

EAST AYRSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE - 14 JUNE 2001

REVIEW OF POLITICAL LEADERSHIP STRUCTURES

Report by the Member/Officer Working Group on Political Leadership Structures

1. PURPOSE OF REPORT

- 1.1 To submit for consideration the conclusions and recommendations of the Member/Officer Working Group on outstanding issues relating to the revised decision making structure within East Ayrshire Council.

2. BACKGROUND

- 2.1 The Committee is aware of the remit of the Member/Officer Working Group on Political Leadership Structures established by the Council to explore alternatives to the current decision making process in East Ayrshire Council and issues relative thereto and make recommendations on those matters.
- 2.2. The Council meeting on 14 December 2000, approved the proposed revised structure for submission to the Scottish Executive.
- 2.3. The Member/Officer Working Group recognised in its initial report that a number of operational matters would require to be agreed prior to implementation of the revised system following the 2001 summer recess. The Group therefore met on 30th May to consider the outstanding issues, so far as is possible at this stage.
- 2.4. The issues considered by the Working Group, with their recommendations thereon, are contained in the paper at Appendix1; Appendix 2 contains the recommended Standing Orders, after amendment to correspond to the approved changes in decision-making arrangements.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising as a direct result of this report.

4. LEGAL/POLICY IMPLICATIONS

- 4.1 Section 57 of the Local Government (Scotland) Act 1973, as amended, permits a Council to appoint Committees and Sub-Committees in order to discharge its functions. The recommendations within this report are in implementation of a Council decision in relation to the decision-making structure within the Council with effect from the end of the 2001 summer recess.

5. RECOMMENDATIONS

- 5.1** (1) That the Committee give consideration to the Working Group's recommendations as contained within Appendix 1 to this report and recommend approval thereof and
- (2) That the Committee recommend to Council the adoption of the revised Standing Orders contained in Appendix 2 to this report.

Member/Officer Working Group
30th May 2001

BH/CMcT

LIST OF BACKGROUND PAPERS

1. Report of the Mackintosh Committee.
2. Report of the Renewing Local Democracy Group.
3. COSLA/SLGIU Survey of Councillors
4. East Ayrshire Council Scheme of Delegation
5. East Ayrshire Council Plan
5. East Ayrshire Consultation Document: "A Review of Decision Making in East Ayrshire Council" and responses thereto.
6. Reports to and Minutes of the Various Meetings of the Member/Officer Working Group.

Any person wishing to inspect the background papers listed above should telephone 01563 576000, Extension 6061 and ask for Barbara Haughan, Head of Administrative and Legal Services.

Implementation Officer: Barbara Haughan, Head of Administrative and Legal Services.

APPENDIX 1

ISSUES CONSIDERED BY THE MEMBER/OFFICER WORKING GROUP ON 30th MAY 2001 AND RECOMMENDATIONS THEREON

1. STRUCTURE ISSUES

1.1 The Member/Officer Group **noted** that the following matters had been agreed and that changes were required in the Council's Standing Orders and Scheme of Delegation to incorporate and implement the changes:

1.2 The Working Group **noted** that the Policy and Resources Committee's role in relation to scrutiny is to be strengthened, with the introduction of planned and referral arrangements for post implementation scrutiny in appropriate cases. (Service committees will retain the role for prior consideration and debate on individual policy proposals, Policy and Resources Committee for cross-departmental policy, and Council for final approval of both.)

Responsibility for resource, Best Value and audit and scrutiny issues rests with Policy and Resources Committee, operating through a series of sub-committees and panels, reporting to the committee. The Working Group desires to distinguish between these various monitoring arrangements (not being committees or sub-committees, but reporting through the committee system) and the decision-making body for Licensing that will replace the existing Licensing Sub-committee (see paragraph 1.4 below). It is therefore **recommended** that the monitoring and scrutiny bodies, (which will have an advisory role and refer their recommendations through the Committee system), should be redesignated as "groups", rather than "panels".

The monitoring and scrutiny bodies would therefore be as follows:

1. The **Budget Scrutiny Group** in relation to financial monitoring, referring issues of concern impacting on service delivery to the appropriate service committees. This has the following consequences:-
 - (a) The practice of automatic reporting to service committees of routine budget statements would be discontinued.
 - (b) Where a personnel issue impacts on budgetary monitoring and control, the Budget Monitoring Group has a right to consider the issue. and, where appropriate, to refer to the service committee (or sub-committee charged with personnel issues) as it deems appropriate.
2. The **Property Monitoring Group** in relation to non-operational surplus property and an overview role. (Decisions as to removing from operation operational property – i.e. property actually in current use – should be taken by the appropriate service committees.)
3. **Scrutiny and Best Value Review Groups** are to be established, taking over the role of the current Best Value Service Review Groups and undertaking the post implementation scrutiny role.

The remit for these Groups is to be incorporated in the Scheme of Delegation which will also govern the role of the Policy and Resources Committee in relation to referral (or otherwise) to the Scrutiny and Best Value Groups. This

is required to ensure that the arrangements proposed and adopted by the Council for scrutiny meet the test of robustness required. A procedure, similar to that already approved for the current Budget Monitoring Group (whereby Chairs and Directors attend in appropriate cases to respond to issues raised, particularly where review involves a policy matter), is to be adopted for all these groups.

