



# **Governance Scheme Part 1: Fife Council Standing Orders**

**Approved by Council 22 June 2023**

# **Fife Council Standing Orders**

## **For Council, Committee and Sub-Committee Meetings**

The council will exercise all its powers and duties in accordance with the law and the Council's Scheme of Governance.

In the event of any conflict or inconsistency between these Standing Orders and legislation, the legislation shall prevail.

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# **First Council Meeting following an Election**

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## **The Statutory Meeting**

### **1.0 Calling of Statutory Meeting**

- 1.1 In a local government election year, the council will hold its first meeting within twenty-one days of the election, on a date set by the Chief Executive.
- 1.2 The council will establish such committees for the purpose of discharging the functions of the council. This will include the preparation and adoption of a List of Committee Powers and List of Officer Powers.

### **2.0 Items of Business**

- 2.1 The Returning Officer will chair the meeting until the Provost is elected.
- 2.2 The agenda for the first meeting of the council shall deal with the business in the following order:-
  - (1) note election of councillors, noting which councillors have signed the Declaration of Acceptance of Office;
  - (2) election of the Provost, Depute Provosts (if required), Leader, Co-Leader, (if applicable) and Leader of the Opposition;
  - (3) appointment of Spokespeople (if required), Convener(s) and Depute Convener(s) of committees and sub-committees of the council;
  - (4) appoint the Licensing Board in terms of the Licensing (Scotland) Act 2005;
  - (5) appointment of members of committees;
  - (6) nominations or appointments of, as the case may be, representatives to Boards, Joint Committees and external organisations;
  - (7) approval of Senior Councillor Allowances; and
  - (8) any other statutory or urgent competent business.

### **3.0 Nominations or Appointment of Members to Office**

- 3.1 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, Depute Provost(s), who will normally preside at meetings of the full council.
- 3.2 Where Standing Orders refer to the Leader of the Council, this will include reference to Co-Leaders, if appointed.
- 3.3 The Convener and, if appointed, the Depute Convener of the Standards, Audit and Risk Committee should be a member of the opposition.

- 3.4 Religious representatives appointed by council to any committee or sub-committee will be entitled to speak on all education matters considered relevant by the council, committee or sub-committee, unless otherwise agreed by council. Religious representatives will have full voting rights for the Education Appeals Committee and Education Appointments Committee.
- 3.5 Religious representatives will remain as a member of the committee or sub-committee until the next ordinary election of elected members, subject to their right to resign or the right of their nominating body to nominate a replacement.
- 3.6 When nominating or appointing members to any office, position or external organisation where there are a greater number of candidates than vacancies, the decision will be taken by a vote.

#### **4.0 Duration of Appointments**

- 4.1 Each appointment made under Standing Order No. 3 will stand until the next council election unless:-
- (1) a member resigns from that appointment;
  - (2) a member is removed by the council as set out in Standing Order No. 11; or
  - (3) the appointment to an external organisation is for a fixed term.

### **General Business of Meetings**

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#### **5.0 Ordinary Meetings**

- 5.1 Meetings of the council, its committees and sub committees will be held in accordance with the published meetings timetable.
- 5.2 No meetings will be held on a Saturday or Sunday, or on public holidays observed by the council.

#### **6.0 Special Meetings**

- 6.1 A special meeting of the council, committee or sub-committee may be called to deal with urgent business in the following circumstances:-
- (1) at any time by the Proper Officer, in consultation with the Convener;
  - (2) by a written request signed by at least a quarter of the members of the council, committee or sub-committee. In such instances, a special meeting will be held within ten working days of a written request being received by the Proper Officer. The written request must set out the business of the meeting and be signed by those calling for the special meeting. Where signatures of members are required, these can also be submitted by email; or
  - (3) as required by statute.
- 6.2 The agenda for a special meeting will be limited to that item/those items of business specified.

## **7.0 Place of Meetings**

- 7.1 All meetings of the council, its committees and sub-committees will, unless otherwise determined by the Proper Officer, in consultation with the Convener, take place at such places and times as may be fixed by the council.

## **8.0 Notice of Meetings**

- 8.1 The date, time, format and place of any meeting will be published on the council's website ([www.fife.gov.uk](http://www.fife.gov.uk)) at least three clear days before the meeting, not including the day of the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.

- 8.2 Members will be provided with the meeting agenda and accompanying reports. This will be delivered either:-

- (1) by post to a member's normal place of residence or other address as a member may specify; or
- (2) by email to an email address provided by the council.

If a notice of meeting or agenda is not received by any member, the meeting will still be valid.

- 8.3 An item of business may not be considered at a meeting of the council unless either:-

- (1) it is included in the published agenda, with the exception of reports containing exempt or confidential information (as defined in Standing Order No. 21), or
- (2) the Convener is of the opinion that the item should be considered at the meeting as a matter of urgency. Reasons for urgency will be made known at the start of the meeting and specified in the minute.

## **9.0 Order of Business**

### **Fife Council Meetings**

- 9.1 The business of the meeting shall proceed in the order specified in the notice calling the meeting. Any changes to the order of business will be announced by the Provost at the start of the meeting. The order in the notice shall, unless circumstances otherwise require, be as follows:-

- (1) Apologies
- (2) Declarations of Interest
- (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
- (6) Minutes of committees or sub-committees (for accuracy)
- (7) Leader's report
- (8) Question Time



- (9) Statutory or other competent business
- (10) Notices of motion
- (11) Business brought forward by the Provost as a matter of urgency

### **Leader's Report**

- 9.2 The Leader of the Administration or, in their absence, their nominated substitute, will submit a report on matters relevant to the council. Verbal presentation of the report should not exceed ten minutes. Questions on the report will normally be restricted to a period of thirty minutes, at the Provost's discretion.

### **Question Time – Fife Council Meeting**

- 9.3
- (1) At the full council meeting, a member can ask the Provost, Spokesperson or the Convener of another committee or sub-committee a question concerning any relevant and competent business not already on the agenda.
  - (2) Members should consider the following criteria:-
    - That members be given equal opportunity to ask questions.
    - The same or similar question cannot be asked again within twelve months, unless new or relevant information has come to the attention of the member/council.
  - (3) The member will advise the Proper Officer of their question in writing not later than 12noon, seven working days prior to the day fixed for the meeting unless the matter is urgent, in which case, the member will set out the reasons for urgency as an introduction to the written question.
  - (4) The Proper Officer has the discretion to determine the relevancy and competency of any question.
  - (5) Where practicable, arrangements will be made to circulate copies of questions to members prior to the meeting.
  - (6) The member will ask the principal question and may ask one supplementary question after the answer has been given and a summation / response from the appropriate Spokesperson or Convener, all directly relating to the original question. No supplementary questions will be allowed from other members.
  - (7) At the discretion of the Provost, similar questions may be taken together and a single response provided. A supplementary question will be allowed for each substantive question.
  - (8) Question time will be limited to a reasonable period of time determined by the Provost and not normally exceeding one hour.
  - (9) Members are entitled to withdraw their question up to and during the meeting.

