



Governance Scheme Part 1: Fife Council Standing Orders

Procedural Rules for Council and Committee Meetings

May 2022

Scheme of Governance – Part 1 – Standing Orders

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The following Standing Orders are the procedural rules by which the Council, its committees and sub-committees shall conduct their business.

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1. Rules specific to meetings of Fife Council

- 1.1 The first meeting of the Council after any ordinary election of Councillors shall be held within twenty-one days from the date of the election.
- 1.2 At the first meeting of the Council after the election, the Council shall deal with the business in the following order:-
1. Note election of Councillors
 2. Take the sederunt, noting which Councillors have executed the Declaration of Acceptance of Office
 3. Elect the Provost of the Council
 4. Elect the Depute Provost of the Council (should it be decided that a Depute should be elected)
 5. Other statutory or competent business
- 1.3 At all other meetings of the Council, the order of business shall be as follows, except that any item of business may, at the discretion of the Provost, be taken out of its order. The order in the notice shall, unless circumstances otherwise require, be as follows:-
1. Chair to be taken
 2. Sederunt
 3. Civic Business brought forward by the Provost, including giving notice of any business to be dealt with under item 11
 4. Deputations
 5. Minute of the previous meeting or of any special meeting and business arising therefrom or remaining from the last meeting
 6. Minutes or reports of Committees, including their Sub-Committees (for accuracy only unless containing items requiring the specific approval of the Council)
 7. Leaders' report
 8. Question time (written questions submitted by members)
 9. Statutory or other competent business
 10. Notices of motion
 11. Business brought forward by the Provost as a matter of urgency
- Item 4 shall apply to meetings of the Council and Area Committees only and items 7 and 8 shall apply to meetings of the Council only.
- 1.4 The Provost of the Council, and Depute Provost, upon being elected shall hold office until the next ordinary election or until ceasing to be a Councillor, or until early removal in terms of Standing Order No.5.4, whichever is the earlier.
- 1.5 All references to 'Convener' and 'Depute-Convener' throughout these Standing Orders shall, in the case of meetings of the full Council, be taken to mean the Provost and Depute Provost, who shall normally preside at meetings of the full Council.

- 1.6 A member of the Council shall usually be expected (if so able) to stand when speaking although the Provost may exercise reasonable discretion in the matter.

Question Time

- 1.7 Any member may put a question to the Provost, or a relevant portfolio holder, or any Convener of a Committee, at any meeting of the Council, concerning any relevant and competent business not already upon the agenda, provided that members give intimation in writing of these questions to the Proper Officer not later than 12 noon on the fourth working day prior to the day fixed for the meeting except for reasons of urgency which reasons shall be set out as an introduction to the written question. The Proper Officer shall use their discretion to determine the relevancy and competency of such a question. Where practicable, arrangements shall be made to circulate copies of questions to members prior to the meeting and, in the case of a blended meeting (where some or all participants in the meeting are attending remotely), that provision be made for the circulation of electronic copies of questions in advance of the meeting, On any principal question so submitted, the member who puts the question may, after the answer has been given, ask one supplementary question and a summation/response from the appropriate portfolio holder or Convener, all directly bearing upon the subject matter of the original question. No supplementary questions shall be allowed from other members. Question time shall be limited to such period as the Provost shall reasonably determine, normally not exceeding an hour.

Leaders' Report

- 1.8 The Leaders of the Administration or, in their absence, their nominated substitutes, shall be entitled to submit a report on matters relevant to the Council. Verbal presentation of the report should not exceed ten minutes. At the Provost's discretion, members may raise questions on the report at the meeting. Questions on the report shall normally be restricted to a period of 30 minutes, at the Provost's discretion.

Budget Motions

- 1.9 (1) Any proposed motion relating to the setting of the Council Revenue and Capital budgets which contains proposals relating to those budgets overall (a "Budget Proposal") will require to be in writing and delivered to the Proper Officer preferably by electronic copy no later than one o'clock in the afternoon of the sixth working day prior to the day fixed for the meeting of the Council which will set the General Fund and HRA Revenue and Capital Budgets. Any such proposed motion will require to be signed by the member submitting it and counter signed by one other Member, or otherwise in terms of Standing Order 8.1(3).
- (2) Any proposed amendment to a Budget Proposal must be in writing and delivered to the Proper Officer preferably by electronic copy no later than one o'clock in the afternoon of the third working day prior to the day fixed for the meeting of the Council which will consider it. Any such proposed amendment will require to be signed by the member submitting it and countersigned by one other member or otherwise in terms of Standing Order 8.1(3).

