

FALKIRK COUNCIL

Subject: REVIEW OF STANDING ORDERS
Meeting: FALKIRK COUNCIL
Date: 16 DECEMBER 2015
Author: DIRECTOR OF CORPORATE AND HOUSING SERVICES

1. INTRODUCTION

- 1.1 The purpose of this report is to advise Council of progress made with the review of Standing Orders. It also touches on a number of considerations outstanding from the decision of Council taken on 18 September 2015.

2. REVIEW

- 2.1 On 31 March 2015, Council agreed to review Standing Orders, particularly those relating to the order and conduct of business at meetings of the Council and Committees, following a period of 6 months of participation in the decision making structure by the opposition (minute ref. FC89).
- 2.2 In implementation of that decision, the review was initiated on 21 September 2015 when Group Leaders were asked to identify particular aspects of Standing Orders giving them concern. Submissions were received in October from the SNP and NAI Groups and have subsequently been considered by the Leaders' Group, comprising the Leader of the Council, Leader of the Opposition and the Provost, at meetings on 4, 10 and 26 November and 4 and 10 December. Councillor McCabe was in attendance at the meeting on 4 December to expand on the NAIG proposals. The meetings have been constructive with useful discussion on each of the proposals and on the broader purpose of Standing Orders as a whole.
- 2.3 The number of meetings and the depth of discussion at them is reflective of the importance of the subject matter and the connectivity between different Standing Orders such that changes to one can have unintended impacts on others. Given that they also underpin the Council's governance arrangements, it is appropriate that changes are the subject of thorough examination.
- 2.4 While good progress has been made, the Group has not yet concluded its deliberations and intends to continue its work into January. In the meantime, general consensus has emerged around some of the proposed changes but not around others and it has been recognised that proposals which would fundamentally alter the current decision making structure are unlikely to be the subject of agreement at this stage.

Appendices 1 and 2 set out the views of the Leaders' Group so far with regard to the proposals from the NAI and SNP Groups respectively, while appendix 3 incorporates into Standing Orders, for consideration, those changes that have attracted a degree of agreement acknowledging, of course, that the final decision rests with Council.

3. ADDITIONAL CONSIDERATIONS

- 3.1 A copy of the decision reached by Council on 18 September 2015 (minute ref. 40) is attached at appendix 4. Discussion on the matters set out at items 2(i) to (vii) is still at an early stage and will be revisited over the next couple of meetings with a view to reporting on them at a meeting of Council which it is understood will be called in January 2016.

4. RECOMMENDATION

- 4.1 **It is recommended that Council considers the proposals before it for amendments to Standing Orders.**

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DIRECTOR OF CORPORATE AND HOUSING SERVICES

Date: 10 December 2015
Contact Officer: Rose Mary Glackin (Tel: 01324 506076)

LIST OF BACKGROUND PAPERS

Nil

APPENDIX 1

REVIEW OF STANDING ORDERS – PROPOSALS BY THE NAI GROUP

Red = Removed text.

Green = New text.

Blue = comment by the NAIG

Purple = text added by the Leaders' Group

Comments shown in the right hand margin and shaded pink are from the Leaders' Group

5. STATUTORY MEETING

5.1 The Statutory Meeting of the Council in the year of an election must be held within 21 days from the date of the election.

5.2 The Returning Officer for that election or, failing him/her, such councillor as may be selected by the meeting, will preside at the meeting until the Provost is elected following which the Provost will take the Chair.

5.3 The following business will normally be transacted at the Statutory Meeting:-

- (i) elect the Provost of the Council;
- (ii) if it is resolved to do so, elect one or more Deputy Provost of the Council;
- (iii) elect the Leader of the Council;
- (iv) if it is resolved to do so, elect one or more Deputy Leader;
- (v) if it is resolved to do so, appoint one or more Baillies to deputise for the Provost;

(The Provost already has a Deputy who is adequately placed to deputise for the Provost on any occasion.)

- (v) appoint the conveners and members of committees including portfolio holders in terms of Section 15 of the Local Government and Housing Act 1989 with regards to political proportionality, unless otherwise provided for in these Standing Orders;

- (vi) appoint the members of the Licensing Board;

- (vii) make appointments to external bodies or organisations on which the Council is required by statute to be represented; and

- (viii) subject to the terms of these Standing Orders and of any statutory provision, deal with any urgent competent business.

The Council will decide the political balance on the Executive and other committees, with reference to item (v) above, before appointing individual members.

5.4 With the exception of items (i) and (ii) above, the order of business may be varied:-

Comment [RMG1]: No consensus. Decision on the appointment of baillies taken by Council on 19 March 2013

Comment [RMG2]: Would have broader impact on decision making than may be intended (e.g. Executive and Scrutiny Committees). Also, as written (although possibly not intended) implies politically proportionate appointment of conveners and portfolio holders. For further discussion. Currently no consensus.

Comment [RMG3]: See above

(i) by the Chief Governance Officer in advance of the meeting;

(ii) by the Provost at his or her discretion, or

(iii) by a motion put forward, seconded and carried without discussion, by a majority of the members at the meeting. No written notice of the motion is required.

5.5 The Provost, and any person appointed under Standing Order 5.3, will hold office until the date of the next election of councillors unless:-

(i) otherwise decided by the Council by resolution following a Notice of Motion in terms of Standing Order 29, or any of these persons referred to above.

(ii) the Provost delivers to the Chief Executive a letter of resignation specifying the date on which the resignation will take effect.

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Green = New text.

Purple = text added by the Leaders' Group

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10. PUBLIC ACCESS TO MEETINGS

10.1 All meetings of the Council will be open to the public, except in the circumstances detailed below:-

(i) whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that there will be a disclosure of exempt information (see Standing Order 9.5), the public may be excluded from the meeting while the particular matter is being considered;

(ii) whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information (see Standing Order 9.6) will be disclosed in breach of the obligation of confidence, the public will be excluded while the particular matter is being considered;

(iii) the Provost has power to exclude any member of the public from a meeting in order to **suppress or** prevent disorderly conduct or other misbehaviour which is impeding **or likely to impede** the work or proceedings of the Council;

(iv) if a member of the public interrupts the proceedings at any meeting, the Provost will give a warning. If the interruption continues, the Provost will order the removal of the person from the meeting place. In the case of general disturbance in any part of the meeting place open to the public, the Provost may order that part to be cleared.

10.2 No member of the public will be permitted to speak or to take any other part in the proceedings of a meeting of the Council except when addressing the meeting as a member of a deputation under Standing Order 33.

10.3 The right of public access to meetings does not include a right to photograph, record or broadcast the proceedings at the meeting. The Council may permit such photography, recording or broadcasting. A request for such permission should be made to the Council by close of business on the working day prior to the date of the meeting and will be considered as part of the business of the meeting.

10.4 Officers will post to the Council's website, within 72 hours, the full audio recording of the meeting to allow public access, with the exception of:-

- (i) agenda items which contain confidential information identified under Standing Orders 9.3 (iii); (iv) and 9.4 PART III; and 9.6 (i); (ii).

10.5 The clerk will identify on audio:-

(i) "The following agenda items are designated Confidential and will be discussed in Private."

The clerk will then enumerate each of the Confidential agenda items, and close that public session of the Council by declaring:-

Comment [RMG4]: SO in standard terms. Changes not deemed to provide material benefit.

Comment [RMG5]: See suggested amendment below

“Falkirk Council will now enter into private session at (declare time of public meeting's close).” *

10.6 On resumption of public Council business the clerk identify on audio:-

(i) “Following the private session of Council at (declare time of public meeting's close as mentioned at *) Council will now reconvene, in public at, (declare time of public meeting's recommencement).”

10.4 Within 3 working days of each meeting of Council, an audio recording of it will be made available on the Council website with the exception of those parts of the meeting dealing with items containing exempt or confidential information as defined in Standing Orders 9.5 and 9.6.