### **Committees and Sub-Committee Meetings**

- 9.4 The business of the committee or sub-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) Apologies
  - (2) Declarations of Interest
  - (3) Deputations (Council/Cabinet or Area Committee) and/or Petitions (Area or Cabinet Committee only)
  - (4) Public Questions (refers to Area Committees only)
  - (5) Minute of the previous meeting
  - (6) Statutory or other competent business
  - (7) Notices of motion (if permitted in terms of Standing Order No. 10.1)
  - (8) Committee Forward Work Programme
  - (9) Business brought forward by the Convener as a matter of urgency

## **Operation of Council, Committee and Sub-Committee Meetings**

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### **10.0 Notices of Motion**

- 10.1 A member can submit a notice of motion to Council, Cabinet and Area Committees.
- 10.2 Prior to lodging a notice of motion, members should take the opportunity to engage with the relevant Service on current action being taken and options available to have the subject matter addressed. This may assist members in formulating the terms of the notice of motion. Guidance should also be sought from the Proper Officer, Legal and Democratic Services on wording and competency.

### **When to use a Notice of Motion**

- 10.3 **For Council** - to address matters specifically reserved to council, as specified in the List of Committee Powers or for matters where the council has a general interest.
- 10.4 **For Cabinet and Area Committees** - to address any matter which can be regarded as competent business for that committee based on its remit, as specified in the List of Committee Powers.
- 10.5 All notices of motion should be submitted to the Proper Officer in writing not later than 12noon, eight working days prior to the meeting.
- 10.6 Every motion submitted in terms of this Standing Order will require to be moved and seconded. If such a motion is not moved and seconded formally, it will fall.
- 10.7 Prior to a notice of motion appearing on an agenda, the Proper Officer will determine competency. The Proper Officer will be responsible for collating the views of the Chief Executive, relevant Executive Director(s), or external organisation(s) and providing feedback to the member.

- 10.8 When determining the competency of the notice of motion, the Proper Officer may have regard to the following (not exhaustive):
- (1) the judgement of the Chief Executive, the relevant Executive Director(s) and the Proper Officer is that the matter is already being considered by council or committee. In such circumstances, the member may only resubmit the motion after a period of six months from the date of submission of the original notice of motion;
  - (2) the motion proposes expenditure and does not identify a source of funding.
- 10.9 Notices of motion will be considered incompetent if the Proper Officer determines that the motion is unlawful.
- 10.10 If the Proper Officer rules the motion incompetent, it will not appear on the agenda for the meeting.
- 10.11 A notice of motion submitted to the Proper Officer outwith the deadlines referred to above can only be accepted onto the agenda as a matter of urgency at the discretion of the Convener, prior to, or at the meeting of the council, committee or sub-committee.
- 10.12 When submitting a notice of motion outwith the deadlines referred to above:-
- (1) the member will be required to specify why the motion should be considered as a matter of urgency;
  - (2) late motions which are not accepted as urgent by the Provost or Convener, may be considered at the next scheduled meeting; and
  - (3) Standing Order No. 10.10 does not apply to any notice of motion submitted under Standing Order No. 11 (Removal from Office).
- 10.13 A member can move an absent member's motion, only with the consent of the absent member. Consent should be submitted in advance to the relevant Committee Officer.
- 10.14 If members have agreed to conjoin a motion, a ten minute time limit for moving the conjoined motion will apply, which can be split between any or all of the members who submit the joint motion.
- 10.15 A member can make non-material alterations to their motion, with the consent of the Convener.
- 10.16 Any motion proposing a nomination to bestow a civic honour, e.g. Freedom of Fife, must be approved by two-thirds of members of the council.
- 10.17 Members submitting amendments to any notice of motion placed on the agenda should consult with the relevant Service prior to submitting the amendment to assist with determination of competency.

## **11.0 Removal from Office**

- 11.1 The council may remove the Provost, Depute Provost(s), Leader, Depute Leader, Convener (excluding Area Conveners), Depute Convener or Spokesperson, where a notice of motion is submitted to the next council meeting, in accordance with Standing Order No. 10. This will form the first item of business at the next applicable meeting. Following debate, a decision as to whether to remove from office the Provost, Depute Provost(s), Convener, Depute Convener or Spokesperson will be decided by not less than two-thirds of members present and entitled to vote at the meeting.
- 11.2 Any motion for removing an Area Convener or a member of a committee or sub-committee - may be brought forward to be discussed at the next meeting of the Area Committee, committee or sub-committee as appropriate and be carried by a majority vote by those members present and eligible to vote at the meeting at which the motion is put. If a majority decision cannot be reached, the matter will be referred back to full council for determination.
- 11.3 If the matter was deemed urgent, a special meeting of the council could be called in accordance with Standing Order No.6.

## **12.0 Deputations**

- 12.1 A deputation can be heard by the Council, Cabinet or an Area Committee, at the discretion of the Convener in consultation with the Proper Officer, on any matter that is included in its power, duties or delegation. No more than one deputation shall usually be allowed at each meeting of the Council, Cabinet or Area Committee, unless in exceptional circumstances.
- 12.2 Every request for a deputation must be from an office bearer of an organisation or group. It must be submitted in writing, setting out the subject of the deputation and what action, if any, the deputation would like the Council or relevant Area Committee to take. The request must be received by the Proper Officer by 12noon, ten working days before the relevant meeting. Any documentation that a deputation may wish to circulate to the Council, Cabinet or Area Committee must be submitted along with the deputation request.
- 12.3 The following deputation requests are not competent:-
- (1) Deputations which fail to comply with Standing Order No. 12.2.
  - (2) Deputations which contain confidential information (see Standing Order No. 21 - Exempt and Confidential Information).
  - (3) Deputations which relate to the annual budget.
  - (4) Deputations which relate to a planning or licensing application.
  - (5) Deputations which relate to matters that have alternative procedures for representation, e.g. Petitions.
- 12.4 A competent deputation request will be placed on the agenda for the relevant meeting.
- 12.5 Each deputation will consist of no more than three people who will have no more than five minutes to present their case, irrespective of the number of speakers, or longer at the discretion of the Convener.

- 12.6 Following the conclusion of the deputation presentation, members will be given the opportunity to ask questions of the deputation for a maximum of five minutes, or longer at the discretion of the Convener.

### **13.0 Petitions**

- 13.1 Petitions must be submitted using the Petitions Submission Form and include a short statement covering the subject of the petition and stating what action the petitioners wish the council to take.
- 13.2 The petition must be submitted by one person (the lead petitioner) and signed by a further twenty or more residents of Fife.
- 13.3 The petition must be relevant to a matter over which the council has authority or provides a service.
- 13.4 A petition must comply with agreed criteria as set out in the [Petitions Criteria](#) Guidance and have at least twenty-one valid signatures before being assessed for validity. If considered valid, the petition will be placed on the agenda for consideration at the relevant Area or Cabinet Committee.
- 13.5 The lead petitioner will be invited to the meeting of the relevant Area or Cabinet Committee to explain their petition and will have a maximum of five minutes to present their case, following which, members will be given the opportunity to ask questions of the lead petitioner for a maximum of five minutes, or longer at the discretion of the Convener.
- 13.6 The lead petitioner can be supported by up to two other individuals and will have no more than five minutes to speak, irrespective of the number of speakers, or longer, at the discretion of the Convener.
- 13.7 A council officer will then present their response to the petition and will have no more than five minutes to speak, or longer at the discretion of the Convener.
- 13.8 Members will be given the opportunity to ask questions of the officer for a maximum of five minutes, or longer at the discretion of the Convener.
- 13.9 Where a petition has been accepted, the outcome of the committee consideration shall be reported to the lead petitioner on publication of the minute.