- 1.3 The Working Group **noted** that the **Corporate Sub-Committee** is to subsume the existing role of service committees in relation to personnel issues.
- 1.4 The Working Group **noted** that quasi-judicial and regulatory functions (civic government licensing and town and country planning) are to be dealt with under separate arrangements from those operating previously. It is therefore **recommended** that, for licensing, a Local Government Licensing Panel (which requires to take decisions under delegated powers) will sit separately, with its minutes being presented formally to Council, as will the planning element of Development Services and Planning Committee, sitting separately for each function. In both cases there will be a facility for additional meetings, if required, programmed into the 8 week committee cycle at intermediate points.
- 1.5 The Working Group **noted** that, underpinning the committee structure, are the additional groups referred to at paragraph 1.2 above, together with new methods of operation:
 - (a) The current arrangements for **question and challenge** are to be formalised, with appropriate amendments to Standing Orders and Scheme of Delegation, where necessary to provide for:
 - The 15 minute question and answer session at local committees and the right of Community representatives to set agendas on local issues (already in operation)
 - Requests for update/progress at Council on items within the Minutes before the meeting (current practice)
 - Formal question process for Council (already in place)
 - Formal motion procedure at Council (as at present)
 - (b) For **audit issues**, the system of annual action plans and reports to Policy and Resources Committee will be maintained.
 - (c) **Scrutiny and Best Value Review**: It is envisaged that reviews will continue to be undertaken on a planned annual schedule, but with the ability of Members to put forward additional or replacement proposals for consideration by the Policy and Resources Committee.
 - (d) **Performance reporting** should also be maintained through the normal committee process. Performance reports to committees should however be highlighted as such on committee agendas.

- (e) A bulletin system, to run in parallel with and ultimately be superseded by the introduction of an **electronic information system**, will be introduced to replace all reports currently submitted to committee for information only. The effectiveness of the system will be monitored and considered as part of the post implementation review.
- (f) The **bulletin system** will be used by departments to make available appropriate information to Members and the public.
- (g) The **email system** will be used for distribution of non-public information to Members, including reports on appropriate decisions by relevant external organisations on which the Council was represented.

2.0 OUTSTANDING OPERATIONAL ISSUES

2.1 Standing Orders

The Working Group **noted** that Standing Orders require to be amended to incorporate the scrutiny issues outlined in paragraph 1.2 above. In addition it **recommended** that, as Standing Orders have remained largely unchanged since the inception of the Council, the opportunity be taken to update and streamline the Standing Orders, with a view to simplifying the layout and language and a draft for consideration, in a revised format and showing the proposed changes, is annexed as **Appendix 2**.

2.2 Scheme of Delegation

The Working Group **noted**:-

- (i) unlike Standing Orders, the Scheme of Delegation has been subject to regular review throughout the Council's life now requires to be adapted to accommodate the new decision-making structure, including the matters referred to in paragraph 1 above;
- (ii) these proposed amendments include the incorporation into the remit of the Policy and Resources Committee of the Audit Committee principles (as set out within the Accounts Commission document: "Local Government Reorganisation and the Stewardship of Public Finance") as agreed by the Council in December 2000 and the operational issues referred to in paragraph 1 and
- (iii) the opportunity has been taken to link amendments to the Scheme with a periodic review, as is undertaken from time to time. As is normal practice, all departments have been consulted and the proposed revised Scheme, showing the proposed changes will be submitted to the meeting of the Council on 28th June, 2001.

2.3 Standards

The Working Group **noted** that:-

- (i) in considering the provision or otherwise of a separate Standards Committee, Council agreed that the forum for standards of conduct issues be determined once guidance on the final version of the ethical framework is available.
- (ii) Policy and Resources Committee of 5th April 2001 approved a submission in response to the recent consultation by the Scottish Executive on the proposed new Code of Conduct for Councillors, which report incorporated an update on the Ethical Standards Act 2000. In terms of that Act, the new Standards Commission may issue guidance to Councils to assist in promoting the observance by Councillors of high standards of conduct and observance of the Councillors' Code. Each Local authority shall, in accordance with any such guidance, have a duty to promote the observance by its Councillors of high standards of conduct and a duty to assist and to observe the Councillors' Code.
- (iii) although the final form of the Code of Conduct for Councillors will not be available immediately, nor has advice been received so far from the Standards Commission, it is appropriate at this stage to determine the committee framework for the standards role which the Council will require to undertake.
- (iv) as was explained in the report referred to above, the Council will have no investigatory or regulatory role in relation to standards of conduct, these being undertaken by the new post of Chief Investigating Officer and Standards Commission respectively. Also should the Council at any point receive any findings from the Standards Commission in respect of a Member of Council, these will require by law to be considered by the full Council, not by any committee or sub-committee. Implementation of a Standards Commission finding will also not be at the discretion of the Council and
- (v) the internal forum for standards of conduct issues will therefore focus on the provision of advice to Members on such issues. There are obviously options as to the type of forum: a separate committee or sub-committee is an option, as is combining the role with an existing committee or sub-committee. The thrust of the recent review of decision-making structures was to aim to reduce, rather than increase, the number of committees.

and therefore **recommended** that this role should be added to the remit of the Members' Services and Civic Ceremonial Sub-committee which deals, amongst other things, with other support issues for Members.

2.4 Other Outstanding Issues

The Working Group **noted** that the following issues remain outstanding and **recommended** that, given the success of the Member/Officer Group format in completing the initial task, the Policy and Resources Committee recommend that the Group be tasked with the subsequent review.