Comment [RMG6]: Practical details governing how items are introduced can be developed outwith SOs and may evolve with the new contract currently being tendered.

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Blue = comment by the NAIG

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16. POWERS AND DUTIES OF THE PROVOST

16.1 The Provost will preside at all meetings of the Council. In the absence of the Provost, the Depute Provost will preside and, in the absence of both, the clerk will preside over the meeting until the Council appoints a convener for that meeting.

16.2 The Provost shall have the duty:-

(i) to ensure that Standing Orders are followed;

(ii) to ensure that councillors are treated equally and that they are given a fair opportunity to express their views on any item of business while having regard to the terms of Standing Order 17.6 on the requirement to ensure the proper and expeditious discharge of business; and

(iii) to preserve order within the meeting.

16.3 Without prejudice to any other provision of these Standing Orders, the Provost shall have power:-

(i) to decide on all matters of decorum, order, competency and relevancy;

(ii) to determine all matters of procedure for which no provision is made in these Standing Orders;

(ii) to determine the order in which councillors may speak;

(iv) in ruling that certain language is unacceptable, to seek withdrawal of a remark, an apology or any other action required, in the Provost's opinion, to allow the meeting to proceed properly;

(v) to rule on the acceptability of behaviour during the course of the meeting;

(vi) in the event of disorder arising, to adjourn the meeting to a time and date as the Provost shall fix then or later, in consultation and agreement with the Leader of the Council and the Leader of the main Opposition. and the The Provost leaving the Chair in such circumstances shall, without further procedure, have the effect of a formal adjournment of the meeting;

(vii) to order the exclusion of any members of the public in the event of disorderly conduct or other misbehaviour;

(viii) to exercise both a deliberative and a casting vote unless otherwise provided by statute; and

Comment [RMG7]: Changes not agreed. Reference here is to the very limited circumstances where the Provost/convener may have to adjourn a meeting as a result of disorder. In these circumstances, it is possible for the period of adjournment to be short and for the meeting to be re-convened the same day.

Comment [RMG8]: Changes not agreed. The casting vote is accorded by law (schedule 7 of the LG(S)A '73) and is not limited in the manner in which it is to be exercised. Case law in E+W sets out that the purpose of a chairman's second or casting vote was to break deadlocks that would otherwise arise in view of the lack of such a vote at common law. If the chairman always used that vote in such a way as to preserve the status quo, the effect would be to maintain the deadlock rather than break it. The Court of Appeal in England took a similar view when upholding a refusal to grant judicial review where a Lord Mayor's casting vote had been used in favour of the implementation of his own party's policies, the court being of the opinion that the power to give a casting vote wasn't fettered by any implied restriction that it be exercised without regard to any party political considerations.

(viii) will, in the case of an equality of votes, declare the vote as 'tied' and the status quo to remain stet.

("status quo" will mean the position of Council prior to any recommendation, motion, or amendment; as if the matter had not been discussed.)

(ix) to exercise the powers set out in Standing Order 27.

16.4 The decision of the Provost on all matters within his/her powers shall be final **and shall not be open to question or discussion**. If asked, however, the Provost will state a reason for any decision he/she makes which will be recorded in the minute of the meeting.

Comment [RMG9]: Deletion not agreed, however see suggested additional wording.

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Green = New text.

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18. POINTS OF ORDER

18.1 A councillor may raise a point of order at any time during a meeting. In doing so,

18.2 The councillor must refer to the particular Standing Order that he/she considers is being infringed and must limit his/her intervention strictly to that point. The councillor then speaking will give way to enable the Provost to rule on the point infringement. No other councillor may speak on it.

18.3 The Provost will decide evaluate and rule on the question point of order. That decision will be final and not subject to question by any councillor.

Comment [RMG10]: Change to this particular wording (i.e. replacing question with point of order) accepted to ensure consistency with the rest of the paragraph.

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Green = New text.

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19. PERSONAL EXPLANATIONS

19.1 If a councillor considers that he/she has been:-

- (i) abused;
- (ii) or unfairly accused of a misdemeanour;
- (iii) or, having previously spoken on an item of business, that some part of his/her speech has been misinterpreted/misunderstood in the debate;
- (iv) or some statement or act has been wrongly attributed to him/her,

the councillor may, with the consent of the Provost and subject to the terms of Standing Order 21.6, give a personal explanation. but, in doing so, shall

19.2 The councillor shall not interrupt any councillor then speaking but shall rise only when the previous speaker has concluded his or her speech.

19.3 Where any councillor seeks to speak in explanation under the preceding Standing Order, he/she must confine his/her remarks wholly and strictly to the point and must not refer to other matters nor endeavour to elaborate a former speech by new arguments or reply to other councillors.

19.4 In the event of the Provost ruling against the admissibility of a point of order or a personal explanation, he/she will, if asked, give a reason for the ruling. The ruling will, if requested, be minuted.

Comment [RMG11]: Change to the layout at the beginning of this SO agreed but not to the wording. Reasons for the Provost's decisions now covered by SO16.4

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Blue = comment by the NAIG

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22. VOTING

22.1 Unless dispensed with by the Provost, The clerk will read out to the meeting the terms of the motion and the amendment or proposed addendum. Thereafter where the vote is being taken in public, the clerk will call over the names of all the councillors and will record in the minutes of the meeting the names of those:-

(i) voting for or against the motion or amendment/addendum; or

(ii) abstaining from voting; or

(iii) absent from the meeting when the vote was taken.

22.2 For items where the public has been excluded, voting will be by show of hands except in the following circumstances:-

(i) if not less than one-quarter of the Council present and voting so request, the vote will be taken by roll call in the manner set out in Standing Order 22.1.

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

22.3 Where a vote is taken by a show of hands and, immediately after a vote is taken, a councillor requests his or her vote to be recorded, there will be noted in a minute of the meeting whether the councillor:-

(i) cast his or her vote for or against the question, or

(ii) abstained from voting.

22.4 The clerk will then announce the result of the vote on the basis of a simple majority of those voting.

22.5 After the clerk has announced the issue on which a vote is to be taken and has started to take the vote, no councillor will be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings, until the result of the vote is declared.

22.6 In the case of an equality of votes, the Provost will have a second or casting vote and may exercise it at his/her discretion except when voting on appointments as detailed in Standing Order 23. declare the vote as 'tied' and the status quo will remain set. (For the sake of clarity, "status quo" will mean the position of Council prior to any recommendation, motion, or amendment; as if the matter had not been discussed.)

Comment [RMG12]: The Provost and Council often agree that motions and amendments can be taken as read, particularly when they (and the debate on them) is lengthy. The existing wording allows that practice to continue.

Comment [RMG13]: An addendum has no specific status and is an amendment by way of adding words.

Comment [RMG14]: Decision on voting in public by roll call was taken at Council on 31 March 2015 with an amended SO agreed on 13 May 2015. No consensus on change at this stage. Distinction previously made between public and private meetings, the latter including civic licensing, appeals and appointments. SO 22.2 still allows Council to call for roll call votes when voting in private.

Comment [RMG15]: This wording reflects the standard position (per schedule 7 of the LG(S)A '73), that voting is based on a simple majority except in certain limited and defined cases.

Comment [RMG16]: See comment under SO 16

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31. MOTIONS THAT STAND REFERRED

31.1 Motions submitted to Council that refer to matters within the remit of the Executive or the Education Executive will stand referred to the next available Executive or the Education Executive, as the case may be (unless ruled out of order by the Provost), and there shall be no discussion on them at the Council meeting unless:-

Comment [RMG17]: Accepted on the basis that questions of order rest implicitly with the Provost.