### **14.0 Public Questions (Area Committees)**

- 14.1 At the discretion of the Convener, members of the public may be allowed to appear before any Area Committee to ask a question, provided that it does not relate to a quasi-judicial, planning, other regulatory or confidential matter, or would require the disclosure of exempt information which the council has or may have to consider.
- 14.2 Every submission of a public question must be received by the Proper Officer in writing or by email at least ten working days before the date of the meeting.
- 14.3 The member of the public will be invited to the meeting of the relevant committee to ask their question and will have a maximum of five minutes to speak, or longer at the discretion of the Convener.
- 14.4 Questions from the committee will be limited to a further five minutes, after which, the member of the public will withdraw to the public seating to allow the committee to discuss the issue.

- 14.5 No more than two public questions in total will be allowed per meeting (unless the Convener exercises their discretion) and any individual can ask only one question.
- 14.6 No public question will be accepted if the subject matter is to be considered as part of the agenda for the meeting.
- 14.7 No public question will be considered that is substantially the same as a question put to a meeting of a committee in the past twelve months.
- 14.8 A council officer will present their response to the question for a maximum of five minutes, or longer at the discretion of the Convener.
- 14.9 Members will be given the opportunity to ask questions of the Officer for five minutes, or longer at the discretion of the Convener.
- 14.10 Questions may be rejected by the Proper Officer in consultation with the Convener if they:
- (1) are not relevant to matters for which the Area Committee has responsibility;
  - (2) could be defamatory or offensive;
  - (3) are substantially the same as a question put at a meeting in the past twelve months;
  - (4) would divulge, or be required to divulge, confidential or exempt information; or
  - (5) relate to a subject matter that will be considered as part of the agenda for that meeting.
- 14.11 Members will then consider all information presented to them providing an answer to the question(s).

## **15.0 Rights of Members Attending Meetings**

- 15.1 Any member will be entitled to or may attend any committee or sub-committee meeting of which they are not a member and will be entitled to address the meeting by submitting a request to the Proper Officer, no later than 12noon, two working days before the meeting.
- 15.2 The member may speak for a maximum of five minutes.
- 15.3 The member may not propose or second any motion or amendment or vote on any item.
- 15.4 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 to properly perform their duties as an elected member. The member may also have access to the same information available to members of the committee or sub-committee.
- 15.5 Where the purpose of any 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 the committee or sub-committee may not attend the meeting to listen to the item, or have access to the same information as is available to members of the committee or sub-committee.

- 15.6 Members are entitled to change committees within the group allocations, having first notified the Proper Officer by 12noon, two working days prior to the meeting.
- 15.7 The Leader of the Council, appropriate Convener, or Spokesperson shall be entitled to attend an Area or Scrutiny Committee in a non-voting capacity in relation to items within their area or portfolio.
- 15.8 No member may speak on any item in terms of this Standing Order on matters where the member has a financial interest or non-financial interest, in terms of the Code of Conduct for Councillors, which would prevent the member from taking part in the debate.
- 15.9 A member shall not be entitled to speak in terms of this Standing Order in relation to any item of a quasi-judicial or regulatory nature.

## **16.0 Substitute Members**

- 16.1 If a member of a committee is unable to attend a meeting of that committee, political groups are entitled (but not obliged) to nominate a substitute for that member. This does not apply to the Regulation and Licensing, Pensions, Planning or Area Committees.
- 16.2 Political groups can consider nominating designated substitute members for those committees where PVG membership is required. Those substitute members will be deemed to be members of the committee but will only be able to attend when substituting for an original member. Nominated substitute members must hold the requisite PVG membership for the committee for which they are a nominated substitute.
- 16.3 Political Groups should advise the Proper Officer of any substitutes by 4pm on the day before the relevant meeting, except where meetings are held on a Monday, in which case notification should be submitted by 9am on that Monday, otherwise no substitute will be entitled to attend.

## **17.0 Failure to Attend Meetings**

- 17.1 If a member is not able to attend a meeting, they should inform the relevant Committee Officer in advance of the meeting, who will advise the meeting of apologies intimated prior to the commencement of business.
- 17.2 In accordance with section 35 of the Local Government (Scotland) Act 1973, if a member fails to attend meetings for six consecutive months of any meeting of the council, its committees and sub-committees or Joint Boards on which the member represents the council, the member will no longer be a member of the council unless leave of absence has been approved by the council. Should a member or political group wish to seek a leave of absence for a member, they should approach the Proper Officer who will prepare a report for council.
- 17.3 The member will not cease to be a member of the council if the absence is due to the member having been suspended by the Standards Commission. The Proper Officer will submit a report to council under these circumstances.

## **18.0 Chairing Meetings**

- 18.1 At any meeting of the council, its committees or sub-committees, the chair will be taken by the Provost, Depute Provost(s), Convener, or where the Convener is absent, the Depute Convener.
- (1) In the event that the Depute Provost(s), Depute Convener is also absent, the members present will decide who will chair the meeting by means of a nomination and a majority vote.
  - (2) All references to "the Convener" throughout these Standing Orders will be taken to mean the person chairing the meeting, where the context allows.

## **19.0 Quorum**

- 19.1 No business will be carried out at a meeting unless a quorum of members is present. The quorum of council, committees and sub-committees will be 50% of the total number of members of the council, committee or sub-committee, or three members, whichever is the higher.
- 19.2 The quorum in all cases shall be calculated by the number of seats, irrespective of there being a vacancy.
- 19.3 If, ten minutes after the designated start of the meeting, the quorum has not been met, the Provost, Convener or person chairing the meeting will adjourn the meeting to a suitable time and date determined by them. The minute of the meeting will record that, due to the lack of the necessary quorum, no business was transacted.
- 19.4 If after the meeting has started, the number of members entitled to vote falls below the quorum, there will be a break of ten minutes. If after the break, a quorum has not been found, the meeting will be adjourned and the minutes of the meeting will state the reason for the adjournment.
- 19.5 No item of business shall be transacted at a meeting of the council where, as a consequence of the Councillors' Code of Conduct restricting the rights of the members to vote, less than a quorum of the council are entitled to vote on that item.

## **20.0 Advice at Meetings by Chief Officers**

- 20.1 All meetings will normally have the advice of Chief Officers, i.e. Chief Executive, the relevant Executive Director, Head of Service or their representative (as required).