2.4.1. Decentralisation Issues: Council agreed that a decision on the representation on Local Committees be deferred pending the outcome of the second review of the Community Council Scheme, during 2001. This review is due to be completed following the summer recess. (report to Policy and resources Committee of 5th April 2001 on the review of the Community Council Scheme refers).

2.4.2 Protocol for relationships between Members and Officers: Council agreed that the Member/Officer Group be tasked with the consideration of the CoSLA recommendations as soon as they become available. In fact the proposed protocol formed part of the recent consultation on the proposed Code of Conduct for Councillors reported to Policy and Resources Committee on 5th April 2001. Committee agreed that the proposed protocol (which differed little, if at all, from established practice) should be divorced from the Code of Conduct and dealt with as a separate issue.

2.4.3 Job descriptions for Members: Council agreed that the Member/Officer Group be tasked with the consideration of the CoSLA recommendations as soon as they become available. These are not yet to hand.

2.4.3 Implementation and Review: Council agreed that appropriate arrangements be made to implement the revised structure after the 2001 summer recess period and to undertake a subsequent review of the system once the experience from a full year's operation is available.

APPENDIX 2

NOTES:

Additions in ***bold and italics***. Amended wording (for clarification) in ***bold and italics***. Proposed deletions shown ~~STRIKETHROUGH~~

EAST AYRSHIRE COUNCIL

STANDING ORDERS

FOR REGULATING MEETINGS AND PROCEEDINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES OF EAST AYRSHIRE COUNCIL.

PART 1

STATUTORY MEETINGS /DURATION OF OFFICE

Statutory Meeting

1.1

- (i) In an Election Year, the Council shall meet at 10.00am on the Thursday of the week following the Election or on such alternative date as the Council may previously have agreed, such date being within 21 days immediately following the day of Election.
- (ii) ***Following the intimation received from the Returning Officer of the result of the election, the election of a Provost shall be the first item of business.***

Duration of Office

1.2

- (i) The Council shall, on an annual basis, appoint a Provost, Depute Provost, Leader of the Council and Depute Leader ***and*** Chairs and, ***where applicable***, Vice Chairs ***of Committees and Sub-committees***.
- (ii) In an Election year, the appointments shall be made at the Statutory Meeting following the Election.
- (iii) In a year without an Ordinary Council Election the annual appointments shall ***be made*** at ~~an~~ ***the last*** Ordinary Meeting of the Council ~~if held on,~~ ~~or the first Ordinary Meeting of the Council held after, the anniversary of the~~ ***previous*** appointment. ***held before the summer recess.***
- (iv) At that Ordinary Meeting of the Council the Election of a Provost shall be the first ***item of*** business. The retiring Provost (whom failing, the retiring

Depute Provost) shall preside until a Provost has been elected.

- (v) A retiring Provost, Depute Provost, Leader of the Council and Depute Leader, Chair and Vice Chair, shall be eligible for re-election.

PART 2

STANDING ORDERS APPLICABLE ONLY TO MEETINGS OF COUNCIL

Special Meetings

2. The Chief Executive or Director of Corporate Resources shall call a special meeting of the Council :
 - (i) at any time on being required to do so by the Provost of the Council or
 - (ii) ***following receipt by the Chief Executive of a requisition in writing, specifying the business to be transacted at the meeting and signed by*** at least one-fourth of the whole number of Members of Council. ***The*** requisition shall be included in the notice and summons of the meeting. ***The meeting*** shall be held within 14 days of receipt by the Chief Executive of the requisition.

Quorum

3. ***No*** business shall be transacted at ***any*** meeting of the Council unless at least one-fourth of the whole number of Members of the Council ***is*** present. ***If however*** there are vacancies of more than one-third ***of*** the membership of the Council, the quorum of the Council shall be determined by reference to the statutory provisions (***namely one-fourth of the number of Members of Council remaining, subject to an absolute minimum of one-eighth of the whole number of Members (or three, whichever is the greater).***

Chair of Council Meeting

4. ***The Provost, whom failing the Depute Provost, or, in the absence of both, another Member of the Council chosen by the Members of the Council present, shall preside.***

Order of Business

- 5.1 The business of the Council at an ordinary meeting shall, unless otherwise directed by the ~~Provost~~ ***Chair*** (who may alter the order of business at any stage) proceed in the following order:

- (i) The sederunt shall be taken: the names of the Members present at the meeting of the Council shall be recorded with the Chair at the head followed by the remaining Members present in the order of the Wards they represent.
- (ii) Minutes of the previous meeting or meetings of the Council shall be submitted for approval and, if previously circulated, held as read. The only question then before the Council shall be whether the Minutes are an accurate record of the business transacted and, if they are, they shall be approved and signed by the ~~Provost~~ **Chair**. ***Any Member may request information on an item within a minute that is before the meeting.***
- (iii) Business expressly required by statute or statutory instrument to be done at the meeting.
- (iv) Business remaining from the last meeting (if any).
- (v) Minutes of Committees ~~or (where this Standing Order is applied to Committees) Sub-Committees~~ shall be submitted, held as read and be formally moved and be held to be approved, unless objection is taken to any portion thereof when so submitted. The mover and seconder of a Minute may speak in support of the Minute when the same is formally moved or when the objection, if any, to said Minute or any portion thereof is reached. Where Minutes relate to matters delegated to Committees in accordance with the Council's approved scheme of delegation, the only question then before the Council shall be whether the Minutes are an accurate record of the business transacted, if they are, they shall be approved and signed by the appropriate Chair. Otherwise the Minutes shall be considered and disposed of.
Any Member may request information on an item within a Minute that is before the meeting.
- (vi) Any other competent business detailed in the Agenda or urgent business raised at the discretion of the ~~Provost~~ **Chair**.
- (vii) Questions other than those arising from consideration of sub-paragraph (v) above of which due notice has been given in terms of Standing Order 6, to be put and answered.
- (viii) Motions in terms of Standing Order 7 in the order in which notice has been given.

