in attendance during the whole or main part of the discussion on the agenda item giving rise to the vote will be entitled to participate in that vote, with brief periods of absence during consideration of the business under discussion being disregarded for these purposes.

## **24. Voting on Appointments**

24.1 In the case of any election or appointment to office where only one vacancy requires to be filled and only two candidates are nominated, a vote shall be taken as between them and the one receiving the majority of votes shall be declared duly elected.

24.2 If more than two candidates are nominated, a vote shall first be taken as between all the candidates nominated, each Councillor being entitled to vote for only one candidate. If, after this vote has been taken, any candidate obtains an absolute majority of the votes of the Councillors present and voting, such candidate shall be declared duly elected. If no candidate has such a majority the name of the candidate having the fewest number of votes shall be struck out of the list of candidates.

24.3 Further voting shall take place and follow this procedure until one of the candidates obtains an absolute majority of the votes of the Councillors present and voting, when he/ she shall be declared duly elected or appointed, or until the candidates

are reduced to two, when a final vote shall be taken and the candidate who receives the majority of votes shall be declared duly elected or appointed.

- 24.4 If there should be an equality of votes for two or more candidates, the candidate to be elected will be decided by lot, which will be conducted by the Clerk.
- 24.5 In the case of appointments where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, voting shall take place as follows: each Councillor shall be entitled to vote for one candidate for each vacancy and the candidates receiving the highest number of votes shall be appointed to the number of vacancies to be filled, provided that in each case the votes cast for the candidate exceeds the total votes cast for the remaining candidates (ie - an absolute majority).
- 24.6 Where no clear result emerges from the first voting either because one or more of the candidates receiving the highest number of votes has not secured an overall majority or because of an equality of voting for two or more of the candidates, the candidate having the lowest number of votes shall be removed from the list.
- 24.7 The voting shall be then repeated until the requisite majority is received for the number of candidates corresponding to the number of vacancies. In the event of a final equality of votes the candidates selected by lot shall be declared duly appointed.

## **25. Third Party Interests - Voting**

- 25.1 For the purposes of clarification, where voting takes place on an agenda item where third party interests are directly affected - for example, where a planning application is being considered, or where appointments are being made in accordance with Standing Order 24, only those Councillors who have been present during the whole of the discussion will be entitled to participate in the vote.

## **26. Formal Written Questions**

- 26.1 Except as provided for in Standing Order 20.5, or on a point of order, it shall not be competent for any Councillor to ask a question at any meeting of the Council unless the terms of the question have been intimated in writing and delivered or emailed to the Chief Executive by no later than 12.00 noon on the day three clear days before the date of the meeting.( For example, if the Council meets on Thursday, then any Formal Written Questions for this meeting require to be delivered to the Chief Executive at his/ her office by 12.00 noon on the previous Friday (3 clear days).)

Questions may be directed to the Leader, Portfolio Holder, Panel Chairs, the Chief Executive or Directors. Where addressed to a Portfolio Holder or Panel Chair, any questions shall relate to the functions of that Portfolio or Panel, respectively.

- 26.2 Written answers to each written question submitted under Standing Order 26.1 will be tabled at the Council meeting. Written questions and answers will be reproduced and numbered in the order in which they have been received and will be made available to the Councillors at question time as specified on the agenda.
- 26.3 No discussion is competent on questions submitted as aforesaid or answers provided.

- 26.4 Arising from each answer given, one supplementary question, for clarification of the answer given, may be put by the Councillor who asked the original question and the supplementary question will be answered by the Provost or by such Councillors or such officer as the Provost may direct, provided always that the Councillors or officer to whom the supplementary question is addressed shall be given the opportunity of replying in writing.
- 26.5 Question time shall be limited to thirty minutes.
- 26.6 Written questions and any written answers will be recorded in the minute.
- 26.7 In this Standing Order, the expression 'written question' includes a series of written questions asked by the same Councillor all dealing with one subject or with subjects, which, in the opinion of the Provost, are so closely related as to be regarded as one subject.
- 27. Provision not required.**