## **21.0 Exempt and Confidential Information**

- 21.1 Agendas and reports containing exempt Information (exempt items) will contain a declaration that the report is 'Not for Publication' because it contains confidential/exempt Information as defined in Schedule 7A of the 1973 act, as detailed in Appendices 1 and 2 to these Standing Orders.
- 21.2 The press and public will not be admitted during the discussion of exempt items and any live webcasting or recording of the meeting will be stopped prior to discussion of exempt items.



## **22.0 Declarations of Interest and Transparency Statements**

- 22.1 Members must adopt the three stage approach (Connection – Interest – Participation) set out in section 5 (Declaration of Interests) of the [Councillors' Code of Conduct](#).
- 22.2 A member will declare their interest as early as possible in meetings.
- 22.3 Where a member has declared an interest, at the appropriate time, they must withdraw from the meeting. They must not participate in any way in those parts of meetings where they have declared an interest. Withdrawal from the meeting room or place will include leaving a blended meeting.
- 22.4 When making a declaration, a member should provide enough information for those at the meeting to understand why they are making a declaration.
- 22.5 Where the Provost or Convener is required to vacate the chair due to declaring an interest, the Depute Provost(s) or Depute Convener will assume the chair for the duration of the item. In the event that the Depute Provost(s) or Depute Convener is not present, members present will decide who will assume the chair by means of nomination and a majority vote.
- 22.6 Members should consider whether it is appropriate for transparency reasons for them to state publicly in the meeting where they have a connection, which they do not consider amounts to an interest. Such a statement is referred to in these Standing Orders as a “transparency statement” and will be recorded in the minute.

## **23.0 Introducing Reports**

- 23.1 Ordinarily, the Convener will invite an officer or a representative of an external organisation to introduce their report, following which, members will be given the opportunity to ask questions of officers or an external representative, through the Chair.
- 23.2 To promote the effective management of the meeting, members should seek clarification or advice from officers on any points in advance of the meeting.
- 23.3 When, in the opinion of the Convener, members have had a reasonable opportunity to ask questions, the Convener will move to bring the matter to a determination.

## **24.0 Speaking at Meetings**

- 24.1 When referring to or addressing the Provost, Depute Provost(s), Convener or Depute Convener, members and officers should address them as ‘Provost’ or ‘Convener’, as appropriate.
- 24.2 When referring to or addressing a member, members and officers should address the member as ‘councillor’.

## **25.0 Order of Debate**

25.1 If consensus cannot be reached on an item, the order of debate will be as follows:-

- (1) Motion moved and seconded
- (2) Amendment(s) moved and seconded
- (3) Debate
- (4) Summing up for the motion
- (5) Vote

25.2 Any member wishing to speak at any meeting will address the Convener and restrict their remarks to the item of business before the meeting through:-

- (1) Asking questions
- (2) Moving, seconding or supporting a motion or any relative amendment
- (3) Moving or seconding a Procedural Motion
- (4) Raising a Point of Order

## **26.0 Points of Order**

26.1 A point of order is a verbal objection made to the Convener that a statement or proposed procedure or action at the meeting may be in breach of the law, Standing Orders, List of Committee or Officer Powers or the Councillors' Code of Conduct. 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 shall stop speaking until the point of order has been decided by the Convener. A difference of opinion is not a point of order.

26.2 Any member may raise a point of order at any point in the meeting and must specify which Standing Order, law or section of the Councillors' Code of Conduct will be or has been breached.

26.3 The Convener will decide how the Point of Order will be dealt with.

## **27.0 Procedural Motions**

27.1 A Procedural Motion is a motion on the procedure being proposed or undertaken at the meeting.

27.2 A Procedural Motion has to be moved and seconded and members will then vote on whether to support or oppose it, without any debate.

27.3 If a Procedural Motion is not seconded, it will fall.

27.4 Procedural motions can include:

- (1) Proposing a change to the minute.
- (2) Proposing that no further debate or questioning takes place and a vote be taken.

- (3) Proposing the suspension of a Standing Order.
- (4) Proposing that an item be referred to another committee or directly to full council.
- (5) Proposing suspension of a member from the remainder of the meeting.
- (6) Proposing that a member of a committee be appointed as Chair in the absence of the Convener or Depute Convener.

27.5 Except where the Procedural Motion is to suspend Standing Orders (in terms of Standing Order No. 41), for a Procedural Motion to be successful, it requires an absolute majority of votes.

## **28.0 Budget Motions and Amendments**

- 28.1 Any motion relating to the setting of the council budget (a "Budget Proposal") will require to be delivered to the Proper Officer, preferably by email, no later than 12noon, six working days prior to the day fixed for the meeting of the council which will set the General Fund, HRA Revenue and Capital Budgets.
- 28.2 A Budget Proposal will require to be signed by the member submitting it and countersigned by one other member or otherwise in terms of Standing Order No.10.7.
- 28.3 Any proposed amendment to a Budget Proposal must be in writing and delivered to the Proper Officer, preferably by email, no later than 12noon, three working days 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 No.10.7.
- 28.4 Copies of Budget Proposals and proposed amendments will be made available by email to all members, the Chief Executive and Executive Directors as soon as possible, after the deadline for receipt. Further copies will be made available to the public.
- 28.5 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.
- 28.6 The proposer of a Budget Motion(s) or amendment(s) will have the right to sum up with the last opportunity to speak afforded to the proposer of the first Budget Motion submitted. Where amendments are received to the Budget Proposal, the council will debate and vote on those amendments first before proceeding to vote on the Budget Proposal(s) (as amended or otherwise) unless otherwise determined by the Provost in consultation with the Proper Officer.

## **29.0 Motions and Amendments (General)**

- 29.1 When moving any motion or amendment, a member will provide its terms in full which will then require to be seconded by another member who, if speaking, must speak in support of that motion or amendment. No member will speak in support of a motion or amendment until it has been seconded. Any motion proposing to alter the recommendation(s) of the report will be dealt with as an amendment.

- 29.2 Any member who has moved or seconded a motion or amendment will not be entitled to enter the debate.
- 29.3 In order to allow for an assessment of competency of motions (where they relate to reports on the agenda) or amendments should be provided to the Proper Officer and Committee Officer in advance of the item to which they relate where possible unless the motion or amendment:-
- (1) moves the recommendations of the report;
  - (2) calls for a continuation of consideration of the item to a future meeting;
  - (3) has been ruled urgent by the Provost or Convener; or
  - (4) when new information comes to light during discussion or debate and subject to the consent of the Provost or Convener.
- 29.4 A motion or amendment is not competent if it would require the incurring of expenditure and the source of funding is not identified.
- 29.5 A motion or amendment which identifies the source of funding as the council's reserves will not be competent, without advice being provided to the meeting by the Executive Director (Finance and Corporate Services), or their nominee.
- 29.6 The Convener may suggest an adjournment to offer any relevant officer an opportunity to assess the competency of any motion or amendment.
- 29.7 A motion or amendment moved but not seconded, or which has been ruled by the Convener to be incompetent, will not be put to the vote.
- 29.8 A member who has moved a motion or amendment but failed to find a seconder, provided they do not vote on the matter, may request that their dissent be recorded in the minute.
- 29.9 If a motion or amendment is withdrawn, the mover and seconder can move or second and speak in support of a further motion or amendment.
- 29.10 Where there is agreement to conjoin a motion and amendment, there will be no debate.
- 29.11 No member will speak more than once (except on a Point of Order, by asking a question or by moving a Procedural Motion or as otherwise provided for in these Standing Orders) in a debate, except for the member who moved the motion, who will have the right to sum up, provided the reply is strictly confined to answering previous speakers, and does not introduce any new material into the debate.
- 29.12 A member can make minor alterations to their motion or amendment, with the consent of the Convener.
- 29.13 The method of voting is detailed at Section 32.