(i) special circumstances exist which, in the opinion of the Provost, having consulted with the councillor who submitted the motion, the Council Leader and the Leader of the Opposition, requires an exception to be made to the general rule, or

Comment [RMG18]: Accepted.

(ii) two thirds one quarter of the members present at the meeting vote in favour of the matter being discussed.

(This will prevent the calling of a Special Full Council under the terms of Standing Order 7.1 (iii) where the elected member feels the need for consideration by council.)

Comment [RMG19]: Not accepted. A requisitioned Council meeting would not circumvent the scheme of delegation. Relevant matters on the agenda for such a meeting would still stand referred,

31.2 Where a motion to Council stands referred to the Executive or the Education Executive, the councillor who submitted the motion, if he or she is not a member of the Executive or the Education Executive, will be entitled to attend the Executive or the Education Executive meeting at which the motion is to be considered and to be heard on it at the next available Executive or the Education Executive meeting where the motion will be considered, before it is considered or debated for a period not exceeding five minutes.

Comment [RMG20]: Deletion not accepted.

Comment [RMG21]: Clarity over referral being to the next available meeting added to SO 31.1

Comment [RMG22]: Deletion not accepted.

31.3 A councillor shall not submit a motion to Council for remit to a committee if he or she is a member of that committee.

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Green = New text.

Blue = comment by the NAIG

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47.COUNCIL

47.1 The following decisions are reserved to Council:-

(1) Arrangements for the Discharge of Council Business

- appointment of committees in terms of section 57 of the Local Government (Scotland) Act 1973;
- determination, amendment or revocation of Standing Orders including Standing Orders in relation to meetings, Scheme of Delegation for the discharge of Council functions by committees or officers and, in particular, to fix the constitution, functions and powers of committees and to amend the same from time to time as council may decide;
- making, amendment or revocation of Financial Regulations and Contract Standing Orders;
- appointment of the Leader of the Council, any Depute Leader and the Conveners and Depute Conveners of committees except as otherwise provided in these Standing Orders;
- appointment of the Provost and Depute Provost ;
- appointment of portfolio holders and the determination of their remit;
- establishment of any joint committee or joint board to carry out any of the functions of the Council;
- appointment of members to (a) committees in terms of Section 15 of the Local Government and Housing Act 1989, (b) joint committees or boards, (c) any body where the Council is obliged or entitled to make an appointment under statutory authority and (d) any other appointment by the Council of a member to represent the Council on any body; and
- setting the remuneration framework for members.

(We aver that we honour the terms of Section 15 of the Local Government and Housing Act. Let's formally confirm it in Standards.)

Comment [RMG23]: No consensus reached. See comments on SO5.

(2) Finance and Budgets

- setting of the council tax;
- setting of the Council's annual revenue and capital budgets;
- consideration of the annual accounts of the Council as made up at the end of the financial year and audited on behalf of the Accounts Commission together with the auditors' report on the accounts;
- setting of the Council's Prudential Indicators; and
- approval of the level of council house rents.

(3) Corporate Plans

- approval of the Community Plan for Falkirk;
- approval of the Corporate Plan;
- approval of the Falkirk Council Local Development Plan;
- approval of any new policies or changes to policies that may have a significant impact on the Council's strategic objectives and corporate policies or its resources;

- approval of the Council's Scrutiny Plan; and
- approval of the local police plan and the local Fire and Safety Plan.

(4) Other Issues

- determination of all planning applications which fall within section 38A(1) of the Town and Country Planning (Scotland) Act 1997;
- promotion or opposition to private legislation;
- consideration of reports by the Head of Paid Service or the Monitoring Officer in terms of sections 4 and 5 respectively of the Local Government and Housing Act 1989;
- dealing with all matters relating to the conduct of members, other than that specifically described elsewhere in these Standing Orders;
- consideration of any report the Controller of Audit may make to the Accounts Commission with respect to the accounts of the Council in terms of section 102 of the Local Government (Scotland) Act 1973 and subsequent report on recommendations which the Accounts Commission may make to the Scottish Ministers;
- delegation of new powers and duties and exercise of new discretion not already delegated to a committee or officer;
- any other matter which may not by law be delegated to a committee or officer; and
- Any issue with significant impact on the Council area which the Provost, having consulted with the Leader and Leader of the Opposition, considers is suitable for debate at Council.
- approval of any new policy or changes to policy recommendations made by the Executive.

Comment [RMG24]: No consensus reached. Impacts on decision making competence of the Executive.

In addition, the Council may decide any matter referred to it by the Executive or the Education Executive.

Comment [RMG25]: Deletion not accepted.

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Green = New text.

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48.THE EXECUTIVE

Composition of the Executive

48.1 The Executive will consist of the Leader of the Council and eight other members of the Administration together with three members not drawn from the Administration. The Leader will be the Convener of the Executive. The Depute Convener will be appointed by the Executive. The members of the Executive drawn from the Administration may be appointed as a portfolio holder by the Council. The role and remit of a portfolio holder is as described in the schedule to this section of the standing orders.

Powers of the Executive

48.2 The Executive will have the exclusive power to take all decisions on behalf of the Council other than those:

- (1) reserved to Council;
- (2) delegated to the Education Executive
- (3) delegated to a regulatory, employment committee or common good committee or to the Pensions Committee or the Audit Committee; or;
- (4) delegated to a Chief Officer

subject only to such decisions being consistent with Council Policy; the Budget and the Corporate Plans agreed by Council.

48.3 The Executive will refer any matter within its decision making remit to Council.

Comment [RMG26]: Changed wording would require all Executive business to be referred to Council. Not accepted.

Policy Development Panels

48.4 The Executive will be responsible for developing the policies of the Council consistent with the Corporate Plans. The Executive will refer these developed policies for approval by the Council. The Executive has the power to establish Policy Development Panels to consider any policy area.

Comment [RMG27]: No consensus reached. See comments on SO47.

Policy Development Panels

48.4 The Executive will be responsible for developing the policies of the Council consistent with the Corporate Plans. The Executive has the power to establish Policy Development Panels to consider any policy area.

48.5 A Policy Development Panel will consist of the relevant portfolio holder who will chair the panel and such other members of the Council as the Executive decides to a maximum of five in number including the portfolio holder. In establishing the panel, the Executive will include within its members a member or members not drawn from the Administration.

48.6 A Policy Development Panel will operate within terms of reference agreed by the Executive and will report its findings to the Executive. A Policy Development Panel will have no decision making powers and is not a sub-committee of the Executive.

48.7 A Policy Development Panel will carry out its work in accordance with guidance issued from time to time by the Executive.

Relationship with External Bodies

48.8 As a **principal** decision-making body of the Council, the Executive will receive reports and take any necessary decisions within its decision-making competence from the following bodies:-

- (1) the Falkirk Community Trust;
- (2) the Falkirk Community Planning Partnership; and
- (3) the Joint Consultative Committee.

Comment [RMG28]: Deletion not accepted.