5.2 Subject to Standing Order 2, the business, and Order of Business at a special meeting of the Council shall be at the discretion of the ~~Provost~~ **Chair**.

Formal Questions

- 6.1 All questions referred to in Standing Order 5.1 (vii) shall be in writing **and signed**. ~~Such questions~~ **They** shall be delivered to the Chief Executive ~~duly signed~~ not later than 4pm ~~on the last day but one prior to~~ **on the second working day before the day of** the meeting. A Member shall be restricted to two written questions at any one meeting.
- 6.2 Questions shall only be ~~addressed to and~~ answered by the Provost, the Chief Executive, and the Chair, or, in the absence of the latter, the Vice-Chair of a Committee or other appointed persons.
- 6.3 One supplementary question, if necessary for the clarification of the answer given, may be asked by the original questioner. No discussion shall be allowed on any question or the answer thereto.

Notices of Motion

Form of Notice

- 7.1 Every Notice of Motion shall be in writing, signed and dated by the Member of Council giving the Notice and countersigned by one other Member and may not be amended once intimated to the Council. **Unless a** Notice of Motion ~~which shall not have~~ **has** been received by the Chief Executive at least 14 clear days prior to the date of any meeting of the Council **it** shall not be specified in, or transmitted with, the summons calling the meeting.

Failure to Move a Motion After Notice Given

- 7.2 If a motion, notice of which is specified in the summons calling the meeting, be not moved by the Member who has given the notice (or by some other Member) it shall, unless postponed by leave of the Council, be considered as withdrawn and shall not be moved without further notice.

Motion Contradictory to Previous ~~Resolution~~ Decision

- 7.3 A Notice of Motion which contradicts a previous ~~resolution~~ **decision** of the Council shall not be competent within six months from the date of ~~adoption of such Resolution~~ **such previous decision**.

Suspension of Standing Orders

8. Any of the Standing Orders, upon a motion made at any time during a meeting, may be suspended so far as regards any business at such meeting provided that two-thirds of the Members of the Council present and voting shall so decide.

Motion to Suspend Standing Orders

9. Any Member competently moving the suspension of Standing Orders ***shall be entitled to speak (solely as to the reason for the proposed suspension) for a period of not more than 5 minutes.*** The seconder of any such motion shall not speak beyond formally seconding the motion. Where any amendment against suspension shall be moved, the mover of such amendment shall likewise be entitled to speak ***(solely as to the reasons against suspension)*** for a period of not more than 5 minutes. The seconder of such amendment shall not speak beyond formally seconding the amendment. No other Member shall be entitled to speak either to the motion or to the amendment and the ~~Provost~~ **Chair** shall thereafter put the matter to the vote.

Variation and Revocation of Standing Orders

10. Any motion to vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. No Standing Orders shall be varied or revoked unless two-thirds of the Members of the Council present and voting shall so decide.

PART 3

STANDING ORDERS APPLICABLE TO ALL MEETINGS

ARRANGEMENTS FOR MEETINGS

Dates of Meetings

11. Ordinary Meetings of the Council, Committees and Sub-Committees shall be held in accordance with the administrative arrangements ~~agreed to~~ **approved** by the Council from time to time.

Special Meetings

12. The Chief Executive or Director of Corporate Resources shall call additional meetings of a Committee or Sub-Committee at any time on being required to do so either by the Committee or Sub-Committee concerned or by the Chair of the Committee or Sub-Committee.

Meetings Recess

13. During the whole of July and during the period from 23 December until 5 January (both days inclusive) no meetings of the Council, **Committees or Sub-Committees** shall be held, except (a) on the instructions of the Council or of the Provost or in accordance with a requisition under Standing Order 2 (for a meeting of Council); (b) on the instructions of a Committee or Sub-committee or its Chair

(for a committee or sub-committee; (c) in cases of urgency; or (d) for the purposes of seminars, inspections or visits at which no decision shall be taken.

Place, Time and Notice of Meetings

- 14.1** Except in the case of urgency (when the Chair may direct accordingly), three clear days at least before a meeting of the Council, Committees and Sub-Committees,
- (i) notice of the time and place of the intended meeting shall be published by the Chief Executive or Director of Corporate Resources at the Council's principal office and, where practicable, at the place where the meeting will be held if the meeting is to be held outwith the Council's principal office; and
 - (ii) a summons to attend the meeting, specifying the business to be transacted and signed by the Chief Executive or the Director of Corporate Resources, ***or an officer duly authorised by either of them*** shall be left at or sent by post to the usual place of residence of every Member of Council or to such other address as the Member may notify in writing to the Chief Executive or ***the*** Director.

Lack of Notice

- 14.2** **Want** of service of a summons on any Member of the Council shall not affect the validity of any meeting.