### **30.0 Time Allowed for Speaking**

- (1) Moving a motion or amendment – ten minutes
- (2) Seconding a motion or amendment – five minutes
- (3) Speaking in debate – five minutes
- (4) Summing up – five minutes
- (5) Moving a council budget or amendment to the council budget – ten minutes
- (6) Seconding a council budget – five minutes
- (7) Summing up a council budget – five minutes

### **31.0 Closure of Debate**

- 31.1 Subject to the Convener being satisfied that the debate has proceeded for a reasonable period of time, any member who has not spoken can move, as a Procedural Motion, that no further debate take place.
- 31.2 If the Procedural Motion is agreed, the mover of the original motion will have the right to sum up and the matter will thereafter be put to the vote.
- 31.3 If the Procedural Motion is defeated, the debate will continue.
- 31.4 Subsequent Procedural Motions that no further debate take place can be made after a further two members have spoken.

### **32.0 Voting**

#### **Method of Voting – excluding Appointments**

- 32.1 Once the Convener has indicated that the vote is to be taken, no one will interrupt proceedings (except for a Point of Order) until the result of the vote has been announced. The Committee Officer will conduct the vote and announce the result.
- 32.2 With the exception of Standing Order No. 41 (Suspending Standing Orders), a majority of those present and voting will decide the result of any vote between motions and amendments.
- 32.3 Roll call votes will be the standard means of recording votes for all decisions during Blended meetings. For committees/boards that meet wholly in person, a show of hands will be used to record votes. If a member joining remotely is unable to indicate their voting intention either verbally or visually at the time of a roll call, their vote will not be counted.
- 32.4 The vote will be taken among the motion and any amendments received, unless otherwise determined by the Provost in consultation with the Proper Officer. Whichever proposal receives a majority of votes is carried and will be the decision of the meeting.
- 32.5 Where there is no majority, the proposition with the least number of votes will be eliminated and a further vote (or further votes as may be required) taken until a majority of votes is received for a proposition.
- 32.6 Where there is a tie between propositions as to which has the least votes, a vote will be taken between them as to which one should be eliminated. The Convener

will not have a casting vote at this stage in proceedings.

- 32.7 In the event of a final vote resulting in an equality of votes for the remaining two propositions, the Convener will then (but only then) have a second or casting vote.
- 32.8 If the Convener chooses not to exercise their casting vote, lots will be drawn using a method decided upon by the Committee Officer.

### **Method of Voting - Appointments**

#### **32.9 Voting in the case of one vacancy**

- (1) Where only one vacancy requires to be filled and one candidate has a majority of votes cast, that candidate will be declared elected, nominated or appointed.
- (2) Where there are two candidates for one vacancy and both candidates receive an equal number of votes, the decision will be determined by a cut of cards if an in-person meeting, or an electronic equivalent in a blended meeting. The candidate who draws the highest card will be elected, nominated or appointed.
- (3) Where there are more than two candidates and the first vote does not produce a majority in favour of any candidate, the candidate with fewest votes will be eliminated and another vote will take place between the remaining candidates.
- (4) This process will continue until one candidate has a majority of votes cast.
- (5) Where there is an equal number of votes for the candidates with fewest votes, an extra vote will be taken between those candidates. The candidate with the fewest votes will be eliminated from the process.
- (6) If an equal number of votes remains, the candidate to be eliminated will be determined by a cut of cards if an in-person meeting, or an electronic equivalent in a blended meeting.
- (7) This process will continue until the vacancy is filled.

#### **32.10 Voting in the case of two or more vacancies**

Where there is more than one vacancy and the number of candidates exceeds the number of vacancies, the following method of voting shall apply, subject to the following provisions:-

- (1) The number of candidates matching the number of vacancies that receive the highest number of votes cast will be duly elected, nominated or appointed.
- (2) Where there is an equal number of votes between two or more candidates, an extra vote will be taken between those candidates. The candidate(s) receiving the highest number of votes cast will be duly elected, nominated or appointed.
- (3) In the event that Standing Order No. 32.10(2) still produces an equality of votes, the decision will be determined by a cut of cards if an in-person meeting, or an electronic equivalent in a blended meeting.
- (4) The candidate who draws the highest card will be elected, nominated or appointed, followed by the candidate who draws the next highest card, should there be more than two candidates with an equality of votes.

- (5) This process will continue until all vacancies are filled.

### **33.0 Quasi-Judicial Items of Business**

- 33.1 Where the Council, Committee or Sub-Committee is required to determine an item of business which is of a quasi-judicial nature, a member must be present in the meeting for the duration of the item to allow their vote to be counted.
- 33.2 If a member joins or leaves the meeting at any point during discussion of the item, they will not be permitted to participate in the determination of the item, nor any vote.

### **34.0 Call-in**

#### **Decisions of Cabinet Committee**

- 34.1 Members will be entitled to call in decisions of the Cabinet Committee to the relevant scrutiny committee, on a requisition signed by seven elected members. The notice should be delivered to the Proper Officer no later than 12noon, three working days following (and not counting) the day on which the minute of the meeting is issued. Such notice may be submitted from an email address provided to members by the council or notified by the member. Where signatures of members are required, these can be submitted by email.
- 34.2 To ascertain the date of issue of the minute, members minded to call-in a decision will be required to notify the Proper Officer of their intention to do so, so that the Proper Officer can notify the relevant member(s) when the draft minute is published.
- 34.3 Standing Order No. 34.1 above does not apply to decisions to appoint or nominate a member of the council to an external organisation or other office. Nor does it apply to decisions of the Cabinet Committee which require the approval of the council.
- 34.4 A decision which has been called in will be placed on the agenda for the next meeting of the relevant scrutiny committee. The Convener/Depute Convener of the Cabinet Committee from which the decision has been called in and/or the relevant Spokesperson will attend the relevant scrutiny committee meeting with support from the relevant officer(s).
- 34.5 Decisions called in to the relevant scrutiny committee will be dealt with as follows:-
- (1) where the relevant scrutiny committee agrees with the decision of the Cabinet Committee, the decision can be implemented without further delay;
  - (2) where the relevant scrutiny committee does not agree with the decision of the Cabinet Committee, it will be referred to the next meeting of the council for final determination;
  - (3) where the relevant scrutiny committee agrees with the decision of the Cabinet Committee, but has additional recommendations, this will be referred back to the Cabinet Committee. The Convener of the relevant scrutiny committee, or another member of the scrutiny committee nominated by them, will have the right to attend the Cabinet Committee and speak in support of its recommendation on that item;
  - (4) where further information is required, 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; and

- (5) religious or other persons appointed as members of Committees shall not be entitled to sign a requisition to instigate the call-in process set out in this Standing Order. Those members will be entitled to participate in the debate on matters which have been called-in.