## Standing Orders Relating to Meetings

### Section 3

#### Miscellaneous Matters

#### **28. Provost and Depute Provost**

##### **28.1 *Term of Office of Provost***

The duration of the term of office of the Provost and Depute Provost (the Convener and Vice-Convener of the Council) shall extend until the next ordinary election of the Council, except that the Council may remove from office the Provost and/ or Depute Provost by a majority of the Councillors present and voting thereon at any meeting of the Council, providing the item of business is specified in the notice calling the meeting. The Council may proceed immediately to fill the resultant vacancy/ vacancies.

28.2 On a casual vacancy arising in the offices of Provost or Depute Provost, an election to fill the vacancy shall be held as soon as practicable at a meeting of the Council, provided that the notice for the meeting shall specify the filling of the vacancy as an item of business.

##### **28.3 *Term of Office of Leader, Chairs, etc***

The duration of the term of office of the Leader and Depute Leader of the Council and of all Chairs and Vice-Chairs of Panels, other than a lay Chair of the Audit and Governance Panel whose tenure shall be governed by specific contractual arrangements, shall extend until the next ordinary election of the Council, except that the Council may remove from office any such post-holder by following the procedure set out in Standing Order 28.1.

##### **28.4 *Chair of Audit and Governance Panel***

The Chair of the Audit and Governance Panel may be (i) a Councillor who is not a member of the current administration party(ies) or (ii) a lay person appointed following a public recruitment exercise as directed by the Council from time to time. A lay chair will hold office for a period to be agreed by the Council. For the avoidance of doubt, a lay Chair, once appointed, shall have full voting rights as a Panel member and the duties and powers as set out in Standing Order 15 shall apply, including exercising both a deliberative vote and a casting vote.

#### **29. Appointment of Chief Officers**

29.1 The appointment of the Chief Executive and Chief Officers of the Council shall be undertaken by the Chief Officers' Appointments/ Appraisal Panel in accordance with current HR policies. All appointments made below Chief Officer level shall be made by the relevant Chief Officers in accordance with the Scheme of Delegation.

29.2 In the case of any appointment to office where only one vacancy requires to be filled and only two candidates are nominated, a vote shall be taken as between them and the one receiving the majority of votes shall be declared duly appointed.

29.3 If more than two candidates are nominated, a vote shall first be taken as between all the candidates nominated, each Councillor being entitled to vote for only one candidate. If, after this vote has been taken, any candidate obtains an absolute majority of the votes of the Councillors present and voting, such candidate shall be declared duly appointed. If no candidate has such a majority the name of the candidate having the fewest number of votes shall be struck out of the list of candidates.

29.4 Further voting shall take place and follow this procedure until one of the candidates obtains an absolute majority of the votes of the Councillors present and voting, when he/ she shall be declared duly appointed, or until the candidates are reduced to two, when a final vote shall be taken and the candidate who receives the majority of votes shall be declared duly appointed.

### **30. Common Seal**

30.1 The Common Seal of the Council shall be kept by the Chief Executive who shall be responsible for its safe custody.

30.2 The Chief Executive may authorise the Head of Legal, HR and Regulatory Services as Proper Officer of the Council to affix the Common Seal to any document which requires to be sealed in order to give effect to a decision of the Council.

### **31. Petitions**

31.1 Petitions from members of the public addressed to the Council shall be considered by the Partnerships Panel in accordance with the Council's Petitions Protocol.

31.2 Every application for the reception of a petition must be in writing, and delivered or emailed to the Chief Executive, or submitted online in accordance with the specified procedure, by no later than 12.00 noon on the day twenty clear days before the meeting of the Panel at which it may be considered.

31.3 The Chief Executive, in consultation with the Chair of the Partnerships Panel, may allow the late submission of a petition in cases of urgency.

### **32. Disclosure of Information**

32.1 Information, whether contained in a document or otherwise, which is confidential information within the meaning of Section 50A (2) of the 1973 Act, must not be disclosed to the press or any other person by any Councillor or officer.