- (3) Copies of Budget Proposals and proposed amendments will be made available by the Proper Officer by email/electronic copy to every member of the Council, the Chief Executive and the Executive Directors as soon as possible after the deadline for receipt has expired. The Proper Officer will make further copies available to the public.
- (4) At the relevant meeting of the Council, Budget Proposals and amendments to them shall not be considered other than those submitted in terms of this Standing Order unless they represent minor changes to Budget Proposals or amendments circulated prior to the meeting, or otherwise at the Provost's discretion.

2. Committees and membership

- 2.1 The Council shall appoint such Committees as they consider necessary and shall prepare and adopt a List of Committee Powers and List of Officer Powers for the reference and delegation of business to Committees, Sub-Committees and officers for the purpose of arranging for the discharge of the functions of the Council.
- 2.2 The provisions of the Standing Orders of the Council shall, so far as applicable and not inconsistent with any Standing Orders specific to Committees, apply to Committees of the Council and to Sub-Committees.
- 2.3
 - (1) Religious or other persons appointed as voting members of Committees shall be entitled to speak, vote or move or second an amendment in the same way as other full members of the Committee. They shall not be entitled to participate in the call-in process set out at Standing Order No. 12.
 - (2) The Leaders of the Council and/or the appropriate Strategic Conveners shall be entitled, at the invitation of the Area Convener or the Area Committee, to attend Area Committees in a non-voting capacity but with the right to speak in relation to items within their portfolio relevant to the business of the Committee where they are not otherwise a member of the Committee.
 - (3) The Leaders of the Council and/or the appropriate Committee Conveners shall be required, as directed by the relevant Scrutiny Committee, to attend in a non-voting capacity and shall, if so directed, be entitled to speak (but not vote) in relation to items within their portfolio relevant to the business of the Committee.
 - (4) At the invitation of the Area Committee, Area Conveners or Vice-Conveners, or any other member of the Committee, shall be entitled to attend any other Committee in a non-voting capacity but with the right to speak in relation to any item having relevance to the business of the Area Committee.
 - (5) A Committee or Sub-Committee shall allow any member, who is not a member of that Committee or Sub-Committee, to speak (but not vote), on any item, subject to the member giving not less than one working day's notice of the request so to speak to the Proper Officer. The member may speak for a maximum period of five minutes unless the Committee or Sub-Committee otherwise agrees. No member may speak on any item in terms of this Standing Order in respect of matters where the member in question has a

financial interest or non-financial interest of a kind which, in terms of the Code of Conduct for Councillors, would prevent the member from taking part in the debate.

(6) A member shall not be entitled to speak in terms of this Standing Order No. 2.3 in relation to any item of a quasi-judicial or regulatory nature.

- 2.4 A member who is not a member of a Committee or Sub-Committee that is intending to consider an item in private may attend the meeting to listen to the item, in order properly to perform their duties as an elected member. The member may also have access to such information as is available to members of the Committee or Sub-Committee on the same basis as information is made available to them. However, where the purpose of the meeting is to consider any matters concerning the terms and conditions, conduct or appointment of any Council employee or any matter relating to the personal or private affairs of any individuals, a member who is not a member of a Committee or Sub-Committee that is intending to consider such an item in private may not have access to such information as is available to members of the Sub-Committee and may not attend a meeting to listen to the item.
- 2.5 Where a Committee is meeting to undertake its scrutiny role, it shall approve such procedures concerning the ingathering and examination of information, the questioning of elected members, officers and other persons and the making of recommendations as may be necessary to ensure that scrutiny is undertaken in an efficient, effective and fair manner.

3. Calling a Meeting and Order of Business (including urgent business)

- 3.1 Council and Committee meetings shall be held at such places and times as may be fixed by the Council or at such place and time as may be otherwise specified by the Convener in consultation with the Proper Officer.
- 3.2 Meetings may, as well as being conducted at such places and times specified in terms of Standing Order No. 3.1, be conducted in any other way in which each member is enabled to participate although not present at the place where the meeting is being held but only on the direction of the Convener, whom failing, the Depute-Convener. For the avoidance of doubt, a meeting may be held with all or some of the participants joining the proceedings remotely (and this will be referred to as a Blended Meeting).
- 3.3 The Council shall allow the taking of photographs of any proceedings or the use of any means to enable persons not present to see or hear any proceedings or the making of any oral report of any proceedings as they take place, provided that the business of the meeting is not interrupted or inconvenience caused to any member.
- 3.4 Notice of the place and time of a Council or Committee meeting together with the agenda shall be given by the Proper Officer not later than the sixth day before the meeting by being sent by email to the email address of the Councillor or left at or sent by post to the usual place of residence of every member of the Council or to an address specified in a notice by a member to the Proper Officer. The proceedings of the meeting of the Council shall not be invalidated by an omission to send a notice of the meeting or agenda to any member or by any defect in it.