34.6 The Cabinet Committee 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:-

- (1) prevent a final decision being made before the required date;
- (2) prejudice the council's negotiating position with trade unions or a third party;  
or
- (3) prejudice the council's position in relation to persons or events external to the council.

34.7 When the Cabinet Committee 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.

34.8 This Standing Order applies only to decisions of the Cabinet Committee.

## **35.0 Minutes**

35.1 The Committee Officer will prepare the minutes of meetings of the council, its committees and sub-committees.

35.2 The minutes will record the names of the members who attended the meeting and any decision taken at the meeting as determined by the Committee Officer. Formal apologies will be recorded in the minute.

35.3 The committee will be invited to approve the minute of the previous meeting as an accurate record.

35.4 At the meeting, if any member challenges the accuracy of the previous minute, they can move a procedural motion that a correction be made.

35.5 Any corrections to the minute will be outlined in the subsequent minute and the original minute amended as required.

35.6 Any discussion around the approval of the previous minute cannot extend to opening up discussion of the substantive issues detailed in the minute.

35.7 Recording of votes at meetings will be taken as a roll call vote and the members' names recorded in the minute.

## **36.0 Powers and Duties of the Convener**

36.1 To preserve order, ensure that Standing Orders are followed and members have a fair hearing.

36.2 When the Convener begins to speak, other members must stop speaking.

36.3 To decide on the order of business and matters of competency and relevancy, unless otherwise specified.





- 36.4 To accept urgent business onto the agenda, in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973. The reason(s) why the matter must be considered urgently will be recorded in the minute of the meeting.
- 36.5 To ensure that all members are given a fair and reasonable opportunity to speak and to decide on the order in which they speak.
- 36.6 To rule on all Points of Order, the ruling of the Convener will be final and not open to discussion.
- 36.7 To adjourn the meeting at any time for any reason and to determine the length of the adjournment.
- 36.8 It will be at the discretion of the Provost, Convener or, in their absence, the Depute Provost(s) or Convener of a committee or sub-committee to cancel, advance or postpone to another date an ordinary meeting if, in their opinion and in consultation with the Proper Officer, there is a good reason for doing so.
- 36.9 The decision of the Convener on all matters in Standing Order No. 36 will be final, unless challenged by at least four members and unless two-thirds of the members present vote against the decision.
- 36.10 The Convener will have discretion to determine all questions where no specific provision is made under these Orders.

### **37.0 General Conduct at Meetings**

- 37.1 All members are bound by the Councillors' Code of Conduct and are responsible for complying with it at all times.
- 37.2 Every effort will 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.
- 37.3 All members must behave respectfully at any meeting and should not behave in a manner that is improper, offensive or deliberately obstructs the business of the meeting. The Convener may direct the member to refrain from speaking during the remainder of the debate on the matter under discussion.
- 37.4 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.
- 37.5 If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance. If they interrupt on a second occasion, the Convener may order their removal from the meeting.
- 37.6 In cases of general disturbance during any part of the meeting, the Convener may order that the public leave the meeting. In the event of the meeting requiring to be adjourned due to disruption, the meeting room shall be cleared and the livestream will be suspended until the matter has been addressed.

### **38.0 Suspension of Members from a Meeting**

- 38.1 If any member disregards the authority of the Convener, obstructs the meeting or, in the opinion of the Convener, acts in an offensive or disruptive manner at a meeting, any member may move, as a Procedural Motion, that the member be suspended for the remainder of the meeting.

- 38.2 If seconded, the motion will be put to the vote immediately.
- 38.3 If the Procedural Motion is carried, the suspended member will leave the meeting immediately.

### **39.0 Filming, Photographing and Recording of Meetings**

- 39.1 Other than the livestreaming or recording of council, committee and sub-committee meetings, any video or sound recordings or broadcasting of meetings by any other means, or the taking of any photographs, will be at the Convener's discretion, provided that the business of the meeting is not interrupted, or inconvenience caused to any member.

### **40.0 Length of Meetings**

- 40.1 The Convener can call a break in proceedings at any time. Unless circumstances indicate otherwise, however, any meeting should be adjourned by the Convener for a comfort break at ninety-minute intervals.
- 40.2 Breaks in proceedings should be called on a regular basis and, in general, meeting adjournments will take place as appropriate to ensure the wellbeing of members, other participants and the public.
- 40.3 Meetings should not last longer than seven hours (said duration including, for the avoidance of doubt, any break(s) in proceedings). The Convener shall be responsible for the effective time management of the meeting.
- 40.4 If the meeting is adjourned to another date, the Convener, following consultation with the Committee Officer, will determine the time and date that the meeting will re-convene.

### **41.0 Suspending Standing Orders**

- 41.1 Any Standing Order may be suspended at any meeting with the agreement of at least two-thirds of the members present and entitled to vote. This will be done by means of a Procedural Motion.
- 41.2 The member must specify which Standing Order they are proposing to suspend.

### **42.0 Altering Previous Decisions**

- 42.1 Any decision made by the council or committee, as contained in the minutes, shall continue to be binding upon the council and no motion or resolution inconsistent with it shall be entertained within a period of six months. Any motion that proposes to directly rescind a previous council decision after a period of six months from the date of the original decision can only be considered if the proposer and six members entitled to vote agree that the motion can be debated. This Standing Order does not apply to decisions taken under powers delegated to officers.
- 42.2 The council or committee 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.

### **43.0 Amendments to Standing Orders**

- 43.1 Non-material amendments can be made to the Standing Orders by the Proper Officer, following consultation with the Political Group Leaders, without the requirement to report to council. Such amendments will be notified to all members once completed.

- 43.2 Material amendments to the Standing Orders, including the removal or addition of Standing Orders, may only be approved after consideration of a report by the Proper Officer at full council.

#### **44.0 Review of Standing Orders**

- 44.1 The Standing Orders will be subject to annual review by the Proper Officer.

#### **45.0 Monitoring Officer**

- 45.1 A Monitoring Officer's report may be required where any proposal, decision or omission by the council may breach or has breached the law or any statutory code of practice.