Quorum

- 15.1** ***Unless otherwise determined by Council in the case of a Committee or by the parent Committee in the case of a Sub-Committee, each Committee and Sub-Committee may determine its own quorum at its first meeting upon being appointed. The Scheme of Delegation records the quorum for each Committee and Sub-Committee and the quorum may only be changed upon an amendment to the Scheme of Delegation. The quorum of each Committee or Sub-Committee may not however be less than one-fourth of the total membership of the Committee or Sub-Committee.***
- 15.2** ***No business shall be transacted at any meeting of a Committee or Sub-Committee unless a quorum is present.***
- 15.3** If, 10 minutes after the time appointed for a meeting a quorum of Members is not then present, the meeting shall stand adjourned and it shall be minuted that "owing to the want of a quorum, no business was transacted".

Chair

16.1 *The Chair, whom failing the Vice-Chair, or, in the absence of both, another Member of the Committee or Sub-Committee chosen by the Members of the Committee or Sub-Committee present, shall preside.*

16.2 *Except as provided in Standing Order 16.1, "Chair" means the person presiding at a meeting of **the Council or a committee or sub-committee.***

Powers and Duties of Chair

17. Deference shall at all times be paid to the authority of the **Chair**. When the Chair **indicates a wish** to speak, **any** Member who **may be** addressing the meeting, shall resume his seat. **give way**. The **Chair** shall:

- (i) preserve order and ensure that every Member of Council **Committee or Sub-Committee as appropriate** shall have a fair hearing;
- (ii) decide all matters of order, competency and relevancy and the ruling of the Chair shall be final and shall not be open to discussion;
- (iii) decide between two or more Members of the **meeting** indicating that they wish to speak by calling on the Member who has first caught ~~his eye~~ **the attention of the Chair;**
- (iv) ensure that due and sufficient opportunity is given to Members who wish to speak to express their views on the subject under discussion; and
- (v) be entitled, in the event of disorder arising, to adjourn the meeting to a time he or she may then, or afterwards, fix and his or her leaving the Chair shall indicate the meeting is adjourned.
- (vi) The ~~Provost~~ **Chair** shall, in his or her discretion, determine all questions of procedure for which no express provision is made under these **Standing Orders.**

Business at Meetings

18. At a meeting of the Council, **Committee or Sub-Committee** no business other than that specified in the summons shall be considered except in the case of business either required by or under any Act to be transacted at ~~a meeting of the Council~~ **the meeting** or as hereinafter provided. Business which has not been specified in the summons may be considered where the ~~Provost~~ **Chair** determines that the matter is one of urgency in accordance with Section 50B(4)(b) of the Local Government (Scotland) Act 1973 as amended. The Chief Executive shall be handed written notice of urgent business not later than 30

minutes prior to the commencement of the meeting which the Chief Executive or duly authorised Officer shall read to the meeting after the ~~Provost~~ **Chair** has taken the Chair.

Order of Business

19. The business at an ordinary meeting shall (unless as otherwise directed by the Chair who may, at his or her discretion, alter the order of business at any stage) proceed in the following order.
- (i) The sederunt shall be taken; The names of the Members present at the meeting shall be recorded with the Chair at the head followed by the remaining Members present in the order of the Wards they represent.
 - (ii) Minutes of Sub-Committees shall be submitted, held as read and be formally moved and be held to be approved, unless objection is taken to any portion thereof when so submitted. The mover and seconder of a Minute may speak in support of the Minute when the same is formally moved or when the objection, if any, to said Minute or any portion thereof is reached. Where Minutes relate to matters delegated to Sub-Committees in accordance with the Council's approved scheme of delegation, the only question then before the Committee shall be whether the Minutes are an accurate record of the business transacted; if they are, they shall be approved and signed by the appropriate Chair.
Any Member may request information on an item within a Minute that is before the meeting.
 - (iii) Any other competent business detailed in the Agenda or urgent business raised at the discretion of the Chair
 - (iv) At Local Committee meetings the first item on the Agenda shall be the question and answer session of up to 15 minutes, as required, for which the meeting shall adjourn, reconvening at the end of the session.**
 - (v) At Local Committee meetings, community representatives should be entitled to put forward items for discussion at meetings of the Committee.**

CHAIR

DEFINITIONS

~~Throughout these Orders, if not inconsistent with the context, the following terms shall have the meanings assigned to **them** below:-~~

Provost

~~7. (Except in Standing Orders 1, 2, 4, 16 and 35), 'Provost' means the person **chairing** a meeting of the Council.~~

ORDER OF DEBATE

Members may Stand when Speaking

20. A Member of the Council may stand when speaking and shall address the ~~Provost~~ Chair and ~~shall direct his speech~~ all remarks to the matter before the meeting by proposing, seconding or speaking to the motion or any amendment relative thereto, or to a point of order, or to propose or second a motion to close the debate or adjourn the proceedings.

Motion or Amendment to be Moved and Seconded

21. Every motion or amendment shall be moved and seconded. The terms of all motions or amendments shall always precede any remarks to be made by their proposers. No Member shall speak supporting the motion or any amendment until the same shall be seconded.

Motion or Amendment not to be Withdrawn or Altered

22. A motion or amendment once moved and seconded shall not be altered or withdrawn without the consent of the ~~Council~~ **meeting**.

Motion or Amendment not Seconded

23. The terms of a motion or amendment not seconded or which may be withdrawn or altered after being seconded shall not be recorded in the Minutes of proceedings.