- 3.5 Providing that it appears to the Convener that items of business require to be considered as a matter of urgency or emergency, a meeting of the Council may be called by the Proper Officer at shorter notice but, in any event, by intimation to the members as soon as possible prior to the meeting date.
- 3.6 A special meeting of the Council shall be called by the Proper Officer (a) at any time on being required to by the Convener or (b) on receiving a requisition in writing specifying the business proposed to be transacted at the meeting signed by at least one-fourth of the whole number of members of the Council, which meeting shall be held within ten working days of receipt of the requisition by the Proper Officer. Where signatures of members are required for the purposes of this provision, these can be submitted electronically.
- 3.7 Public notice of the time and place of the meeting shall be given by posting it at the offices of the Council six clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened. Notice of the time and place of the meeting shall also be given by public advertisement.
- 3.8 An item of business may not be considered at a meeting of the Council unless either:-
- (1) a copy of the agenda including any report on the item, or copy of the report subject to exclusion, is open to inspection by members of the public at the offices of the Council for at least three clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened, or
 - (2) by reason of special circumstances, which shall be specified in the minutes, the Convener is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 3.9 The business of the Committee shall proceed in the order specified in the notice calling the meeting except that any item of business may, at the discretion of the Convener, be taken out of its order. The order in the notice shall, unless circumstances otherwise require, be as follows:-
1. Chair to be taken
 2. Sederunt
 3. Civic Business brought forward by the Convener, including giving notice of any business to be dealt with under item 9
 4. Deputations
 5. Minute of the previous meeting or of any special meeting and business arising therefrom or remaining from the last meeting
 6. Minutes or reports of Sub-Committees
 7. Statutory or other competent powers
 8. Notices of motion
 9. Business brought forward by the Convener as a matter of urgency

Item 4 shall apply to meetings of the Council and Area Committees only.

4. Quorum

- 4.1 (1) Subject to Standing Order No. 4.1(2), no business shall be transacted at a meeting of the Council unless at least 50% of the whole number of members of the Council are present.
- (2) Except as otherwise provided by statute or in the List of Committee Powers, the quorum at all meetings of Committees and Sub-Committees shall be as prescribed in Standing Order No. 4.1(1) or three members of the Committee or Sub-Committee, whichever is the greater.
- (3) The quorum in all cases shall be calculated by the number of seats, irrespective of there being a vacancy.
- 4.2 No item of business shall be transacted at a meeting of the Council if, in consequence of the Councillors' Code of Conduct restricting the rights of members to vote, less than a quorum of the Council are entitled to vote on that item.
- 4.3 If within ten minutes after the time appointed for a meeting of the Council a quorum is not present, the Convener shall adjourn the meeting to a time they may then or afterwards fix and, in the event of the Convener being among those absent, the Proper Officer shall minute that owing to the lack of the necessary quorum, no business was transacted.
- 4.4 If during any meeting of the Council the attention of the Convener is called to the number of members present, they shall (unless it is apparent to the Convener that a quorum is present) direct the roll to be called and if it is found that there is not a quorum present, the meeting shall immediately terminate.
- 4.5 Nothing in Standing Order Nos. 4.3 or 4.4 shall preclude members agreeing to continue to meet - where the meeting would otherwise be inquorate - to discuss business, other than that of a quasi-judicial or regulatory nature, or as regards the business of the Superannuation and Pensions Committee. In the event of the meeting continuing, the Proper Officer shall take a note of the discussions and recommendations of the members, with the note being marked as a "C" paragraph in terms of the List of Committee Powers being a matter for decision by the Council, or "S" in the case of decisions to be taken by any other Committee or Sub-Committee.

5. Role of the Convener and Rulings

- 5.1 At a meeting, the Convener or, in their absence, the Depute-Convener shall preside. Except as otherwise provided in the List of Committee Powers, it shall be for the Committee to decide if they wish to elect a Depute-Convener. If the Convener and Depute-Convener are both absent from a meeting, the Proper Officer shall call on the members of the Committee to choose a member to preside. All references to "the Convener" throughout these Standing Orders shall be taken to mean the person then presiding where the context allows. In the case of Co-Conveners, they will normally intimate at the start of the meeting who is to preside.
- 5.2 It shall be the duty of the Convener to chair the proceedings and business of the Committee strictly in terms of these Standing Orders to preserve order and to

ensure members have a fair hearing. Deference shall at all times be paid to the authority of the Convener. Where the Convener rises to speak, any member addressing the meeting shall be seated. The Convener shall have discretion, with or without discussion, to determine all questions of procedure in reference to which no express provision is made under these Orders.