Review of Standing Orders – Proposals by the SNP Group

PROPOSAL	COMMENT
<p>App2.1. Insert after Portfolio Holder</p> <p>“Shadow Portfolio Holder – The Councillor appointed by the opposition to shadow Portfolio Holders.”</p>	<p>Omission of reference to shadow positions isn’t intended as a lack of recognition of such positions. However, the definitions section refers to terms used elsewhere in Standing Orders and the term “shadow portfolio holder” doesn’t otherwise appear.</p>
<p>3.1 insert a new general principal at 3.1 and move the rest back one.</p> <p>“Standing Orders are to be used as a tool to facilitate open debate and scrutiny of the actions of both council officials and elected members and not used as a means of stifling debate.” Move remaining paragraphs forward one</p> <p>Replace existing 3.1. ii with</p> <p>“The role of the chair will be to ensure fairness and balance within the chambers as well as ensuring the business of the meeting is properly dealt with and clear decisions are reached.” Which now becomes 3.1.iii.</p> <p>Insert new 3.1. iv</p> <p>“The chair has responsibility to ensure that the views of other participants are expressed including the advice of officers where this is necessary to inform the decision. This should be done after the elected member has concluded his or her speech.”</p>	<p>The general principles in para 3 are drawn from the Standards Commission’s guidance on the Code of Conduct. The following slightly adjusted wording (in bold) is suggested:</p> <p><i>The following general principles will be given effect to in the application of the Standing Orders Relating to Meetings:</i></p> <ul style="list-style-type: none"> (i) <i>The role of the Chair is to permit fair and responsible debate and to ensure that the business of the meeting is properly dealt with and clear decisions are reached;</i> (ii) <i>The Chair has a responsibility to ensure that the views and opinions of other participants (including the advice of officers where this is necessary to inform the decision) are allowed to be expressed. This requires a balanced approach to ensure fairness while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay the meeting;</i> (iii) <i>Meetings are conducted in a proper and timely manner with all members sharing responsibility for the proper and expeditious discharge of business;</i>

	<p>(iv) <i>Meetings are conducted in compliance with these Standing Orders and the role of the Chair in reaching decisions on their application is respected and supported; and</i></p> <p>(v) <i>Councillors will show respect for one another and for employees of the Council.</i></p>
<p>3.1.4 Replace existing with,</p> <p>“The chair will commence an item of business with the suspension of Sanding Orders to allow scrutiny and questions of the item. Standing Orders will only come into play when a decision requires to be formalised or when the informal section has run for more than 30 minutes on that item.” Which becomes 3.1.vi</p>	Consensus not reached.
<p>14.2. ii delete at the discretion of the provost and insert, “with the agreement of the council.”</p>	Consensus not reached.
<p>15.3 Following the minutes of the previous meeting there will be included within the public papers an action tracker from the previous agenda items.</p>	Agreement in principle. A standing report can be added to the agenda with reference to it included in SO 14.1.
<p>16.3.i add “in conjunction with best practice and the advice of officers”.</p>	Uncertainty expressed over what would constitute and who would determine “best practice” but agreed to add <i>“having sought advice from relevant officers, where appropriate”</i> .
<p>16.4 delete standing order</p>	Consensus not reached but suggested addition to SO 16.4 as shown on the NAIG proposals of the sentence, <i>“If asked, however, the Provost will state a reason for any decision he/she makes which will be recorded in the minute of the meeting.”</i>
<p>20.2 & 20.3. Delete Standing Orders and replace with, “All reports and</p>	Although the exact wording may vary, the rules of debate are fairly

<p>agenda items should be open to scrutiny. If there is no amendment then the Provost will accept questions and points from the floor of the chamber.”</p>	<p>consistent across all local authorities and are based on motions and amendments designed to reach decisions. To that extent, it is not recommended that these SOs are deleted, although amendment to the wording could be considered. From discussion at the WG, it is understood that what is being sought is the opportunity to discuss certain reports where there is otherwise no disagreement e.g. the annual report from the CSWO. Something along the following lines might be suggested as a new SO 20.12 (the reference to that SO added to SO20.2):</p> <p><i>Certain limited categories of report submitted to Council may be open for discussion notwithstanding that there appears to be general agreement on them. This will include those reports submitted periodically from persons who are under an obligation to report to Council on their actions, for example the annual report from the Chief Social Work Officer or from the Convener of the Audit Committee. These reports will be identified on the agenda.</i></p>
<p>23.1 add at the end “members should only vote for the same number, or less if they so choose, of members as required to fill vacancies. Members should not vote for more candidates than vacancies.”</p>	<p>Principle of the need for clarity accepted. Suggested alternative wording as follows:</p> <p><i>23.1 Where only one vacancy requires to be filled and two or more persons are nominated, a vote shall be taken between all the candidates, each councillor being entitled to one vote only. When any candidate obtains an absolute majority of those voting he/she shall be duly appointed. If no candidate obtains an absolute majority, the name of the candidate obtaining the least number of votes shall be struck out and a new vote taken of the remaining candidates and so on until a candidate obtains an absolute majority.</i></p> <p><i>23.2 Where more than one vacancy requires to be filled and the number of persons nominated exceeds the number of vacancies, a vote shall be taken between all the candidates, each councillor being</i></p>

	<p><i>entitled to vote for as many candidates as there are vacancies. Candidates who receive an absolute majority shall be duly appointed. If all the vacancies are not filled on the first vote, the name of the candidate obtaining the least number of votes shall be struck out and a new vote taken of the remaining candidates who have not already been duly appointed by the first vote, and so on until all the vacancies have been filled.</i></p> <p><i>23.3 In the event of an equality of votes that cannot be resolved by a further voting stage, the candidate to be elected will be decided by lot, which will be conducted by the clerk.</i></p>
<p>25.1 “Where the agenda for Full Council meetings is top loaded with business items then the guillotine will not be used. Instead, if the agenda is not complete then business items will be carried forward to a special meeting of council providing the leader of the opposition has intimated prior to the start of the commencing that this is likely to occur.</p>	<p>Discussion not yet concluded. Consideration given to role of Leaders’ meeting and potential to discuss timing of items to ensure business is concluded within standard timeframe.</p> <p>Following further discussion, an amendment to SO 34.2 is suggested by adding a new paragraph 34.2(i) as follows: <i>It will be held over as uncompleted business to a future meeting of Council, the date and time to be determined by the Provost, on a motion to that effect being moved, seconded and voted on without discussion, which failing.....</i></p> <p>With items (i), (ii) and (iii) in the existing SOs being renumbered accordingly.</p> <p>In recognition of the role of the Leaders’ meetings, consideration could be given to a new SO 10 as follows: LEADERS’ BUSINESS MEETINGS <i>The Provost will meet with the Leader of the Council and the Leader of the Opposition in advance of every meeting of Council (except where a special meeting is called at short notice and it is impracticable to hold a business meeting) with a view to facilitating the business on the</i></p>

	<p><i>agenda and ensuring, as far as possible, that it will be concluded within the allotted timescale.</i></p> <p>It was also suggested that formal terms of reference for the business meetings be drawn up.</p>
29.1 delete “and countersigned by another member”.	Agreed
29.3. Delete final sentence.	Agreed but suggest replacing with, “ <i>Motions delivered by email will be treated as being signed if they are sent from the councillor’s email address ending “@falkirk.gov.uk”.</i> ”
29.5 add after Provost, “and the Leaders of the Council and Opposition.”	Consensus not reached.
29.10 add after ruling “and an explanation of why he has taken this decision”	See note above re adjustment to SO 16.4
33.1 Replace first sentence with “Council encourages engagement between the council and the general public including deputations to speak at council meetings. These requests should be submitted no later than 48 hours before the meeting is due to commence. All requests should be addressed to the Provost who should then inform all group leaders. Any request submitted to any other member must be passed to the Provost at least 48 hours before the meeting is due to commence.	For further discussion. Practical issues could arise with the proposed timeframe where the deputation does not relate to business already on the agenda given the requirement for all business to be transacted at a meeting (except items deemed to be urgent) being set out in the agenda issued with at least the statutory 3 clear days’ notice. For administrative and practical purposes, all requests should be submitted to the appointed proper officer rather than the Provost. If extension to the existing provision for deputations agreed, additional wording could be provided to deal with procedural matters.
34 Amended to take note of the changes to 3.1.6	Still to be discussed.
35.1. ii delete rules and substitute “can demonstrate that”	Maintain existing wording but recognise the addition to SO 16.4 (see