Dissent from Finding

24. Any Member ***who has moved a motion or amendment and has failed to find a seconder*** may ~~enter~~ ***request that*** his or her dissent in regard to ~~any~~ ***the decision in question be recorded and that dissent will be recorded in the Minutes.*** ~~of the Council.~~

Member Allowed to Speak Only Once

25. Subject to the right of the mover of the motion to reply, no Member shall speak more than once on any subject under discussion, ~~save~~ ***except either*** on a point of order or, with the consent of the ~~Provost~~ ***Chair***, to make an explanation in which case the Member shall introduce no new matter. ***An indication that a Member is seconding a motion or amendment, without further remark, does not of itself amount, for the purposes of this Standing Order, to a speech and the Member retains the right to speak on the matter during the debate.***

Right of Reply

26. The mover of a motion shall ***be entitled to reply; the reply shall,*** ~~in his reply,~~ be strictly confined ~~himself~~ to answering previous speakers and ***no new matters shall be introduced.*** ~~shall not introduce any new matters.~~

Time Limit of Speeches

27. The mover of a motion or amendment shall not speak for more than 10 minutes. Any succeeding speaker shall not speak for more than 5 minutes. The mover of the original motion shall have the right to speak for 5 minutes in reply. The foregoing limits of time may be exceeded with the consent of the ~~Council~~ ***meeting***, provided that a majority of the Members for the time being present and voting agree.

Procedure on Point of Order

28. A Member may speak upon a matter of order and in so doing shall make a short statement detailing precisely the terms of the point of order. If the ~~Provost~~ ***Chair*** decides that the question raised by the speaker is not a "point of order", the Member who raised the point of order shall thereupon accept the decision as final. No other Member shall be entitled to speak to that point of order. A Member who is addressing the meeting when a question of order is raised shall ~~resume his seat~~ ***give way*** until the question of order has been decided by the ~~Provost~~ ***Chair.***

Closure of Discussion

29. After the right of reply is concluded, the discussion shall be held to have closed, after which no Member shall be permitted to offer an opinion or to ask a question or otherwise interrupt the proceedings or to speak, except with regard to the manner of taking a vote, and the question under discussion shall thereupon be put by the ~~Provost~~ Chair.

Proposals Involving Negation

30. When a motion and two or more amendments to it are before the meeting and any one of the proposals, in the opinion of the ~~Provost~~ **Chair**, implies negation, the vote shall be taken on the proposal involving negation, so soon as the discussion is completed and before the vote, if any, on the remaining proposals is taken. The proposal involving negation shall be put to the meeting in the form of "proceed" or "not proceed". If "not proceed" is carried by a majority of votes, the remaining proposals shall drop, but if "proceed" is carried a vote shall be taken between the remaining proposals as hereinafter provided.

FORMAL MOTIONS

A formal Motion requires a seconder and is put to the vote without the necessity for an amendment. The vote is taken for and against the Motion.

Motion for Adjournment of Meeting

31. A motion for the adjournment of the meeting for a specified period of time may be put at the conclusion of any speech and shall have precedence over all other motions. It must be moved and seconded without a speech and shall at once be put by the ~~Provost~~ **Chair** in the form of "~~Adjourn~~" "***For Adjournment***" or "~~Not Adjourn~~" "***Against Adjournment***"

Second Motion for Adjournment

32. A second motion for the adjournment of the meeting shall not be made within a period of 30 minutes unless it is moved by the ~~Provost~~ **Chair**, when it shall be dealt with as in the immediately preceding Standing Order.

"Question be now put"

33. At the close of any speech, any Member who has not spoken on the question before the meeting may move "that the question be now put". If this be seconded, the ~~Provost~~ **Chair**, if of the opinion that the subject has been sufficiently discussed, shall without further debate take a vote ***in the form of "For the Motion" and "Against the Motion"***. No speeches shall be made on the motion. If it be carried, the mover of the original motion shall have the right to

reply. ***Thereafter the original Motion and amendment(s) shall be put to the vote in the normal way.***

Obstructive or Offensive Conduct

34. In the event of any Member at any Council meeting disregarding the authority of the Chair or being guilty of obstructive or offensive conduct, a motion may be thereupon moved and seconded to suspend such Member for the remainder of the meeting. The motion shall be put to the meeting without discussion ***in the form "For Suspension" or "Against Suspension"*** and, if supported by a majority of the Members present, the motion shall be declared carried. Should the motion be carried, such Member shall thereupon retire from the meeting. The Council Officer shall act upon any orders ~~he may~~ received from the ~~Provost~~ ***Chair*** in pursuance of such decision.

~~"Question be not put"~~

- ~~30.2 Subject to the Provost being satisfied that the subject has been sufficiently discussed, any discussion may be closed by a motion, "That the question be not put" being moved, seconded and carried, such a motion to be put to the meeting without debate.~~

VOTING

Method of Voting on Motion and Amendment

- 35.
- (i) When a motion and one amendment only are before the meeting, a vote shall be taken between the motion and the amendment.
 - (ii) When a motion and two or more amendments, none of which implies negation, are before the meeting, the vote shall be taken upon all the proposals, each Member having one vote. If a proposal receives the support of a majority of the Members taking part in the vote, it shall be declared to be the decision of the meeting but, in the event of none of the proposals receiving the support of such a majority, the proposal which has received the least support shall be dropped and the vote shall be taken anew upon the remaining proposals and so on until one proposal has received the support of such a majority whereupon it shall be declared to be the decision of the meeting.
 - (iii) In the event of the votes for two or more proposals being equal the ~~Provost~~ ***Chair*** shall decide which of them shall be dropped.