- 5.3 The ruling of the Convener on any question under the Standing Orders or on points of order or explanation shall be final, unless challenged by at least four members and unless two-thirds of the members present vote against such ruling.
- 5.4 The Council may effect the early removal from office of the Convener or the Depute-Convener providing:-
- (i) prior notice to that effect is given at one meeting of the Council on the basis that the matter would be considered at the next meeting of the Council, or
 - (ii) where no such prior notice is given, not less than two-thirds of Councillors present and entitled to vote at a meeting agree that the early removal from office of the Convener or the Depute-Convener be considered at that meeting.

6. Public Involvement in Council and Committee meetings

Public Question time

- 6.1 (1) At the discretion of the Convener, to be exercised reasonably, members of the public may be allowed to appear before any Area Committee and make a statement or ask a question, provided that the issue does not relate to a quasi-judicial or planning or other regulatory matter which the Council has or may have to consider or to any confidential matter which would require the disclosure of confidential or exempt information.

Written notice of any such statement or question must be given to the Proper Officer, as follows:-

- (i) no later than 10.00 a.m. on the seventh working day beforehand, for any issue which is **not** already on the agenda for decision at the relevant meeting of an Area Committee, or
- (ii) no later than 10.00 a.m. on the second working day beforehand, for any issue which **is** already on the agenda for decision at the relevant meeting of an Area Committee.

Such question or statement shall not exceed five minutes, and questions from the Committee on it shall be limited to a further ten minutes, after which the member of the public will withdraw to the public benches to allow the Committee to determine the issue.

No more than two questions or statements in total shall be allowed per meeting.

- (2) At the discretion of the Convener, to be exercised reasonably, Area Committees or the relevant Scrutiny Committee shall consider petitions signed by more than twenty members of the public in line with procedures from time to time agreed by the Council. Depending on the format of the meeting, these

members of the public will receive an invite to attend the meeting.

Deputations – Council and Area Committees only

- 6.2 A deputation shall be received by the Council or Area Committee, at the discretion of the Convener to be exercised reasonably, on written application not less than ten days prior to the meeting to the Proper Officer, setting out the subject on which the deputation wishes to be heard. A deputation shall mean a body of persons including, for the purpose, petitioners, of whom not more than five shall appear before the Council or Area Committee desirous of stating a case to the Council or Area Committee, which shall last not more than five minutes without the consent of the Council or Area Committee, regarding the subject matter of any item of business or any item of interest to the Council or Area Committee, except any matter of a quasi-judicial or regulatory nature. Members of the Council or Area Committee may, during a further period of not more than five minutes, ask questions of the deputation. Such questions shall be asked and answered without discussion. The deputation, questions and responses shall not be matters for debate. Depending on the format of the meeting, these members of the public will receive an invite to attend the meeting.
- 6.3 Anyone wishing to make a presentation shall, except for the requirement that it be a deputation of a body of persons, be subject to the same provisions as those set out for deputations above. Unless in exceptional circumstances, no more than one deputation or presentation shall be allowed per meeting of the Council or Area Committee.

7. General Conduct of Meetings

- 7.1 Members shall, in all Committee meetings, observe the provisions of the Councillors' Code of Conduct at all times as regards behaviour, declaration of interests and, where appropriate, withdrawal from the meeting room. Withdrawal from the meeting room or place will include leaving the Blended Meeting, where appropriate.
- 7.2 In all matters connected with Committee meetings, every effort shall be made to ensure that all members can fully participate in the meeting and that all issues relating to equality are addressed and reasonable adjustments made to existing procedures where possible.
- 7.3 In the event of any member at any Committee meeting disregarding the authority of the Convener, or being guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend such a member for the remainder of the sitting. The motion shall be put without discussion and, if it be carried, the member concerned shall immediately leave the Council chamber or meeting place and the Council Officer shall act on such orders as may be received from the Convener in pursuance of such resolution. Withdrawal from the meeting room or place will include leaving the Blended Meeting, where appropriate
- 7.4 If any question arises at the meeting of the Council where representatives of the press or public are present as to the appointment, promotion, dismissal, salary or condition of service of named persons employed by the Council or as to the conduct of any such persons, or other matters covered by Schedule 7A of the Local Government (Scotland) Act 1973, the Council shall immediately consider a resolution to meet in private.

- 7.5 If a member of the public interrupts proceedings at any meeting, the Convener shall warn them. If they continue the interruption, the Convener shall order his/her removal from the Chamber. Withdrawal from the meeting room or place will include leaving the Blended Meeting, where appropriate. In cases of general disturbance in any part of the Chamber open to the public, the Convener shall order that part to be cleared. If the Convener, on reasonable grounds, anticipates the probability of disorder by a member of the public, then that member of the public may be excluded from the meeting. In the event of the meeting requiring to be adjourned due to disruption by a member of the public, the Chamber shall be cleared.
- 7.6 Unless circumstances indicate otherwise, any meeting proceeding in excess of two and a half hours shall be adjourned by the Convener for a comfort break and, in general, meeting adjournments shall take place as appropriate to ensure the well-being of Committee members, other participants and the public.