#### **46.0 Delegation and Appointment to Committees and Sub-Committees**

- 46.1 Decisions of a committee on functions delegated to them will be reported to the council for information only unless the committee resolves that a particular item of business should be referred to the council for decision.
- 46.2 The council may appoint or disband committees for any purpose at any time and will delegate or refer to these committees any matter it thinks fit.
- 46.3 Committees may appoint or disband sub-committees for any purpose at any time and will delegate or refer to these sub-committees any matter they think fit.
- 46.4 Matters referred or delegated to committees or sub-committees will be set out in the relevant committee terms of reference contained in the List of Committee Powers.
- 46.5 Committee and sub-committee terms of reference may be amended only after consideration of a report to council by the Proper Officer.
- 46.6 Where a matter for consideration is not specifically referred to in the terms of reference of a committee, it will be competent for it to be considered by the committee or sub-committee with the most relevant remit, as determined by the Proper Officer.
- 46.7 The council may, at any time, deal with any matter falling within the terms of reference of any committee or sub-committee.
- 46.8 Similarly, a committee may, at any time, deal with any matter falling within the terms of reference of any of its sub-committees.
- 46.9 Members of committees will be provided with relevant training where required, e.g. regulatory or quasi-judicial.
- 46.10 On behalf of the council, each committee and sub-committee can appoint representatives to external organisations which provide services linked to, or associated with, the remit of that committee or sub-committee.

#### **47.0 Effective Date and Rules on Changes to Standing Orders**

- 47.1 The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.
- 47.2 This version of Standing Orders takes effect from 23 June 2023.

47.3 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

<b>Provision</b>	<b>Legislation</b>
Period of office of Convener and Depute Convener	Local Government (Scotland) Act 1994 – Section 4 and Paragraph 7 of Schedule 2
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
Notice of place and time of meeting	Paragraphs 2(2) of schedule 7 to the Local Government (Scotland) 1973 Act 1973
Agenda and reports open to public inspection	Section 50B2 of the Local Government Scotland Act 1973
Exclusion of report from inspection by press and public	Section 50B(2) of the Local Government (Scotland) Act, 1973
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
Meeting not quorate as consequence of Councillors' Code of Conduct	Ethical Standards in Public Life, etc. (Scotland) Act 2000
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
Matters of urgency	Section 50B(4)(b) of the 1973 Act (SO 8.1(2))

## Glossary of Terms

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<b>Agenda</b>	A list of business to be considered at council, committee and sub-committee meetings
<b>Amendment</b>	Where a motion has been put forward in respect of an item on the agenda, a member may move an alternative proposal. A competent motion and amendment which have been seconded, will then be debated and a vote taken between the two
<b>Calculation of Quarter or One Third/ Two Thirds of Members</b>	If the figure is not a whole number, it will be rounded up. This is to ensure that a quarter, one-third or two-thirds will always be met
<b>Chief Officer</b>	The Chief Executive, Executive Directors and Heads of Service are designated as Chief Officers
<b>Clear Days</b>	Clear days includes week days, weekends and public holidays, but excludes the day the notice is issued and the day on which the meeting is held. For example, if a letter is posted on Monday advising of a meeting on Friday, it gives three clear days' notice (i.e. Tuesday, Wednesday, Thursday)
<b>Committee Officer</b>	The Committee Officer with responsibility for the administration of the council, committee or sub-committee meetings
<b>Committee</b>	A committee of the council as appointed in accordance with Standing Orders
<b>Committee Forward Work Programme</b>	A document containing outstanding and pending business that is placed on the agenda for each meeting
<b>Confidential Information</b>	See Appendix 1 to this document
<b>Convener</b>	This includes the Provost, Depute Provost(s), Convener, Depute Convener or any other councillor when chairing any meeting of the council or a committee
<b>Council</b>	Where "council" is referred to in this document, it refers to meetings of the Full Council
<b>Councillors' Code of Conduct</b>	The <a href="#">Councillors' Code of Conduct</a> is the framework by which all councillors are expected to abide. Members suspended by the Standards Commission will not be entitled to vote
<b>Delegation</b>	When the council delegates duties or responsibility, it is giving someone else the authority to act on its behalf. The council can arrange to delegate functions to a committee, sub-committee or council officer(s)

<b>Deputation</b>	A request submitted by an organisation or group to address a council or area committee meeting in respect of a matter included in the council or area committee's powers, duties or delegation
<b>Depute Convener</b>	The Depute Chair of the committee. A Depute Convener will act as Chair in the absence of the Convener.
<b>Depute Provost(s)</b>	The Depute Provost(s) of Full Council. A Depute Provost will act as Chair in the absence of the Provost
<b>Elected Member/Member</b>	Councillor
<b>Exempt Information</b>	See Appendix 2 to this document
<b>External Member</b>	A representative appointed to any committee or sub-committee from outwith the council.
<b>Group</b>	A number of councillors who form a group. A group cannot be composed of a single member. The group should be notified to the Proper Officer
<b>Group Leaders</b>	The leaders of the individual political groups to be notified to the Proper Officer
<b>Majority Vote</b>	A majority vote refers to more than half of the votes actually cast, not to more than half of the votes that could have been cast if everybody voted
<b>Absolute Majority</b>	An absolute majority vote is defined as two thirds of the votes cast
<b>Minute</b>	A summary of decisions from any council, committee or sub-committee meeting prepared by the Committee Officer. This will not be a verbatim record
<b>Monitoring Officer</b>	Every council has to appoint a Monitoring Officer who will investigate any proposal, decision or failure to act where council, a committee or an officer may have broken an Act of Parliament, a law or any code of practice. The Monitoring Officer may have to prepare a report to council. The Head of Legal and Democratic Services is currently the Council's Monitoring Officer. There are two Depute Monitoring Officers, being the Committee Services Manager and Legal Services Manager
<b>Motion</b>	An initial proposal of action submitted by a member in respect of an item of business on an agenda
<b>Non-Material Amendments to Standing Orders</b>	Such amendments may include the change of title for a particular post referred to in the Standing Orders, or an error in the text and does not change the meaning.
<b>Notice of meeting</b>	A notice advising members of the date, time and location of a council, committee or sub-committee meeting

<b>Notice of Motion</b>	A request submitted by a member in advance of a meeting of council, committee or sub-committee which may be placed on the agenda for an issue to be discussed and for a decision to be made
<b>Proper Officer</b>	Employees appointed to deal with formal functions the council must perform by law. Where this document refers to the Proper Officer, it should be noted that this may also refer to their nominated officer
<b>Provost</b>	The Convener of the council. The Provost is the civic head of the council
<b>Quasi- Judicial</b>	Where the council, committee or sub-committee has powers and procedures resembling those of a court of law or judge and is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action
<b>Quorum</b>	The minimum number of members at a council, committee or sub-committee meeting who must be present before the meeting can take place and make valid decisions
<b>Returning Officer</b>	The officer responsible for conducting elections. The Chief Executive is the council's Returning Officer
<b>Standing Orders</b>	The council's set of rules to make sure that council and committee meetings are conducted properly and that decisions are made in an open and accountable way (that is, in a way the council can justify)
<b>Sub-Committee</b>	A sub-committee of any council committee appointed in accordance with Standing Orders.



### **Local Government (Scotland) Act 1973 Definition of Confidential Information**

In accordance with section 50A of the Local Government (Scotland) Act 1973, Confidential Information means:-

- information furnished to the authority by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

In either case, the reference to the obligation of confidence is to be construed accordingly.