	above)?
35.1.iii Remove two thirds and substitute “majority”	Consensus not reached.
36.1. Insert at end of the Standing Order, “The Provost on making a ruling must give an explanation of his / her ruling that meets requirements of both Standing Orders and the mission statement of being open and transparent.”.	See note above re adjustment to SO 16.4
36.2 Amend as per change to 36.1	See note above re adjustment to SO 16.4
36.5. Delete Standing Order	Deletion requires careful consideration and is not recommended. In the public interest, there should be a degree of certainty over the procedural rules applicable to Council meetings. The Widdicombe report on the Conduct of Local Authority business (1986) expressed this view: “We think it undesirable that procedural rules should be capable of change in mid-meeting by suspension of standing orders. Some safeguards are required. We are not convinced that...the model standing orders...are of themselves sufficient, and propose that standing orders should not be capable of suspension or amendment without advance notice except on the vote of two thirds of the membership of the council. All standing orders should be statutorily required to include such a limitation.” While that provision has not been translated into law, SOs include reference to a two thirds vote in certain cases (as permitted by the LG(S)A 1973) with SO 36.5 being designed to achieve a degree of certainty over the procedural rules underpinning decision making.
37.4, Add, where a place is deemed to be filled by an opposition member the Administration members will not vote on the appointment.	Consensus not reached.
47.1 Insert New Standing Order at 47.5. Any member of the council	Still to be discussed. There may be linkages with Working Group

who is not a member of the Executive can place a motion on the agenda of full council and have it debated providing it is competent.	discussions on the decision making structures reported to Council on 31 March 2015.
48. 3. Add a new sentence at the end. Where the Executive agrees to a new or amended policy that impacts on a section of the community then consultation with that community should be considered as part of the process.	Still to be discussed.
<p>Planning Committee</p> <p>Insert a new standing order between SO 51 and SO 51.11 “Where a member calls in an application to committee he / she will must give valid Planning Reasons for their actions. These reasons will be included within the subsequent report. Where an application is called in to committee other than one of the ward councillors the person who has called the application in will also give an explanation of their interest in the application including declaration of any approaches made to them by other members.”</p>	<p>For further discussion. The following wording could be added to SO 51.3(d):</p> <p><i>....such reasons being included in the report to committee.</i></p>
Add a new 60.5.vi. “These powers exclude the ability to make payments to staff other than they are contracted to receive or in any way change terms and conditions that impact on remuneration issues without the consent of members of the Executive.	<p>Following discussion, the following adjustment to SO 60.5(ii) is suggested:</p> <p><i>Engaging and deploying staff provided (a) that there shall be no increase in agreed staffing levels unless the increase is necessary to implement any decision of Council and (b) all matters relating to remuneration and terms and conditions of employment are conform to Council policy.</i></p>

FALKIRK COUNCIL

STANDING ORDERS

Proposed amendments are shown at:

SO 3
SO 10.3 and 10.4
SO 14.1
SO 16.3 and 16.4
SO 18
SO 19.1
SO 20.2 and 20.12
SO 23
SO 29.1 and 29.3
SO 31.1
SO 34.2

SO 51.3
SO 60.5

To reduce the amount of paper printed with the report, only those pages showing the specific changes for SO 51.3 and 60.5 in the scheme of delegation are included.

The Standing Orders of the Council consist of the Standing Orders Relating to Meetings and the Scheme of Delegation to Committees and Officers.

The Standing Orders apply and have effect from 7 October 2015 subject to such amendments as may from time to time be made by Council.

STANDING ORDERS

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STANDING ORDERS RELATING TO MEETINGS

SECTION 1

PRELIMINARY MATTERS

1. APPLICATION OF INTERPRETATION ACT 1978

- 1.1 The Interpretation Act 1978 will apply to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.

2. DEFINITIONS

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

Term	Meaning
The 1973 Act	The Local Government (Scotland) Act 1973
The 1989 Act	The Local Government and Housing Act 1989
The 1992 Act	The Local Government Finance Act 1992
The 1994 Act	The Local Government etc. (Scotland) Act 1994
Administration	The group or groups of councillors (including any individual councillor or councillors not part of any group) which the Leader of the Council has given written notice to the Chief Executive forms the Administration subject to the proviso that the notice will be signed by the leaders of all groups and by all councillors not part of any group, forming the Administration.
Budget	The budgets approved by Council each year consisting of the Revenue Budget, the General Services Capital Programme, the Housing Revenue Account and Council House Rents and the Housing Investment Programme.
Chief Officer	The Chief Executive, the Directors of Services and other officers holding posts recognised by the Council as having chief officer status including Heads of Service and Deputy Chief Officers.

Clear days	When referring to service of Notices, the term “clear days” refers to weekdays, excluding weekends, Bank Holidays, local or national holidays, the day the Notice is posted and the day on which the meeting is held.
Clerk	The person attending a meeting to act as clerk to the Council, or any of its committees.
Committee	A committee of the Council.
Community Planning Partnership	The partnership of public bodies within the council area maintained by the Council in pursuance of Part 2 of the Local Government in Scotland Act 2003.
Convener	The person presiding at a committee duly appointed by the Council or by that committee where these Standing Orders so provide.
The Council	Falkirk Council constituted by virtue of and incorporated under the 1994 Act.
Councillor	A member of the Council duly elected at an election or by-election, and who has made and delivered to the Proper Officer of the Council a Declaration of Acceptance of Office in accordance with section 33A of the 1973 Act.
Corporate Plans	The Strategic Community Plan, the Corporate Plan and the Local Development Plan.
Depute Convener	The person presiding at a committee in the absence of the convener, duly appointed by the Council or by that committee where these Standing Orders so provide.
The Depute Provost	The Depute Convener of the Council duly appointed as such by a full meeting of the Council in terms of section 4(2) of the 1994 Act.
Employment Committees	The Appeals Committee and the Appointments Committee and any other committee established by the Council to discharge its functions in relation to individual employees.
Falkirk Community Trust	A charitable company established to provide cultural, leisure, sport, recreational and library services for the Falkirk Council area.

Head of Paid Service	The person designated as such by the Council under section 4 of the 1989 Act. In Falkirk Council, that person is the Chief Executive.
Joint Board	The Central Scotland Joint Valuation Board.
Leader of the Council	The councillor designated as Leader for the purposes of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.
Leader of the Opposition	The Leader of the largest Opposition Group on the Council.
Monitoring Officer	The person designated as such by the Council under section 5 of the 1989 Act or, if that person is unable to act owing to absence or illness, the person nominated by him/her as his/her deputy under sub-section (7) of that section. In Falkirk Council, the Monitoring Officer is the Chief Governance Officer.
Opposition	Those Councillors who are not members of the administration.
Portfolio Holder	A councillor appointed by the Council to perform the role set out in the schedule to the Scheme of Delegation to committees.
Proper Officer	The persons designated as such by the Council to undertake specific duties, as detailed in a list kept for public inspection within the head office of the Council which is situated at Municipal Buildings, Falkirk.
The Provost	The convener of the Council duly appointed as such by a full meeting of the Council in terms of section 4(1) of the 1994 Act.
Regulatory Committees	The Planning Committee, the Planning Review Committee, the Civic Licensing Committee and any other committee established by the Council to discharge any other similar regulatory function.

3. GENERAL PRINCIPLES

3.1 The following general principles will be given effect to in the application of the Standing Orders Relating to Meetings:-

- (i) ~~That-t~~The role of the Chair is to permit fair and responsible debate and to ensure that the business of the meeting is properly dealt with and clear decisions are reached;
- (ii) ~~That-t~~The chair has a responsibility to ensure that the views and opinions of other participants (including the advice of officers where this is necessary to inform the decision) are allowed to be expressed. ~~including the advice of officers where this is necessary to inform the decision~~ This requires a balanced approach to ensure fairness while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay the meeting;
- (iii) ~~That-m~~Meetings are conducted in a proper and timely manner with all members sharing the responsibility for the proper and expeditious discharge of business;
- (iv) ~~That-m~~Meetings are conducted in compliance with these Standing Orders and ~~that~~ the role of the Chair in reaching decisions on their application is respected and supported; and
- (v) ~~That-a~~All councillors will show respect for one another ~~to each other~~ and for employees of the Council ~~at all meetings~~.