8. Motions

- 8.1 (1) Every Notice of Motion shall be in writing and, except as provided in Standing Order Nos. 8.1(2) and 8.1(3), shall be signed by the member of the Council giving the Notice and counter-signed by one other member at least. A Notice of Motion, including for this purpose, a Notice to Rescind, which has not been received by the Proper Officer prior to one o'clock in the afternoon of the sixth working day prior to the day fixed for any meeting of the Council, shall not be specified in the agenda for such meeting and shall not be moved at such meeting.
- (2) The foregoing provision shall not apply in a case where the Convener decides that the matter is one of urgency.
- (3) A Notice of Motion may be submitted, in terms of Standing Order No. 8.1(1) by electronic mail from an address provided to the member by the Council or notified by the member to the Council, together with confirmation of support by the same means from one other member at least.
- 8.2 Standing Order No. 8.1 shall not apply to motions which are moved by a member to approve a minute or report of a Committee or Sub-Committee.
- 8.3 Every motion or amendment shall be moved and seconded and shall, if required by the Convener, be in writing and handed to the Proper Officer. Where a member joins a blended meeting from a remote location, the Convener may require Members to upload the wording of a motion or amendment in the meeting chat or otherwise. In the event of a motion or amendment not specified on the agenda of the meeting being lengthy, the Convener shall, either at their own instance or on receipt of a reasonable request to that effect by a member, adjourn the meeting to allow the terms of the motion or amendment to be considered.
- 8.4 Guidance on what may or may not be accepted as a competent motion is annexed to these Standing Orders for the assistance of members but is to be considered as guidance only.

- 8.5 Where a Blended Meeting is to be held, Members should make all efforts to submit Motions in advance of the meeting, rather than tabling these on the day of the meeting.

9. Debates

- 9.1 A member shall not move or second more than one amendment to a motion, unless the first-mentioned amendment has been withdrawn.
- 9.2 A motion or amendment, once moved and seconded, shall not be withdrawn without the consent of its mover and seconder.
- 9.3 Every amendment must be relevant to the motion in respect of which it is moved. The Convener shall decide as to the relevancy and shall have the power, with the consent of the movers, to conjoin motions or amendments which are not inconsistent with each other.
- 9.4 All additions to, omissions from, or variations upon a motion shall be considered as amendments to the motion and shall be dealt with accordingly.
- 9.5 When speaking, the member shall address the Convener. The Convener shall determine the order in which members may speak.
- 9.6 A member who speaks shall speak strictly to the motion under discussion, or to a motion or amendment to be proposed by that member, or to a point of order.
- 9.7 The mover of a motion, or amendment, may not speak for more than ten minutes and every other speaker may not speak for more than five minutes, except by permission of the Council. In the event of time pressures on the meeting, the Convener shall be entitled to limit contributions to less than the standard allotted time.
- 9.8 A member shall not address the Committee more than once on any motion, or amendment, but the mover of an original resolution may reply, provided the reply is strictly confined to answering previous speakers, and does not introduce any new matter into the debate. In replying, the mover of the original motion may not speak for more than five minutes except by permission of the Committee. Notwithstanding the foregoing, a member may, with the consent of the Convener, speak to a point of order or in explanation of some material part of a speech which they made and which they believe to have been misunderstood. When a member raises a point of order, the other member speaking shall resume their seat or, where it is a Blended Meeting, shall stop speaking, until the point of order has been decided by the Convener.
- 9.9 After the mover of the original resolution has been called on by the Convener to reply, no other member shall speak to the question.
- 9.10 Subject to the Convener being satisfied that the debate has proceeded for a reasonable period of time, it shall be competent for any member who has not spoken on the question during the debate to move "that the question be now put". Such motion may be made without prior notice. If the motion is seconded, it shall be seconded without speeches or further debate and put to the meeting. If the motion is carried, the mover of the original motion shall have the right to

reply to any points made in the debate preceding the closure motion and the question under discussion shall then be put to the meeting. If the motion “that the question be now put” is not carried, a similar motion may be made after every two further members have spoken.

- 9.11 A motion to adjourn the meeting may be put at the end of any speech or contribution by a member. If the motion is seconded, it shall be seconded without speeches or further debate and be put to the meeting. The meeting shall be adjourned to such time or day as specified in the motion or, if unspecified, to such time or day as determined by the Convener. A second or subsequent motion to adjourn may not be made within half an hour unless it is moved by the Convener when it will be dealt with as above.

10. Voting

- 10.1 Subject to any specific Standing Orders to the contrary and any statutory provisions about a minimum number of votes required to decide a matter, every question shall be determined by a majority of votes of the members present and voting at a meeting of the Committee.