32.2 The full or any part of a document marked 'Not for Publication by virtue of the appropriate Paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973' must not be disclosed to the press or any other person unless and until the document has been made available to the public or the press under Section 50B of the 1973 Act.

32.3 No information regarding proceedings of the Council or a Panel from which the public have been excluded shall be disclosed to the press or any other person unless and until such disclosure has been authorised by the Council or Panel or the information has been made available to the public or the press under Section 50B of the 1973 Act.

32.4 The Council (in respect of all matters) or Cabinet (in respect of matters within the remit of the Cabinet only) may authorise disclosure of the whole or part of any document falling under Standing Order 32.2, by a simple majority of the Councillors present and voting at any meeting. Where so determined by the Council or Cabinet as aforesaid, the Head of Legal, HR and Regulatory Services shall arrange to make public a redacted version of any report which has been considered after exclusion of the public in accordance with Standing Order 10.1 (1), so as to provide a fair and coherent record of proceedings without disclosing the exempt information.

32.5 Where a decision of Cabinet is 'called in' in accordance with Standing Order 35.4, any decision taken by the Cabinet under Standing Order 32.4 to authorise disclosure of the whole or part of a document to which the 'called in' decision relates shall not take effect until the conclusion of the call-in process.

### **33. Standing Orders**

33.1 The ruling of the Provost or other person presiding concerning the interpretation or application of these Standing Orders shall not be challenged at any meeting of the Council.

33.2 A meeting of the Council may only consider changes to these Standing Orders if notice of the intention to vary or revise these Standing Orders is included in the Notice for the meeting; subject to such notice being given, these Standing Orders may be varied or revised at a meeting of the Council by a simple majority of the Councillors present and voting.

### **34. Contract Standing Orders and Financial Regulations**

34.1 The Council shall make Contract Standing Orders and Financial Regulations for the regulation of the making by it or on its behalf of contracts and for the proper planning, execution and control of its financial affairs and such Standing Orders and Regulations will form part of these Standing Orders and will be read with them and with any Scheme of Delegation made by the Council.

34.2 Contract Standing Orders and Financial Regulations made by the Council in terms of this Standing Order will apply to Panels, Councillors, officers and certain agents of the Council as appropriate, (the question of whether any person or body is an 'agent' of the Council being determined by the Head of Legal, HR and Regulatory Services whose ruling will be final).

35X With the agreement of the Group Leaders and an Independent Members and if required to enable effective decision making (or otherwise) in an emergency, the Chief Executive has power to amend the Standing Orders Relating to Meetings, the Scheme of Delegation, the Standing Orders Relating to Contracts or the Financial Regulations. Where agreement cannot be reached to do so, then the Chief Executive shall request the Provost to call a Special Meeting in accordance with Standing Order 5.4 to allow the Council to determine the matter in accordance with Standing Order 33.2.