Voting - Roll Call/Show of Hands

- 36.1 **There may be occasion in respect of particular terms of business, involving the potential for personal responsibility of Members, where it would be appropriate to accede to a request by an individual Member to take the vote by calling the roll and where the Chair, after taking such advice as he or she deems appropriate, may direct accordingly.**
- 36.2 **In addition to the above**, any vote may be taken by calling the roll ~~or~~ ***but will normally be taken*** by a show of hands. When it is proposed to take the vote by a show of hands, any Member may object to the vote being so taken. **The Chair shall put the matter to the meeting in the form “for a Roll Call Vote”**. If one-third of the Members ***present*** ~~also object,~~ **by a show of hands, support a Roll Call Vote**, the vote shall be taken by roll call. In ~~which-~~ ***that*** case the names of the Members voting and the way in which they voted shall be recorded. The roll ***will*** be called with the ~~Provost~~ ***Chair*** at the head followed by the remaining Members present in order of the Wards they represent. All votes on procedure, however, shall be taken by a show of hands.

Decision by Majority

37. Subject to Standing Orders ***8, 10, 35 and 51 40*** or unless otherwise provided by statute, all questions coming or arising before the Council shall be decided by a majority of the Members of the Council present and voting thereon.

Casting Vote

38. In the case of an equality of votes, the ~~Provost~~ ***Chair*** 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 of Council to any particular office or Committee, in which case the decision shall be by lot.

Appointments - Filling of One Vacancy

39. In the case of an appointment where only one vacancy requires to be filled, and there are only two candidates, a 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, a vote shall be taken among all the candidates, 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 present and voting, such candidate shall be declared duly appointed. If no candidate has such a majority, the name of the candidate having the fewest number of votes shall be struck off the list of candidates. In second and subsequent votes, the same course as that prescribed with reference to the first vote shall be followed until one of the candidates obtains the votes of the majority of the Members 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 the votes shall be declared appointed. If, on any vote, two or more candidates at the bottom of the list have an equal number of votes, the meeting shall decide which of **one** those candidates shall be struck off the list.

Reconsideration of a Decision

40. No decision of the Council, **Committee or Sub-Committee** may be reconsidered and, except where required by statute, no item of business the same or substantially the same as one previously determined by the Council, **Committee or Sub-Committee** may be discussed by the Council, **Committee or Sub-Committee** within six months of the making of the previous decision or determination of the item, except when two-thirds of the Members for the time being present and voting agree otherwise. **A motion by a Member in terms of this Standing Order proposing that a matter be reconsidered or discussed shall, if seconded, be put by the Chair to the meeting in the form "For the Motion" and "Against the Motion".**

PART 4

ATTENDANCE AT MEETINGS

~~DISCLOSURE OF INTEREST~~

Retirement from Meeting of Members with Pecuniary Interest

41. Any Member who, in terms of Sections 38 and 39 of the Local Government (Scotland) Act 1973 as amended as qualified by Sections 41 and 42 thereof, has any pecuniary interest direct or indirect in any contract, proposed contract or other matter as defined in the said Sections and is present at the meeting of the Council at which such contract, proposed contract or other matter is the subject of consideration and discloses such interest, or has previously disclosed such interest by general notice in terms of Section 40 of the said Act, shall retire from such meeting of the Council, **Committee or Sub-Committee** while such contract, proposed contract or other matter in which the Member has an interest as aforesaid is under consideration. Such retiral or disclosure shall be minuted.

PART 2

COMMITTEES AND SUB-COMMITTEES

~~Standing Orders that Apply and Do Not Apply~~

~~41. The Standing Orders hereby enacted shall, with the appropriate necessary changes of wording, apply to Committees and Sub-Committees as they apply to the Council but subject to the following exceptions: Standing Orders 1, 3, 9, 11, 15.1(ii), 15.1(iii), 15.1(iv), 15.1(vii), 15.1(viii), 15.1(ix), 16, 17, 18, 19, 52, 53 and 54 shall not apply to meetings of Committees or Sub-Committees. At the meetings of Committees or Sub-Committees, the Chair of the Committee or Sub-Committee or, in his absence, the Vice-Chair whom failing another member of the Committee or Sub-Committee chosen by the Members of the Committee or Sub-Committee present shall take the Chair.~~

Attendance by Members not a Member of Committee/Sub-Committee

42.

General Interest

- (i) A Member of the Council who is not a member of a particular Committee or Sub-Committee may be invited by the Chair of the Committee or Sub-Committee to attend a meeting of the said Committee or Sub-Committee while there is under discussion any item in which that Member has a local or other special interest. Such Member shall be entitled to participate in the discussion on that item but shall not be entitled to vote; and

Scrutiny Issues

- (ii) Where a Member has submitted an issue for consideration of the Policy and Resources Committee under the scrutiny arrangements within the Council's Scheme of Delegation, that Member may attend the meeting at which the item is being discussed and shall then be entitled to participate in the discussion on that item but shall not be entitled to vote.**

Items of Business

- (iii) Where any Member submits an item of business for consideration by a Committee or Sub-Committee of which he or she is not a member and that item is accepted by the Chair for inclusion in the Agenda, the Member may be invited by the Chair to attend the meeting of that Committee or Sub-Committee at which that item is being discussed and shall then be entitled to participate in the discussion on that item but shall not be entitled to vote.