Notwithstanding the terms of this Standing Order, roll call votes will be standard means of recording votes for all decisions taken at Blended Meetings. Where a member is unable to verbally indicate their voting intention at the time of the roll call, their vote will not be counted.

In the case of an equality of votes, the Convener shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member to any particular office or Committee in which case the decision shall be by lot (e.g. by cut of cards or toss of a coin)¹.

Where a member has moved an amendment and failed to find a seconder, that member may, provided he or she does not vote on the question before the meeting, ask that that fact be recorded in the minute.

- 10.2 Where one or more amendments are made to a motion, the vote shall be taken among the amendments and the motion in that order. In the event that the motion or any amendment, which shall include any motion or amendment relating to the appointment of a member to any particular office or Committee, receives an absolute majority of votes of the members present and voting, then that proposition shall be carried.

Where no such absolute majority obtains, the proposition with the least number of votes shall be eliminated and a further vote (or further votes as may be required) taken until an absolute majority of votes is received for a proposition.

Where there is a tie between propositions as to which has the least votes, a vote shall be taken between them as to which one should be eliminated. The Convener shall not have a casting vote at this stage in proceedings, so that in the event of a further tie, the decision shall be taken by lot.

¹ For the avoidance of doubt, should the Convener opt not to exercise their casting vote, the status quo shall prevail.

In the event of a final vote resulting in an equality of votes for the remaining two propositions, the Convener shall then (but only then) have a second or casting vote, except in the case of appointment of a member to any particular office or Committee, as above, in which case the decision shall be by lot.

- 10.3 Other than at a Blended Meeting, voting shall be by a show of hands but if any member objects to the voting being so taken, he or she may move that the vote be taken by calling the roll. If the motion is seconded, it shall be seconded without speeches or further debate and put to the meeting. If the motion receives the support of one-quarter of members present and entitled to vote, the Committee shall then proceed to call the roll.
- 10.4 Once the Convener has indicated that the vote is to be taken, no member will be allowed to offer an opinion, ask a question or interrupt the proceedings until the result of the vote has been announced.
- 10.5 In the case of a staff appointment in respect of any vacant post where only two candidates are nominated, the vote shall be taken as between these candidates and the one receiving the majority of votes shall be declared duly appointed. If more than two candidates are nominated, any vote shall first be taken as between all the candidates nominated, each member being entitled to vote for only one candidate.

If, after this vote has been taken, any candidate has an absolute majority of the members of Council present and voting, such candidate shall be declared duly appointed. If no candidate has such a majority, the name of the candidate having the least number of votes shall be struck out of the list of candidates.

In second and subsequent votes, the same course as that described with reference to the first vote shall be followed until one of the candidates obtains the votes of a majority of the members of the Committee present and voting, when that candidate 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 appointed.

In the event of the final vote resulting in an equality of votes for each candidate, the Convener shall then (but only then) have a second or casting vote.

11. Decisions of the Council and Notices to Rescind

- 11.1 Any decision made by the Council, as contained in the minutes, shall continue to be operative and binding upon the Council and no motion or resolution inconsistent with it shall be entertained within a period of six months. Any motion or resolution inconsistent with a Council decision submitted after a period of six months shall not be considered until Notice to Rescind signed by the Proposer and six members competent to vote and specifying such motion or resolution shall have been given. The Council may, however, consider any motion or resolution inconsistent with any previous decision (whether or not within the six month period) if the Convener rules that new information is available, or that there has been a material change of circumstances since the decision was taken.

- 11.2 If a Notice of Motion or Notice to Rescind, in terms of Standing Order No. 11.1 above is not moved or seconded by the members giving notice thereof or by someone on their behalf, it shall, unless postponed by leave of the Council, be deemed to have fallen and shall not be moved without fresh notice.

12. Call In Process

- 12.1 (1) Members will be entitled to call in decisions of the Policy & Co-ordination Committee and any of its Sub-Committees, on a requisition signed by 7 members delivered to the Head of Legal and Democratic Services no later than noon on the third working day following (and not counting) the day on which the minute of the meeting is issued. Such notice may also be submitted by electronic mail from addresses provided to members by the Council or notified by the members. Where signatures of members are required, these can be submitted electronically.

In order to ascertain the date of issue of the minute, members minded to call in a decision shall be entitled to notify the Head of Legal and Democratic Services of their intention to do so, whereupon the Head of Legal and Democratic Services shall notify the relevant member(s) immediately on issue of the draft minute.