SECTION 2

MEETINGS OF THE COUNCIL

4. MEETINGS

- 4.1 All Council meetings will take place in accordance with legal requirements. There are 3 forms of Council meeting:-

- (i) The Statutory Meeting
- (ii) Ordinary Meetings
- (iii) Special Meetings

5. STATUTORY MEETING

- 5.1 The Statutory Meeting of the Council in the year of an election must be held within 21 days from the date of the election.

- 5.2 The Returning Officer for that election or, failing him/her, such councillor as may be selected by the meeting, will preside at the meeting until the Provost is elected following which the Provost will take the Chair.

- 5.3 The following business will normally be transacted at the Statutory Meeting:-

- (i) elect the Provost of the Council;
- (ii) if it is resolved to do so, elect one or more Depute Provost of the Council;
- (iii) elect the Leader of the Council;
- (iv) if it is resolved to do so, elect one or more Depute Leader;
- (v) if it is resolved to do so, appoint one or more Baillies to deputise for the Provost;
- (vi) appoint the conveners and members of committees including portfolio holders unless otherwise provided for in there Standing Orders;
- (vii) appoint the members of the Licensing Board;
- (viii) make appointments to external bodies or organisations on which the Council is required by statute to be represented; and
- (ix) subject to the terms of these Standing Orders and of any statutory provision, deal with any urgent competent business.

The Council will decide the political balance on the Executive and other committees before appointing individual members.

5.4 With the exception of items (i) and (ii) above, the order of business may be varied:-

- (i) by the Chief Governance Officer in advance of the meeting;
- (ii) by the Provost at his or her discretion, or
- (iii) by a motion put forward, seconded and carried without discussion, by a majority of the members at the meeting. No written notice of the motion is required.

5.5 The Provost, and any person appointed under Standing Order 5.3, will hold office until the date of the next election of councillors unless:-

- (i) otherwise decided by the Council by resolution following a Notice of Motion in terms of Standing Order 29, or any of these persons referred to above.
- (ii) the Provost delivers to the Chief Executive a letter of resignation specifying the date on which the resignation will take effect.

6. ORDINARY MEETINGS

6.1 Meetings will normally be held in the Municipal Buildings, Falkirk at the time and on the day which is approved by the Council and in accordance with the programme circulated by the Chief Governance Officer, unless determined otherwise by:-

- (i) the Council; or
- (ii) the Provost and Depute Provost; or
- (iii) the Provost or Depute Provost, acting together with the Leader of the Council,

with due notice being given of any alteration to the ordinary meeting place or time in compliance with the provisions of the 1973 Act.

6.2 In extreme circumstances (for example severe weather conditions preventing councillors and the public from travelling safely to the meeting place) meetings may be cancelled or postponed by the Chief Executive or Chief Governance Officer in consultation with the Provost.

7. SPECIAL MEETINGS

7.1 A Special Meeting of the Council may be called at any time:-

- (i) by the Provost; or
- (ii) in the absence of the Provost, by the Depute Provost; or
- (iii) on a requisition in writing specifying the business proposed to be transacted and signed by at least one-quarter of the whole number of members of the Council. The Chief Governance Officer in consultation with the Provost will arrange for the meeting to be held within fourteen days of receipt of the requisition.

8. NOTICE OF MEETING

8.1 Public Notification: The Chief Governance Officer will notify the public of a meeting by publishing a Notice at the Council's headquarters at least five clear days before the meeting or, if the meeting is convened at shorter notice, at the time the meeting is actually convened and will comprise:-

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

8.2 Notice to councillors: The Chief Governance Officer will give notice of meetings to all councillors by leaving or sending a notice to them at their usual place of residence or such other address as any councillor may have notified to the Chief Governance Officer. The notice will be given at least five clear days before the meeting, or if the meeting is convened at shorter notice, at the time the meeting is actually convened and will comprise:-

- (i) the date, time and place of the meeting;
- (ii) the list of items of business to be transacted at the meeting; and
- (iii) copies of reports associated with every agenda item.

8.3 Want of service of a notice on any councillor will not affect the validity of a meeting.

8.4 Notice to the Press and Public: The Chief Governance Officer will give notice of meetings to the press and to the public by posting or delivering copies of the items specified in Standing Orders 8.1 and 8.2 to the Head Office of local newspapers and to public outlets owned by the Council:-

- (i) at least five clear days before the meeting, or
- (ii) if the meeting is convened at shorter notice, at the time the meeting is actually convened.

However, no report containing confidential or exempt information as defined in Standing Orders 9.5 and 9.6 will be made available for public inspection.

9. THE AGENDA

9.1 Each item of business to be transacted at a meeting will be noted on the agenda. No other item of business will be considered at the meeting unless, by reason of special circumstances, the Provost is of the opinion that the item should be considered as a matter of urgency. The nature of the special circumstances will be recorded in the minute of the meeting.

9.2 Each agenda item will be accompanied by a report, unless special circumstances exist for non-availability of any report.

9.3 Copies of the agenda and accompanying reports will be open for inspection by members of the public at the Headquarters of the Council at least five clear days before the meeting, except:-

- (i) where the meeting is convened at shorter notice, in which case the agenda and reports will be available for public inspection from the time the meeting is convened;
- (ii) where an item is added to an agenda, copies of which are open for inspection by the public, copies of the item (or of the revised agenda), and copies of any report for the meeting relating to the item, will be open for inspection from the time the item is added to the agenda;
- (iii) there may be excluded from the copies of reports the whole or part of any report which relates only to items during consideration of which, in the opinion of the Chief Governance Officer, the meeting is likely not to be open to the public; and
- (iv) the whole or part of any report which discloses confidential information will be excluded from publication.

9.4 The agenda will be divided into the following parts:-

PART I Unrestricted Items: permitting full public inspection.

PART II Exempt Items: see Standing Order 9.5.

PART III Confidential Items: see Standing Order 9.6.

9.5 What is meant by “exempt information” is set out in section 50J and Schedule 7A to the 1973 Act. The following categories of information are defined as being “exempt”:-

- (i) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under, the Council;
- (ii) Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority;
- (iii) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Council;
- (iv) Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Council;
- (v) Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement of that child made under the Children (Scotland) Act 1995;
- (vi) Information relating to the financial or business affairs of any particular person (other than the Council);
- (vii) Information relating to anything done or to be done in respect of any particular person for the purposes of any matter referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons);
- (viii) The amount of any expenditure proposed to be incurred by the Council under any particular contract for the acquisition of property or the supply of goods or services;
- (ix) Any terms proposed, or to be proposed by or to the Council, in the course of negotiations for a contract for the acquisition or disposal of any property or the supply of goods or services;

- (x) The identity of the Council (as well as any other person, by virtue of item (vi) above) as the person offering any particular tender for a contract for the supply of goods or services;
- (xi) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Council;
- (xii) 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 Council, or
 - (b) the determination of any matter affecting the Council, (whether, in either case, proceedings have been commenced or are in contemplation);
- (xiii) Information which, if disclosed to the public, would reveal that the Council 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;
- (xiv) Any action taken, or to be taken in connection, with the prevention, investigation or prosecution of crime;
- (xv) The identity of a protected informant.