## Standing Orders Relating to Meetings

### Section 4

#### Panels

#### 35. Scheme of Delegation and Appointment of Panels, etc

##### 35.1 *General*

- (1) This section of the Standing Orders must be read in conjunction with the Council's Scheme of Delegation.
- (2) The Council will prepare and adopt a Scheme of Delegation providing for (a) the delegation of discharge of its functions to Panels and officers and (b) the allocation of terms of reference to those Panels. For the avoidance of doubt, there will be no delegation of powers to individual Councillors.
- (3) Subject to any legal requirement, the Council can amend its Scheme of Delegation and the constitution, membership and functions of Panels and its delegations to officers, as and when it considers necessary.
- (4) Panels must follow any instructions or decisions the Council makes on matters of policy.
- (5) Standing Orders 3, 18, 21.1 (5), 24, and 26 shall not apply to meetings of Panels. Meetings of Panels will be conducted in accordance with Standing Orders 1, 2, 4 to 17, 19 to 23 (but not 21.1 (5)), 25, 32, 33 and 35, subject to the following amendments:
  - all references to 'Provost' and 'Depute Provost' will be read as 'Chair' and 'Vice-Chair' respectively;
  - the quorum for any meeting will be as set out in Standing Order 12;
  - at any meeting of the Regulatory Panel, the Chair may extend the period for transaction of business if (s)he considers that it will enable the Panel to complete its business; and
  - the time limit for meetings will not apply to the Appeals Panel, the Chief Officers' Appointments/ Appraisal Panel or the Education Appeals Panel.
- (6) The Chair of any of the Scrutiny Panels may, in the interests of securing open debate, dispense in regard to any item on the agenda with the requirements relating to rules of debate, procedural motions and points of order and may announce to the meeting that (s)he is so dispensing, and may recall the dispensation should the requirements of good order and expeditious dispatch of business require it. The aim of the Scrutiny Panels is for the Chair to conduct the meeting in a manner which will encourage interest and participation and without unnecessary formality such as would inhibit or discourage involvement.

- (7) A Councillor may attend any Panel meetings, even when not appointed to them, but cannot participate or vote. Where the Councillor is not a member of the Panel, (s)he should sit in the public gallery so that it is clear to the public that the Councillor is not part of the body taking the decisions. They may attend all parts of the meeting, whether or not the Panel has excluded the press and public, with the following exceptions:
- Councillors who are not appointed as members of the Appeals Panel, Chief Officers' Appointments/ Appraisal Panel or Education Appeals Panel may not attend any part of these meetings; and
  - Councillors who are not appointed as members of the Regulatory Panel (Licensing) may only attend, and be issued with papers in relation to, those parts of the meeting which are open to the public.
- (8) Where a Councillor has a right to attend a Panel under Standing Order 35.1 (7), (s)he may speak at the meeting only if required to do so by the Chair of the Panel in question.

## 35.2 **Cabinet**

- (1) The Council will establish a Panel to be known as the Cabinet to discharge the functions set out in the Scheme of Delegation.
- (2) The Cabinet may choose not to discharge a particular function, but to make a recommendation on the matter to the Council. The Cabinet may also make recommendations to the Council with regard to functions that the Council has reserved to itself.
- (3) The Cabinet will be appointed by Council and will comprise up to nine Councillors.
- (4) The Provost will not serve on the Cabinet.
- (5) In appointing Councillors to the Cabinet, the Council will allocate Portfolios as set out in the Scheme of Delegation. In addition to Portfolio Holders, the Council may appoint two members from the Opposition Party(ies) who may attend and take part in and vote at all Cabinet meetings but shall not be allocated a portfolio area of responsibility.
- (6) The Leader of the Council will be the Chair of the Cabinet and the Depute Leader of the Council will be the Vice-Chair of the Cabinet and will chair the Cabinet in the absence of the Chair.
- (7) Subject to sub-paragraph (5), the Council may allocate Cabinet members as it considers appropriate to cover Portfolio responsibilities.
- (8) Political Groups not represented on the Cabinet as Portfolio Holders may nominate Councillors to act as shadow spokespersons in relation to any of the Portfolios referred to in Standing Order 35.2 (5).

- (9) The Cabinet will meet on a four-weekly basis. Agendas for meetings of the Cabinet will be issued to all Councillors.
- (10) At every second meeting of the Cabinet, in addition to discharging ordinary business, the Cabinet will discharge education functions on the Council's behalf, at which point, the membership of the Cabinet will include:
- three representatives of religious bodies appointed under Section 124 of the Local Government (Scotland) Act 1973. These members of the Panel will be counted for the purpose of establishing a quorum and will have the same voting rights as Councillors. They will not be able to appoint substitutes; and
  - one teacher elected by teaching staff employed by the Council, one parent representative elected by Parent Council Chairs across all schools in South Ayrshire and one senior pupil representative elected by Pupil Councils across all schools in South Ayrshire. These members of the Panel will not be entitled to vote or appoint substitutes.
- (11) No business will be carried out at a meeting of the Cabinet unless at least three Portfolio Holders are present excepting that when the Cabinet meets to discharge education functions on the Council's behalf, the quorum will be four (including at least three Portfolio Holders), always provided that at least one-half of the Cabinet's voting membership must comprise Councillors at all times.
- (12) The Chief Executive will issue a decision notice detailing decisions taken by the Cabinet to all Councillors by 5.00 pm on the day on which the Leadership Panel meets.
- (13) No action will be taken on decisions taken by the Leadership Panel, until a notice detailing those items:
- called-in;
  - referred to Council; and
  - which can be actioned with immediate effect;