- (2) This Standing Order does not apply to decisions to appoint or nominate a member of the Council to an outside body or other office.
- (3) This Standing Order does not apply to decisions of the Policy & Coordination Committee or any of its Sub-Committees which require the approval of the Council.
- (4) A decision which has been called in will be placed on the agenda for the next meeting of the relevant Scrutiny Committee. The Convener of the Committee or Sub-Committee, from which the decision has been called in and/or the relevant portfolio holder or their representatives will attend the relevant Scrutiny Committee meeting with support from the relevant officer(s).
- (5) Decisions called in to the relevant Scrutiny Committee will be dealt with as follows:-
- (a) where the relevant Scrutiny Committee agrees with the decision of the Committee or Sub-Committee, it can be implemented without further delay;
- (b) where the relevant Scrutiny Committee does not agree with the decision of the Committee or Sub-Committee, it will be referred the next meeting of the Council for final determination. Where the relevant Scrutiny Committee agrees with the decision of the Committee or Sub-Committee, but, additionally, has recommendations for alternative action, the Chair of the relevant Scrutiny Committee, or another member of the Committee nominated by them, will have the right to attend the relevant Committee or Sub-Committee and speak in support of its recommendation on that item;

- (c) only elected members and religious representatives with regard to education matters, (subject to paragraph 7 of the section relating to the relevant Scrutiny Committee's remit in the List of Committee Powers) serving on the relevant Scrutiny Committee will be entitled to vote.
- (6) The relevant Scrutiny Committee may continue consideration of a called in decision to a further meeting but only in respect of additional recommendations which do not affect the original decision.
 - (7) The Policy & Co-ordination Committee or any of its Sub-Committees may instruct that a decision be implemented ahead of any consideration by the relevant Scrutiny Committee on the grounds of urgency, in circumstances resulting from actions or events beyond the control of the Council, if the call-in process could otherwise:-
 - (a) prevent a final decision being made before the required date;
 - (b) prejudice the Council's negotiating position with trade unions or a third party; or
 - (c) seriously prejudice the Council's position in relation to persons or events external to the Council.
 - (8) When the Policy & Co-ordination Committee or any of its Sub-Committees instructs that a decision be implemented ahead of any consideration by the relevant Scrutiny Committee on the grounds of urgency, the Convener must give reasons in writing for this to the Convener of the relevant Scrutiny Committee.
 - (9) This Standing Order applies only to decisions of Policy & Co-ordination Committee or any of its Sub-Committees.

13. Contracts, Authentication of Notices and Execution of Deeds

- 13.1 With respect to proposed contracts for the execution of works, the provision of services, or for the supply of goods or materials, the following provisions shall apply relating to securing competition for such contracts and for regulating the manner in which tenders are invited.
- 13.2 With respect to proposed contracts, the Executive Director (Finance and Corporate Services) shall ensure, in consultation with the monitoring officer, that, where applicable, the provisions of all relevant legislation and any orders, regulations or directions made below shall be applied with respect to the securing of competition for such tenders.
- 13.3 In order to implement Standing Order No. 13.2, the Proper Officer, in consultation with the Executive Director (Finance and Corporate Services) shall prepare and submit to the Council a Scheme of Tender Procedures and such Procedures, once approved and adopted by the Council, shall be observed by all members and officers of the Council and shall be deemed to be part of these Standing Orders. Any substantive revisions or alterations to the Procedures shall require to be approved by the Council. The Procedures shall make provision for all relevant

matters including, but not limited to:-

- (i) the invitation of tenders;
- (ii) the circumstances and financial limits within which competitive tenders are not required;
- (iii) the selection of lists of contractors;
- (iv) the situation in which direct services or direct labour organisations are entitled to be the sole contractor;
- (v) the preparation of contract documents;
- (vi) the receipt of tenders;
- (vii) the opening of tenders, including their safe custody;
- (viii) the circumstances and extent to which the Proper Officer will be entitled to amend the Scheme of Tender Procedures without first obtaining Council approval for the proposed changes;
- (ix) the formal acceptance of tenders;
- (x) the appointment of sub-contractors;
- (xi) payments to contractors (including the monitoring of such payments);
- (xii) alterations to specification and reporting of increases;
- (xiii) contract monitoring and reporting;
- (xiv) the determination of contracts;
- (xv) the application of tender procedures to offers to dispose of land, buildings, surplus land and equipment;
- (xvi) the circumstances in which a single supplier may be used;
- (xvii) provision for regular review.

13.4 Every notice, order, demand, requisition or other such document or its withdrawal by the Council required or authorised by any enactment, statutory order or bye-law shall, except in so far as such enactment or statutory order specifically otherwise provides, be signed by the Proper Officer.

- 13.5
- (1) The Common Seal of the Council shall be kept by the Proper Officer who shall be responsible for its safe custody.
 - (2) The Common Seal of the Council shall be fixed to any deed or document which requires to be sealed in order to give effect to a decision of the Council.
 - (3) All deeds to which the Common Seal of the Council is required to be affixed shall also be signed by the Proper Officer.
 - (4) A list of all deeds so executed shall be kept with the Proper Officer and shall be available for inspection by any member of the Council at any time.