### **Local Government (Scotland) Act 1973 Schedule 7A**

#### **Access to Information: Exempt Information Descriptions of Exempt Information (including Qualifications)**

##### **Employee/Office Holder**

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 authority.

##### **Occupier**

2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.

##### **Recipient of Council Service**

3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

##### **Recipient of Financial Assistance**

4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.

##### **Particular Child**

5. Information relating to the adoption, care, fostering or education of any particular child or where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011) information relating to the order. "Child" means a person under the age of 18 and any person who has attained that age and is in attendance as a pupil at a school.

##### **Financial Affairs of Particular Person**

6. Information relating to the financial or business affairs of any particular person (other than the authority). Information is not exempt if it is required to be registered under the Companies Acts (as defined in section 2(1) of the Companies Act 2006) or similar legislation.

##### **Social Work Relating to a Particular Person**

7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).

##### **Proposed Expenditure on Contracts**

8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.

## **Contractual Terms**

9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

## **Tender for Contract**

10. The identity of the authority (as well as of any other person by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.

## **Labour Relations**

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 officeholders under, the authority if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

## **Legal Proceedings**

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 –
  - a. any legal proceedings by or against the authority, or
  - b. the determination of any matter affecting the authority (whether, in either case, proceedings have been commenced or are in contemplation).

## **Statutory Notices, etc.**

13. Information which, if disclosed to the public, would reveal that the authority proposes –
  - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b. to make an order or direction under any enactment if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

## **Crime**

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

## **Informant**

15. The identity of a protected informant.

### **Additional Rights of Access to Documents for Members of Local Authorities – Local Government (Scotland) Act 1973, Section 50F**

1. Any document which is in the possession or under the control of a local authority and contains material which relates to any business to be transacted or proceedings at a meeting of –
  - a. the local authority or of a committee or sub-committee of the local authority;
  - b. a statutory committee appointed by the authority or any sub-committee of that committee, or
  - c. a relevant body, any member of which was appointed by the authority, or of a committee, sub-committee or relevant body of such a body shall, subject to subsection (2) below, be open to inspection by any member of the authority and, in the case of a committee, sub-committee or relevant body, by any other member of the committee or sub-committee.
2. Where it appears to the Proper Officer that a document discloses exempt information of a description for the time being falling within any of the above-noted paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of Schedule 7A to this Act, subsection (1) above does not require the document to be open to inspection.
3. The Secretary of State may by order amend subsection (2) above -
  - a. by adding to the descriptions of exempt information to which that subsection refers for the time being or
  - b. by removing any description of exempt information to which it refers for the time being.
4. Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
5. The rights conferred by this section on a member of a local authority are in addition to any other rights he may have apart from this section.

### Guidance for Assessing Competency of Motions

In terms of Fife Council's Standing Orders, motions should be submitted in advance of a meeting (SO 10.6) or, where the Convener agrees that it is a matter of urgency, at a meeting (SO 10.12). 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 during a meeting, the Convener will determine the competency of a motion in consultation with the Proper Officer. If complex, the Convener may wish to adjourn the meeting pending further advice.

Where possible, members should consult with the relevant Service prior to submitting the motion to assist with determination of the motion.

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

- Is the motion clearly and concisely drafted?
- Is the motion directed to the correct committee?
- Are the resource implications of the motion clearly set out?
- 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 (SO 42)
- Is it actionable/capable of being implemented or would further procedure be required, e.g. equalities impact assessment?
- Does the purpose of the motion seek to directly rescind a decision made by the council or committee within the previous six months (in which case approval of the proposer and six other members present and entitled to vote would be required)
- Does the motion give fair notice to members of the matter to be discussed?
- Do members have enough background information to reach a reasoned decision?
- Does the motion conflict with the Chief Executive's role as head of paid service.

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 meeting or that the motion be amended to ask for an officer report to a future committee with further detailed information.

Prior to lodging a Notice of Motion, members should take the opportunity to engage with the relevant service on current action being taken and options available to have the subject matter addressed. This will assist members in formulating the terms of the Notice of Motion. Guidance should also be sought from the Head of Legal and Democratic Services on competency.

### Points of Order

Fife Council Standing Orders permit members to raise points of order (Standing Order No.26) but there is no definition within Standing Orders of what constitutes a point of order. Many interjections which are made are not points of order. For example, the fact that a speaker may make a statement which some other member does not consider correct does not constitute a **breach of order** on the speaker's part and does **not** entitle another member to intervene. They may answer that later (if they have not already spoken) in the ordinary course of the debate. Interjections of this kind could be considered disruption by the Convener and consequences may follow from that determination.

#### What is a point of order?

Points of order must deal with the **conduct** or **procedure** of the meeting and the member rising to put the point of order should demonstrate one or more of the following:-

- (a) that the speaker is travelling outside the scope of the paper;
- (b) that they are using "unparliamentary" language, for example, by making remarks of a personal nature, particularly if they are abusive, or by using obscene language;
- (c) that they are infringing the standing orders or, in the absence of any specific standing order, is acting contrary to the general custom of debate; or
- (d) that they may be acting unlawfully, for example, by inciting racial hatred or provoking violence.

Other valid points of order might relate to:-

- (a) that a quorum is not present; or
- (b) where a motion is beyond the legal power of the council or not within the scope of the notice given.

#### When to put a point

A point of order may be put to the Convener at any time, even when a member is not speaking. For instance, the interjector may wish to ask the effect of a motion under discussion on some other motion which is to come forward later. Or they may want to know the order in which an amendment will be taken or, indeed, anything connected with the routine of the meeting.

Even when the vote is taken, a point may be submitted, but it must be on something arising out of the taking of the vote. At that late stage, it cannot be of a merely general character. When a member is speaking on a subject, the member who interrupts them by raising a point of order must demonstrate that an irregularity has been committed. **A difference of opinion is not a point of order. Points of correction are not points of order.**

#### How to put a Point of Order

Members who want to raise a point of order must do so **immediately** the alleged breach has occurred and must address the Convener directly and not the member who has been interrupted. The point of order should be put briefly and the person raising the point of order should normally quote the relevant standing order that they consider is being breached.

## **Time allowed on Points of Order**

The Standing Orders limit the time of every speaker and every time an interrupter brings forward a point of order, they encroach on the time of the speaker who is addressing the meeting. The speaker should resume their seat as soon as the point of order is raised and may ask the Convener to allow an appropriate amount of extra time if needed.

## **Points of explanation and points of information**

Sometimes debaters may distort or misquote remarks of a previous speaker, or there may be a genuine misapprehension about what a previous speaker actually said. In such cases, the misquoted or misunderstood **speaker** may ask the Convener if they can make a point of explanation. The Convener may, at their discretion, allow the misquoted speaker to explain in a few words what they actually said or meant. Such points of explanation should be permitted only in extreme cases and must not be developed into a further speech.

Someone seeking the Convener's permission to make a point of explanation may interrupt a speaker to do so. However, if a member simply wants to know something about the procedure or the subject under discussion, they can raise a point of information but must wait until the speaker has finished.

**A point of information is seeking information, not imparting it.**