9.6 What is meant by “confidential information” is set out in section 50A(3) of the 1973 Act. The following categories of information are defined as being “confidential”:-

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

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

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

or

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

10. PUBLIC ACCESS TO MEETINGS

10.1 All meetings of the Council will be open to the public, except in the circumstances detailed below:-

(i) whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that there will be a disclosure of exempt information (see Standing Order 9.5), the public may be excluded from the meeting while the particular matter is being considered;

(ii) whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information (see Standing Order 9.6) will be disclosed in breach of the obligation of confidence, the public will be excluded while the particular matter is being considered;

(iii) the Provost has power to exclude any member of the public from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour which is impeding or likely to impede the work or proceedings of the Council;

(iv) if a member of the public interrupts the proceedings at any meeting, the Provost will give a warning. If the interruption continues, the Provost will order the removal of the person from the meeting place. In the case of general disturbance in any part of the meeting place open to the public, the Provost may order that part to be cleared.

10.2 No member of the public will be permitted to speak or to take any other part in the proceedings of a meeting of the Council except when addressing the meeting as a member of a deputation under Standing Order 33.

~~10.3~~ ~~40.3~~ The right of public access to meetings does not include a right to photograph, record or broadcast the proceedings at the meeting. The Council may permit such photography, recording or broadcasting. A request for such permission should be made to the Council by close of business on the working day prior to the date of the meeting and will be considered as part of the business of the meeting.

10.4 Within 3 working days of each meeting of Council, an audio recording of it will be made available on the Council website with the exception of those parts of the meeting dealing with items containing exempt or confidential information as defined in Standing Orders 9.5 and 9.6.

11. NON-ATTENDANCE OF MEMBERS

- 11.1 Should a member of the Council be unable to attend a meeting for whatever reason, he/she may tender his/her apologies either by intimating them to the Chief Governance Officer in advance of the meeting or by another councillor doing so at the commencement of business, and these apologies only will be incorporated in the minute of the meeting.
- 11.2 Subject to the provisions of the 1973 Act, if a councillor fails throughout a period of six consecutive months to attend any meeting of the Council, he/she will, unless the failure to attend was due to some reason approved by the Council, cease to be a member of the Council.
- 11.3 Subject to the provisions of the 1973 Act, the Council may grant a leave of absence to any councillor who, for a reason approved by Council, is unable to attend any meeting of the Council for a continuous period of six months.
- 11.4 Attendance at any committee of the Council or any joint committee, joint board or other body to which any function of the Council has been delegated, or any meeting of any body of persons at which the councillor is authorised to represent the Council is deemed to be attendance at a meeting of the Council for the purposes of this Standing Order.

12. PERSON PRESIDING AT MEETINGS OF THE COUNCIL

- 12.1 Without prejudice to the provisions of Standing Order 5, the Provost will preside at all meetings of the Council. In his/her absence, the Depute Provost will preside. In the absence of both, the clerk will preside until the Council appoints a convener from amongst its number.

13. QUORUM

- 13.1 At all meetings of the Council, one quarter of the membership will form a quorum and if, within fifteen minutes after the time appointed for the meeting, a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed, and the minute of the meeting will disclose this fact.
- 13.2 If, at any time after a meeting has commenced, the number of members present falls below the quorum, the Provost will suspend the proceedings.
- 13.3 If, after the lapse of five minutes, the Provost finds that the quorum has not been achieved, (s)he will adjourn the meeting to such other date and time as may be fixed, and the minute of the meeting will disclose.

SECTION 3

ORDER AND CONDUCT OF BUSINESS **AT MEETINGS OF THE COUNCIL**

14. ORDER OF BUSINESS

14.1 The business of the Council at Ordinary Meetings will proceed in the following order, subject to its division into Parts I, II and III as referred to in Standing Order 9.4:-

- (i) The sederunt;
- (ii) Declarations of interest;
- (iii) The minutes of the last ordinary meeting and of any special meeting of the Council since held;
- (iv) The Information Bulletin and Volume of Minutes;
- (v) The Rolling Actions Log showing progress on any outstanding actions from the previous meeting.
- (vi) Questions submitted in accordance with Standing Order 32;
- (vii) Public announcements by the Provost regarding matters of immediate local concern;
- (viii) Recommendations from committees;
- (~~viii~~ix) New business;
- (ix) Urgent items added to the agenda under Standing Order 9.1;
- (xi) Motions of which notice has previously been given in accordance with Standing Order 29;

14.2 The order of business in items (i) (ii) and (iii) of Standing Order 14.1 may not be changed. The order of any other business may be varied:-

- (i) by the Provost at his or her discretion either at or before the meeting;
or
- (ii) by a motion put forward, seconded, and carried without discussion, by a majority of members at the meeting. No written notice of motion is required.

15. MINUTES

- 15.1 Minutes of Council meetings will be compiled and kept by the Chief Governance Officer and will be signed at the next Ordinary Council Meeting by the Provost.
- 15.2 The Provost will move that the minutes of the meeting of the Council held on the day of are a true record.
- 15.3 There will be no discussion of the minutes except on their accuracy. Any question of accuracy must be raised by amendment to the Provost's motion and voted on without discussion. No written notice of motion is required. The Provost will sign the minutes once they are deemed accurate.
- 15.4 A Council meeting which has had its minutes properly signed will be deemed to have been held, and all councillors present at the meeting will be deemed to have been duly qualified, until the contrary is proved.

16. POWERS AND DUTIES OF THE PROVOST

- 16.1 The Provost will preside at all meetings of the Council. In the absence of the Provost, the Deputy Provost will preside and, in the absence of both, the clerk will preside over the meeting until the Council appoints a convener for that meeting.
- 16.2 The Provost shall have the duty:-
- (i) to ensure that Standing Orders are followed;
 - (ii) to ensure that councillors are treated equally and that they are given a fair opportunity to express their views on any item of business while having regard to the terms of Standing Order 17.6 on the requirement to ensure the proper and expeditious discharge of business; and
 - (iii) to preserve order within the meeting.
- 16.3 Without prejudice to any other provision of these Standing Orders, the Provost shall have power:-
- (i) to decide on all matters of decorum, order, competency and relevancy, having sought advice from relevant officers where appropriate;
 - (ii) to determine all matters of procedure for which no provision is made in these Standing Orders;
 - (ii) to determine the order in which councillors may speak;

- (iv) in ruling that certain language is unacceptable, to seek withdrawal of a remark, an apology or any other action required, in the Provost's opinion, to allow the meeting to proceed properly;
- (v) to rule on the acceptability of behaviour during the course of the meeting;
- (vi) in the event of disorder arising, to adjourn the meeting to a time and date as the Provost shall fix then or later, and the Provost leaving the Chair in such circumstances shall, without further procedure, have the effect of a formal adjournment of the meeting;
- (vii) to order the exclusion of any members of the public in the event of disorderly conduct or other misbehaviour;
- (viii) to exercise both a deliberative and a casting vote unless otherwise provided by statute; and
- (ix) to exercise the powers set out in Standing Order 27.

16.4 The decision of the Provost on all matters within his/her powers shall be final and shall not be open to question or discussion. If asked, however, the Provost will state a reason for any decision he/she makes which will be recorded in the minutes of the meeting.

17. COUNCILLORS' CONDUCT AT MEETINGS

- 17.1 All councillors must comply with the requirements of the Councillors' Code of Conduct and associated guidance as issued by the Standards Commission for Scotland from time to time.
- 17.2 Deference shall at all times be paid to the authority of the Provost. When the Provost rises or begins to speak, any councillor addressing the meeting shall give way. The Provost shall be heard without interruption.
- 17.3 As a matter of courtesy, councillors should stand when addressing the Provost. When a councillor is speaking, all other councillors should remain seated, unless rising to a point of order. When the Provost rises, any councillor then standing will resume to his or her seat.
- 17.4 All councillors must respect the Provost, colleagues, Council employees and any members of the public present during meetings or other formal proceedings of the Council.
- 17.5 Councillors are individuals accountable for their own conduct in meetings in terms of the Code of Conduct of the Council irrespective of the conduct of others. Abusive or offensive language shall not be acceptable.