14. Definitions, Effective Date and Rules on Changes to Standing Orders

14.1 The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.

14.2 This version of Standing Orders takes effect from 4th July, 2019.

- 14.3 In these Standing Orders, the following words and expressions shall have the following meanings, that is to say:-
- "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
 - "Council" means The Fife Council incorporated under the 1994 Act
 - "Councillor" means a member of the Council elected at an election or by-election or elected to fill a Council vacancy and who has made a Declaration of Acceptance of Office in terms of section 33A of the 1973 Act
 - "Proper Officer" means the person appointed by the Council for the relevant purpose
 - "member" means in relation to the Council, a Councillor, and in relation to any Committee or Sub-Committee a person appointed as a member of that Committee or Sub-Committee, whether or not entitled to vote
 - "Chief officer" means a statutory or non-statutory chief officer, as defined in section 2 of the 1989 Act
 - "Day" shall mean any day, including Saturdays, Sundays and public holidays in Fife, except when used in the phrase "working day", when it shall be taken to exclude Saturdays, Sundays and public holidays in Fife.
- 14.4 So far as not inconsistent with any statutory provisions, any one or more of these Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting and provided that two-thirds of the members of the Council present so decide.
- 14.5 No alteration of the Standing Orders shall be made without notice given in the agenda for the meeting of the Council to discuss the alterations and shall not be effected, except on a resolution, adopted by a majority of the members present and voting.
- 14.6 The Council shall, at least once during every Council term, review these Standing Orders to determine whether any alteration should be considered.

15. Legislation - Table of References

SO	Provision	Legislation	Reference No.
1.4	Period of office of Convener and Vice-Convener	Local Government (Scotland) Act 1994 – Section 4 and Paragraph 7 of	(14.1)
2.3(1)	Membership of committees appointed by education authorities (Religious representatives and other non-Councillor members)	Sections 57 and 124 of the Local Government (Scotland) Act 1973	(14.2)
3.4	Notice of place and time of meeting	Paragraphs 2(2) of schedule 7 to the Local Government (Scotland) 1973 Act 1973	(14.3)
3.8(a)	Agenda and reports open to public inspection	Section 50B2 of the Local Government Scotland Act 1973	(14.4)
3.8(a)	Exclusion of report from inspection by press and public	Section 50B(2) of the Local Government (Scotland) Act, 1973.	(14.5)
6.1(1)	Exclusion of press and public from meeting (quasi-judicial or regulatory)	Access to information Confidential or exempt information – Schedule 7A of Part 1 of the Local Government (Scotland) Act, 1973.	(14.6)
4.2	Meeting not quorate as consequence of Councillors' Code of Conduct	Ethical Standards in Public Life, etc. (Scotland) Act 2000.	(14.7)
7.4	Exclusion of press and public arising from questions on named persons employed in the Council	Sections 50A(4) and 50J of, and Paragraph 1 of Part I of Schedule 7A to, the 1973 Act.	(14.8)
8.1(2)	Matters of urgency	Section 50B(4)(b) of the 1973 Act. (SO 8.1 (2))	(14.9)

Guidance for assessing competency of motions

In terms of Fife Council's Standing Orders, motions should be submitted in advance of a meeting (SO 8.1) or, where the Convener agrees that it is a matter of urgency, at a meeting (SO8.2). In both cases, the motion will be assessed for competency.

If the motion is submitted in advance of a meeting, the test will be applied by the Proper Officer – usually the Head of Legal and Democratic Services. If the motion is submitted at a meeting, the Convener will determine competency, taking advice from the legal adviser or Committee Officer as required. If complex, the Convener may wish to adjourn the meeting pending further advice.

When assessing competency of motions, the following factors will be considered:

- Is the motion directed to the correct committee?
- Are the resource implications of the motion clearly set out?
- Is there sufficient budget to implement the terms of the motion?
- Would the Council be acting legally and in accordance with its powers in implementing the terms of the motion?
- Could the wording of the motion be considered defamatory or could it reveal confidential information?
- Does it contain criticism of individual officers in circumstances where such officers can be identified, either directly or indirectly?
- Does it conflict with a previous decision - consider whether there has been a change of circumstances or whether a Notice to Rescind is required (SO11)?
- Is it actionable/capable of being implemented or would further procedure be required e.g. equalities impact assessment?
- Does the motion give fair notice to members of the matter to be discussed?
- Do Councillors have enough background information to reach a reasoned decision? Corporate plan/Council priorities, financial, policy and legal, staffing, property, need for consultation, procedural fairness, proportionality.

If there is insufficient information to form a competent motion, it may be suggested that a more comprehensive notice of motion is brought to a future Committee or that the motion be amended to ask for an officer report to a future Committee with fuller background.