has been issued by the Chief Executive to all Councillors. This notice will be issued by 5.00 pm on the day two days following the day on which the Cabinet meets.

### 35.3 **Scrutiny Panels - General**

- (1) The Council will establish three Panels to discharge functions relating to governance and scrutiny of decisions, performance and improvement activity, with remits as set out in the Scheme of Delegation. These Panels will be named:
- Audit and Governance Panel (which will operate as the Audit Committee of the Council);

- Service and Performance Panel; and
- Partnerships Panel.

These Panels will be collectively referred to as 'Scrutiny Panels'.

- (2) Each of the Scrutiny Panels shall meet on an 8 weekly cycle in accordance with a timetable for meetings to be set by Council. The Audit and Governance Panel shall meet, in addition, in the week following any meeting of the Cabinet if required for the purposes only of considering a call-in from the Cabinet, if the Panel would not otherwise have been scheduled to meet in that week.
- (3) No member of the Cabinet may be a member of any of the Scrutiny Panels.
- (4) The Council will appoint a Chair and a Vice-chair of each Scrutiny Panel. The Chair of the Audit and Governance Panel may be a lay person appointed following a public recruitment exercise as directed by the Council from time to time.
- (5) No substitution will be permitted.
- (6) Scrutiny Panels may invite individuals and/ or representatives of organisations with expertise or interest in aspects of their remit, either to attend and/ or contribute to meetings, as regular participants or for a specific topic. These individuals/ representatives will not be counted for the purposes of establishing a quorum, will not be entitled to vote and will not be able to appoint substitutes.
- (7) Scrutiny Panels may request Portfolio Holders, other Councillors and members of outside organisations to attend meetings and/ or give evidence and advice.
- (8) Agendas for Scrutiny Panels will be issued to all Councillors.
- (9) The Council may amend the membership and remits of Scrutiny Panels as it sees fit.
- (10) Scrutiny Panels will meet in public on the days, at the times and in the places fixed by the Chair and subject always to Standing Order 10.
- (11) Each Scrutiny Panel shall agree an annual work programme and this shall form the basis for agenda items.
- (12) Each Scrutiny Panel shall operate an action log as a standing agenda item.
- (13) Standing Order 31 shall apply in relation to Public Petitions received.

#### 35.4 **The 'Call-In' Process**

As the Council operates an 'executive model' of decision making, provision is required for decisions of the Cabinet to be 'called in' for further scrutiny except for decisions relating to the Community Asset Transfer process that follow a separate process to comply with Part 5 of the Community Empowerment (Scotland) Act 2015 as detailed in Standing Order 35.10. Call-ins shall be considered and dealt with by the Audit and Governance Panel in accordance with the following provisions:

- (1) Requisitions calling-in decisions of the Cabinet must be signed either (a) by four Councillors or (b) by a majority of the membership of the Audit and Governance Panel and be delivered to the Chief Executive by no later than 4.00 pm on the day two days following the day on which the Cabinet has met.
- (2) A requisition calling in a decision must be in the form contained in [Appendix 3](#). Any alterations must either be initialled by all Councillors who signed the requisition or must be otherwise evidenced in writing. The 'reasons' section should be completed with sufficient detail as to allow members of the Audit and Governance Panel and officers to appreciate the cause for concern prompting the call-in. (This may be by reference to a part or parts of the report or decision, or by describing an issue which may not have been adequately addressed, or by requesting the provision of additional information which should be specified).
- (3) Where a call-in requisition contains any questions, or requests for further or additional information, officers, in consultation with the relevant Portfolio holder, shall, where possible, provide written responses to be intimated to all Councillors in advance of the Panel meeting. Receipt of responses to questions shall not itself preclude further scrutiny of the item called-in for the reason set out in this form.
- (4) Decisions that are called-in will be placed on the agenda for the next meeting of the Audit and Governance Panel (which will generally be in the week following the Cabinet).
- (5) The Audit and Governance Panel shall invite at least one of the Members who has requested the call-in to attend the Panel to explain the request. The Panel will also invite a representative from the Cabinet to present their views on the call-in request and invite any senior officer to provide information on the report presented to the Cabinet. If none of the Members who have made the request attend the Audit and Governance Panel, the Panel may determine not to scrutinise the decision.
- (6) The relevant Portfolio Holder may also attend or be requested to attend Audit and Governance Panel meetings to answer questions on matters called-in.
- (7) Decisions called-in will be dealt with as follows:
  - where the Audit and Governance Panel agrees on a majority vote with the decision of the Cabinet, it can be implemented without further delay;

- where the Audit and Governance Panel does not agree on a majority vote with the decision of the Cabinet, it will be referred back to the Cabinet with recommendations from the Audit and Governance Panel for alternative action proposed. The Convener or another member of the Audit and Governance Panel nominated by the Convener will have the right to attend the Cabinet and speak in support of its recommendation on that matter;
  - the scrutiny meeting can continue discussion to the next meeting of the Audit and Governance Panel if additional information would assist in the decision-making process. If no decision is taken at that next meeting, the matter will be referred back to the Cabinet; and
  - where there continues to be a failure to agree after a referral back to the Cabinet, the matter will be referred to the Council for determination. The decision of the full Council shall be final and binding.
- (8) For the avoidance of doubt, where any item was considered by the Cabinet with the public excluded (in accordance with Standing Order 10.1 (1) or (2)), then the public shall also be excluded during consideration of the item at the Audit and Governance Panel, and Standing Order 32.5 shall apply.
- (9) Following a meeting of the Audit and Governance Panel at which a call-in has been considered, the Chief Executive will issue a decision notice within two clear days.

### 35.5 **Scrutiny Reviews**

- (1) The Service and Performance Panel will have the power to undertake Scrutiny Reviews in accordance with this Standing Order and the Scrutiny Handbook
- (2) The Service and Performance Panel will prepare an annual programme of up to three scrutiny reviews proposed to be undertaken by the Panel which will be based on performance reports considered by the Panel and shall be undertaken in accordance with the Scrutiny Handbook.
- (3) The Service and Performance Panel, in determining the scope and remit of a Scrutiny Review, will have regard to the following:
- each Scrutiny Review will require to have a clear scope and remit based on performance and improvement objectives and targets;
  - the Panel may appoint a sub group of their members to undertake a Scrutiny Review and may specify a minimum and a maximum membership of the sub group (and may include co-opted members of the Cabinet, depending on the nature of the topic to be scrutinised);

- the Panel will have the power to call expert witnesses and/ or call other professionals or representatives of interest groups for advice in respect of any Scrutiny Review undertaken;
- final Scrutiny Review reports will be referred to Cabinet or Council, as appropriate, for consideration of any recommendations and decision if required; and
- any member of a the Panel who wishes to prepare a minority report in relation to a Scrutiny Review must advise the Chief Executive and the Chair of the Panel in writing before the majority report is submitted to Council/ the Cabinet. The Councillor then has until the next available meeting to prepare his/ her report. The Scrutiny Panel report and the Minority report will be included on the agenda for the next appropriate Council/ Cabinet meeting.

