

## EAST AYRSHIRE COUNCIL

KILMARNOCK CENTRAL LOCAL COMMITTEE - 16 MARCH 2004

### EAST AYRSHIRE COUNCIL'S STANDING ORDERS FOR REGULATING THE CONDUCT OF MEETINGS

#### Report by the Depute Chief Executive/Director of Corporate Resources

#### 1. PURPOSE OF REPORT

- 1.1 To submit in response to a previous decision of the Local Committee, East Ayrshire Council's Standing Orders and general information on their application.

#### 2. BACKGROUND

- 2.1 Under the Local Issues item for Local Committees, a request was made for a presentation on the application and implications of the Council's Standing Orders. Accordingly, this report provides general information on their application and principle areas dealt with by Standing Orders.
- 2.2 Local Authorities have the statutory power to make Standing Orders. The areas dealt with by Standing Orders vary from authority to authority across Scotland.
- 2.3 A copy of East Ayrshire Council's Standing Orders is attached.

#### 3. PRINCIPLE AREAS DEALT WITH BY STANDING ORDERS

##### 3.1 Meetings and Proceedings

- **Calling Meetings** - Standing Orders will deal with the issue of the Agenda by the proper Officer of the Council. The Agenda will also set out the business and the time, date and place of the meeting.
- **Chair** - Standing Orders will deal with the taking of the chair by an Elected Member. The Standing Orders will also provide for the election of Provost, Depute Provost, Chairs and Vice-Chairs and make provision for the duration of the term of their Offices.
- **Quorum** - By law, no business can be transacted at a meeting unless at least one quarter of the Members are present (other than in special circumstances). Standing Orders can require a higher number to be present and when the Council is dealing with an item of business in a judicial or quasi judicial capacity, then Standing Orders can require Members to remain present during the whole item of business or exclude them from re-entering the meeting if they leave during the debate.
- **Sederunt** - For the purpose of Committee Meetings, Standing Orders may deal with the right of Councillors who are not Members of the

Committee to be present and this may include their right to speak (but not vote) in relation to particular items.

- **Business (including order of business)** - Standing Orders will provide for the drawing up of the Agenda usually by the proper Officer of the Council and the order in which business is to be taken at the meeting. Only business on the Agenda can be dealt with. Urgent business can, however, be taken even although it is not already included on the Agenda provided the Chair raises the matter and gives reason for doing so.
- **Debates** - Standing Orders will deal with the rules for conducting debates and this will include:-
  - proposing and seconding motions and amendments;
  - the committing of motions and amendments to writing if necessary;
  - the allocation of time for debates; and
  - question time.

Local Authorities can include provision for allocating a period during Council meetings for questions by Members. Frequently this relates to matters that are not already included on the Agenda for the meeting and a time limit can be imposed.

- **Voting** - By law, all matters that go before a Council fall to be decided by a simple majority of the Members present and voting at the meeting in question. There are a limited number of exceptions to this, the main being:-
  - the suspension of Standing Orders (it is frequently the case that a special majority (such as two thirds) is required to suspend Standing Orders during the meeting) or
  - the reconsideration of an earlier decision of Council/Committee within a six month period.

Standing Orders will also deal with the matter on which a vote is taken whether by show of hands or by roll call.

### **3.2 Conduct**

- **At meetings** - Standing Orders will usually deal with the conduct of Members at meetings of the Council/Committee including the circumstances when the Chair may suspend a meeting to restore order and when the Council/Committee can decide to exclude a Member. Standing Orders can also deal with the exclusion of members of the public who have been causing disruption;
- **Declaration of Interest** - Standing Orders will deal with declarations of interest. Standing Orders will usually provide whether a Member is to leave the meeting during discussion of an item where he or she has declared an interest; and

- **Councillors Code of Conduct** - A number of Local Authorities will make reference within their own Standing Orders to the Councillors Code of Conduct.

#### **4. EAST AYRSHIRE COUNCIL'S STANDING ORDERS**

**4.1** East Ayrshire Council from time to time reviews its Standing Orders. The enclosed Standing Orders were recently considered, approved and adopted at the meeting of East Ayrshire Council on 4 March 2004.

**4.2** A set of Standing Orders is enclosed to allow the Committee if they so wish to discuss the application and implication of the Council's Standing Orders within the context of a Local Committee meeting.

#### **5. FINANCIAL/POLICY IMPLICATIONS - NIL.**

#### **6. LEGAL AUTHORITY**

**6.1** East Ayrshire Council in accordance with Schedule 7 of the Local Government (Scotland) Act 1973 as amended, has made Standing Orders for the regulation of its meetings.

#### **7. RECOMMENDATION**

**7.1** It is recommended that the Committee:-

- (i) note the report and the enclosed Standing Orders;
- (ii) invite, as required, any questions in regard to the application and implication of the Council's Standing Orders within the context of a Local Committee meeting; and
- (ii) otherwise, to note the contents of the report.

Fiona Lees  
Depute Chief Executive/Director of Corporate Resources

5 March 2004

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**ENC(1)**

#### **LIST OF BACKGROUND PAPERS**

**NIL**

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager, on telephone number 01563 576135.

**Implementation Officer: Bill Walkinshaw, Administration Manager.**