PART 3

DEPUTATIONS

Attendance by Members of the Public

43. *Members of the public may, subject to any limitation on numbers that may be required due to health and safety considerations or availability of space or seating in the meeting room, attend any part of a meeting of the Council, its Committees or Sub-Committees except during an item of business where the meeting has resolved, in terms of the Local Government(Scotland) Act 1973, as amended, that the matter should be discussed in private session.*

~~*Application for Admission*~~

Deputations

- 44.
- (i) No deputations shall be received by the Council, **Committee or Sub-Committee** unless an application for admission to the meeting setting forth the matters on which the deputation desire to be heard shall have been lodged with the Chief Executive at least 12 clear days prior to the date of the meeting. Notice of any such application shall be entered in the summons calling the meeting and such meeting may agree or decline to receive the deputation.

~~*Committee may Receive Deputation*~~

- ~~(ii) Should the Council be of opinion that it would be appropriate that a proposed deputation should be received by a Committee or Sub-Committee thereof instead of by the Council, they may direct accordingly.~~

Size

- (ii) Except with the leave of the meeting, the members of any deputation shall not exceed five persons.

Questions Etc

- (iii) The Council, **Committee and Sub-Committee, as appropriate**, may decide the number of members of a deputation ~~to~~ **who will** speak and the time to be allowed for each speech and after the speech or speeches have been made, the members of the deputation shall withdraw from the meeting to the public seating area, provided that when a deputation is received it shall be competent for Members ~~of the Council~~ to put to the deputation questions pertinent to subjects on which they wish to be heard. No Member shall express any opinion upon or discuss the subject until the deputation has withdrawn.

PART 5

FINANCE

Financial Regulations and Standing Orders relating to Contracts

- 45.1** The financial affairs of the Council shall, so far as applicable, be conducted in accordance with the financial regulations made by the Council from time to time, which regulations shall form part of these Standing Orders.
- 45.2** The arrangements for contracts by the Council, for the supply of goods or materials or for the provision of services or for the execution of works, shall so far as applicable, be conducted in accordance with the Standing Orders relating to contracts made by the Council from time to time, which Standing Orders shall form part of these Standing Orders.

PART 6

MISCELLANEOUS

Authorised Officer

- 46.1.** No meeting of the Council, or Committee, or Sub-Committee, shall be held unless the Chief Executive or the Director of Corporate Resources or an Officer duly authorised by them is in attendance for the purposes of taking Minutes.
- 46.2** The Chief Executive or the Director of Corporate Resources or an Officer duly authorised by them shall be authorised to cancel a meeting of Council,

Committee or Sub-Committee where no business remains to be transacted.

- 46.3** The Chief Executive or the Director of Corporate Resources or an Officer duly authorised by them shall be authorised to reschedule any existing calendar meeting, previously approved by Council.

Circulation of Reports, Papers Etc

- 47.** The Chief Executive or the Director of Corporate Resources **or an officer authorised by either of them** shall be entitled to mark as "Not for Publication" any report or any item of business specified in a summons to attend a meeting or any paper circulated with any such summons if he or she considers that it relates to an item during discussion of which ~~in his opinion~~ the meeting is likely not to be open to the public in accordance with the Local Government (Scotland) Act 1973 as amended and no other Member shall thereafter disclose the item or paper without the consent of the Council.

~~Affixing of Common Seal~~

Affixing of Common Seal

- 48.1** All deeds and other documents to which the Common Seal of the Council shall require to be affixed shall not be sealed other than provided by statute or in pursuance a decision of the Council.

48.2 *Common Seal to be Kept by Chief Executive*

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

National Code of Local Government Conduct

- 49.** All Members will at all times comply with the letter and spirit of the National Code of Local Government Conduct.

Code of Conduct

- 50.** Member attendance at Council meetings shall be conducted in accordance with the Code of Conduct made by the Council from time to time, which Code shall form part of these Standing Orders insofar as applicable.

No Smoking

51. Smoking is not permitted during any meeting.

~~Note: the personal pronoun "his" is referred to within the Standing Orders and should be read as his/her.~~

2 April 1996
Amended 29 June 1999
Amended 27 June 2000

EAST AYRSHIRE COUNCIL - CODE OF CONDUCT

No Member shall bring into any Council meeting drinks or food.

Members wishing to leave a meeting during consideration of the business of the meeting shall rise and give recognition of the fact to the Chair prior to doing so.

During all meetings of the Council, Members shall address their fellow Members by their title of Councillor and surname.

Members shall attend meetings of the Council, its Committees and Sub-Committees suitably attired.

Members shall at no time use offensive or inappropriate language.

In the interests of courtesy, Members are requested to intimate apologies not later than half an hour prior to the commencement of meetings.

Members should treat their fellow Members and Officers in a courteous manner.

On receipt of an enquiry from any Member concerning the accuracy of the recording of a Minute, made to the Director of Corporate Resources not later than ~~48 hours~~ **two working days** prior to the meeting of the Council or Committee to which the relevant Minutes are to be submitted for approval, the Director of Corporate Resources shall cause a check to be made of the contemporaneous notes of the meeting concerned and respond to the Member concerned within ~~24 hours~~ **one working day**, confirming, or otherwise, the accuracy of the record.

AGENDA