### 35.6 **General Scrutiny Role**

- (1) Each Scrutiny Panel shall exercise a general scrutiny role in relation to matters within its specified remit, to monitor and challenge service performance, promote best value, and support continuous improvement in service delivery, the achievement of value for money and effective resource management.
- (2) Each Scrutiny Panel may present reports to Council/ Cabinet, as appropriate.

### 35.7 **Ad hoc Scrutiny**

- (1) Both the Council and the Cabinet shall have the power to request any one of the Scrutiny Panels referred to in Standing Order 35.3 (1) to undertake ad hoc scrutiny work in keeping with the remit of the Panel in terms of the Scheme of Delegation.
- (2) In addition to the annual programme of Scrutiny Reviews approved by Council in terms of Standing Order 35.5, the Council will have discretion to set up ad hoc Scrutiny Panels to undertake specific scrutiny reviews. The Cabinet can make recommendations to Council on areas for ad hoc scrutiny. These Panels will be drawn from amongst the membership of the full Council. Final reports will be considered by Council who may also agree arrangements for the consideration of any interim reports.

### 35.8 **Other Panels**

- (1) The following Committees (known as Panels) and Sub-Committees will also be appointed by the Council with the functions set out in the Council's Scheme of Delegation:
  - Regulatory;
  - Appeals;
  - Chief Officers' Appointments/ Appraisal;
  - Education Appeals;

- Local Review Body;
  - South Ayrshire Integration Joint Board; and
  - Ayrshire Shared Service Joint Committee.
- (2) Without prejudice to these Standing Orders the Council may, where appropriate from time to time, adopt and publish separate procedures applicable to the Panels referred to in Standing Order 35.8 (1).
- (3) The Council may also, subject to statute, from time to time adopt and publish separate procedures applicable to the Licensing Board referred to in Standing Order 3.3 (9).
- (4) Without prejudice to these Standing Orders, the South Ayrshire Integration Joint Board referred to in Standing Order 35.8 (1) above will conduct its business in accordance with the Standing Orders relating to meetings of that Board and the Ayrshire Shared Service Joint Committee referred to in Standing Order 35.8 (1) above will conduct its business in accordance with Standing Orders to be adopted by it in accordance with the Minute of Agreement setting up the Joint Committee.

### 35.9 ***Councillor/ Officer Working Groups***

- (1) The Council and the Cabinet may establish such Councillor/ Officer Working Groups as it considers appropriate and determine the membership, Convener and quorum. Representatives from community groups/ partner agencies may also be invited to attend meetings of the Working Group but will not be part of the decision making process.
- (2) A working group is not a Committee or Sub-Committee of the Council and will therefore meet in private .They do not have any delegated powers to implement its findings and the provisions of Standing Orders will therefore not apply to these Groups.
- (3) Agendas and reports for consideration at Working Groups will be issued by electronic means to all members no later than two clear days prior to the start of the meeting They will in accordance with their remit prepare a report for consideration by Council or the Cabinet.

### 35.10 ***Community Asset Transfer Process***

- (1) Decisions referred to the Audit and Governance Panel for review relating to the Community Asset Transfer process shall be dealt with as follows:
- where the Audit and Governance Panel agrees on a majority vote with the decision of the Cabinet, it can be implemented without further delay;
  - where the Audit and Governance Panel does not agree on a majority vote with the decision of the Cabinet, it will be referred back to the Cabinet with recommendations from the Audit and Governance Panel for alternative action proposed;
  - the application can be continued to the next meeting of the Audit and Governance Panel if additional information would assist in

the decision-making process. If no decision is taken at that next meeting, the matter will be referred back to the Cabinet; and

- where there continues to be a failure to agree after a referral back to the Cabinet, the matter will be referred to the Council for determination.
- (2) For the avoidance of doubt, where any item was considered by the Cabinet with the public excluded (in accordance with Standing Order 10.1 (1) or (2)), then the public shall also be excluded during consideration of the item at the Audit and Governance Panel and/ or Council (where appropriate), and Standing Order 32.5 shall apply.
  - (3) The applicant will be advised of the outcome of the review by the Audit and Governance Panel within two days of the matter being determined in accordance with the procedure set down in this paragraph.
  - (4) Decisions referred to the Audit and Governance Panel or the Cabinet and/ or the Council for review relating to the Community Asset Transfer will follow the process set out in the Community Asset Transfer Procedure Notice.

**REQUEST TO PROVOST TO CALL A SPECIAL MEETING OF THE COUNCIL**  
**(under Standing Order No. 5.1)**

**Please state the reasons for requesting a Special Meeting of the Council including the business proposed to be transacted**

**Please indicate whether this matter is reserved to the Council under the Scheme of Delegation**

**If not, please outline why the matter is not being submitted to the relevant Panel**

**Please specify any time constraints for the matter to be considered**

**Please state any special requirements for the meeting**

**Name:**

**Designation:**

**Directorate:**

Time Received:	Date Received:	Signed by:  <b>Provost</b>
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**Standing Order 10**  
**Exempt Information**

The agenda will be divided into the following parts:

- Part 1 - Unrestricted Items: permitting full public inspection.
- Part 2 - Exempt Items: see Standing Order 10.1 (1).
- Part 3 - Confidential Items: see Standing Order 10.1 (2).

What is meant by 'exempt information' is set out in Section 50J and Schedule 7A of the 1973 Act. The following categories of information are defined as being 'exempt':

- (1) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under, the Council;
- (2) Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority;
- (3) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Council;
- (4) Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Council;
- (5) Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement of that child made under the Children Act 1995;
- (6) Information relating to the financial or business affairs of any particular person (other than the Council);
- (7) Information relating to anything done or to be done in respect of any particular person for the purposes of any matter referred to in Section 27 (1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons);
- (8) The amount of any expenditure proposed to be incurred by the Council under any particular contract for the acquisition of property or the supply of goods or services;
- (9) Any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract for the acquisition or disposal of any property or the supply of goods or services;
- (10) The identity of the Council (as well as any other person, by virtue of item (vi) above) as the person offering any particular tender for a contract for the supply of goods or services;
- (11) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising

between the authority or a Minister of the Crown and employees of, or office holders under, the Council;

- (12) Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
- any legal proceedings by or against the Council, or
  - the determination of any matter affecting the Council, (whether, in either case, proceedings have been commenced or are in contemplation);
- (13) Information which, if disclosed to the public, would reveal that the Council proposes:
- to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
  - to make an order or direction under any enactment;
- (14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime; and
- (15) The identity of a protected informant.

What is meant by 'confidential information' is set out in Section 50A (3) of the 1973 Act. The following categories of information are defined as being 'confidential':

- (1) Information furnished to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public, and
- (2) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

Every report which includes confidential or exempt information will be marked, respectively:

'Not for publication by virtue of the confidential nature of the information as defined in Section 50A (3) of the Local Government (Scotland) Act 1973',

or

'Not for publication by virtue of the exempt nature of the information as defined in paragraph ..... of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973'.



## Reason

In order to improve information for Councillors, to assist officers in briefing the Panel and to improve the quality of Scrutiny, we confirm that the item is being called-in for the following reason(s).

Councillors are reminded that the 'reasons' section should be completed with sufficient detail as to allow members of the Audit and Governance Panel and officers to appreciate the cause for concern prompting the call-in. (This may be by reference to a part or parts of the Report or Decision or by describing an issue which may not have been adequately addressed or by requesting the provision of additional information which should be specified). Where a call-in requisition contains any questions, or requests for further or additional information, officers, in consultation with the relevant Portfolio holder, shall, where possible, provide written responses to be intimated to all Councillors in advance of the Panel. Receipt of responses to questions shall not itself preclude further scrutiny of the item called-in for the reason set out in this form.

### **Note**

Call-ins must be delivered to the Chief Executive no later than 4.00 pm on the day (usually Thursday) two days following the day (usually Tuesday) on which the Cabinet has met.

*Time Received*..... *Date Received* ..... *Received by* .....