- 17.6 All councillors must comply with rulings from the Provost in the conduct of business of the Council. This includes rulings on the proper and timely conduct of meetings, the acceptability of language used and the fairness and sufficiency of debate. Councillors present at the meeting share responsibility for the proper and expeditious discharge of business.
- 17.7 No behaviour disruptive of the meeting shall be acceptable and, where appropriate, the sanctions specified in Standing Order 27 will be applied.
- 17.8 Councillors shall ensure that all mobile phones, handheld devices and pagers are turned off or are switched to silent mode during meetings.

18. POINTS OF ORDER

- 18.1 A councillor may raise a point of order at any time during a meeting. In doing so, the councillor must refer to the particular Standing Order that he/she considers is being infringed and must limit his/her intervention strictly to that point. The councillor then speaking will give way to enable the Provost to rule on the point. No other councillor may speak on it. The Provost will decide on the question point. That decision will be final and not subject to question by any councillor.

19. PERSONAL EXPLANATIONS

- 19.1 If a councillor considers that he/she has been:
- (i) abused, or
 - (ii) unfairly accused of a misdemeanour, or
 - (iii) having previously spoken on an item of business, that some part of his/her speech has been misinterpreted or misunderstood in the debate, or
 - (iv) some statement or act has been wrongly attributed to him/her,
- the councillor may, with the consent of the Provost and subject to the terms of Standing Order 21.6, give a personal explanation but, in doing so, shall not interrupt any councillor then speaking but shall rise only when the previous speaker has concluded his or her speech.
- 19.2 Where any councillor seeks to speak in explanation under the preceding Standing Order, he/she must confine his/her remarks wholly and strictly to the point and must not refer to other matters nor endeavour to elaborate a former speech by new arguments or reply to other councillors.
- 19.3 In the event of the Provost ruling against the admissibility of a point of order or a personal explanation, he/she will, if asked, give a reason for the ruling.

20. MOTIONS AND AMENDMENTS

- 20.1 A motion or amendment will not be discussed or put to the meeting unless it has been moved and seconded.
- 20.2 Without prejudice to Standing Orders [20.11](#) [and 20.12](#), a motion to which no amendment is moved will be declared carried and will not be the subject of debate unless the Provost, at his/her sole discretion, allows the mover and seconder of the motion to speak in explanation if the subject matter is considered by the Provost to be of special interest to the meeting. No other speeches will be allowed.
- 20.3 Should any councillor wish to ask a question or to seek clarification in order to determine whether he or she supports the motion or an amendment, the consent of the Provost should be sought to do so whenever the motion or amendment has been moved and seconded.
- 20.4 A councillor must direct any speech strictly to the question under discussion, to a personal explanation or to a point of order.
- 20.5 Motions or amendments made, but not seconded, will not be discussed or recorded in the minutes. When a motion or amendment has been moved but not seconded, the mover may require his or her dissent in respect of a decision taken on the item of business to which the motion or amendment relates, to be entered in the minute.
- 20.6 Only one amendment may be moved and discussed at a time and no further amendment may be moved (although notice of it should be given) until the amendment under discussion has been dealt with. No member may move more than one amendment to a motion.
- 20.7 If an amendment is lost, other amendments may be moved on the original motion but only where notice has been given. If an amendment is carried, the amended motion replaces the original motion and becomes the substantive motion upon which any further amendment may be moved.
- 20.8 A councillor may only alter the text of his or her motion or amendment with the consent of the Provost on cause shown. The alteration must amend the motion or amendment and not be an entirely new motion or amendment. If the motion or amendment has been moved and seconded, the seconder must also give consent to the alteration.
- 20.9 A motion or amendment once made and seconded may only be withdrawn with the unanimous consent of those present at the meeting. No councillor may speak on the motion or the amendment after the mover has asked permission for its withdrawal, unless permission has been refused.
- 20.10 An amendment must be relevant to the motion and will be either:-
 - (i) to refer a subject of debate to a committee for consideration;

- (ii) to leave out words;
- (iii) to leave out words and insert or add others, or
- (iv) to insert or add words,

but such omission, insertion or addition of words must not have the effect of introducing new subject matter into or negating the motion before Council.

20.11 Except where the Provost notes that those councillors at the meeting are in general agreement with regard to any unopposed motion, each motion will be put to the vote.

20.12 Certain limited categories of report submitted to Council may be open for discussion notwithstanding that there appears to be general agreement on them. This will include those reports submitted periodically from persons who are under an obligation to report to Council on their actions, for example the annual report from the Chief Social Work Officer or from the Convener of the Audit Committee. These reports will be identified on the agenda.

21. SPEECHES

21.1 Each councillor will introduce his or her speech by indicating whether he/she is speaking in support of the motion, the amendment or introducing.

21.2 Except with the consent of the Provost, a speech must not exceed eight minutes, when a councillor is moving an original motion or an amendment and four minutes in any other case.

21.3 A councillor must direct his or her speech to the question under discussion, a personal explanation or a point of order.

21.4 A councillor may only speak once during the debate, on an item of business to either move a motion or an amendment or second or speak to a motion or an amendment moved by another member. A councillor who seconds a motion or amendment may do so formally, reserving his or her entitlement to speak on the matter to a later stage in the debate.

21.5 The exceptions are:-

- (i) to speak on the substantive motion;
- (ii) to exercise a right of reply;
- (iii) on a point of order; and
- (iv) by way of personal explanation.

- 21.6 The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. No councillor shall speak after the mover of the motion has exercised his right of reply. If an amendment is moved, the mover of the original motion is entitled to a right of reply at the close of the debate on the amendment but must not otherwise speak on the amendment. The mover of an amendment has no right of reply to the debate on that amendment. At the end of the debate, the Provost will call on the original mover of the motion to exercise his/her final right of reply after which the question will be put.

22. VOTING

- 22.1 Unless dispensed with by the Provost, the clerk will read out to the meeting the terms of the motion and the amendment. Thereafter where the vote is being taken in public, the clerk will call over the names of all the councillors and will record in the minutes of the meeting the names of those:-
- (i) voting for or against the motion or amendment; or
 - (ii) abstaining from voting; or
 - (iii) absent from the meeting when the vote was taken.
- 22.2 For items where the public has been excluded, voting will be by show of hands except in the following circumstances:-
- (i) if not less than one-quarter of the Council present and voting so request, the vote will be taken by roll call in the manner set out in Standing Order 22.1.
 - (ii) on a motion put forward, seconded, and carried without discussion by a majority of members at the meeting, voting will be by ballot which will be undertaken by the clerk to ensure the secrecy of the vote. No written notice of motion is required.
- 22.3 Where a vote is taken by a show of hands and, immediately after a vote is taken, a councillor requests his or her vote to be recorded, there will be noted in a minute of the meeting whether the councillor:-
- (i) cast his or her vote for or against the question, or
 - (ii) abstained from voting.
- 22.4 The clerk will then announce the result of the vote on the basis of a simple majority of those voting.

- 22.5 After the clerk has announced the issue on which a vote is to be taken and has started to take the vote, no councillor will be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings, until the result of the vote is declared.
- 22.6 In the case of an equality of votes, the Provost will have a second or casting vote and may exercise it at his/her discretion except when voting on appointments as detailed in Standing Order 23.

23. VOTING ON APPOINTMENTS

- ~~23.1 Where more than two persons are nominated for any position to be filled by the Council, the councillor to be elected will be determined by a vote in which each councillor may vote for one candidate per vacancy only, the vote being put to the meeting in the order in which nominations have been proposed and seconded. Where any one candidate has an absolute majority, he/she will be declared as elected.~~
- ~~23.2 Where, after the first vote in accordance with Standing Order 23.1, there is an equality of votes for two or more candidates, the candidate to be elected will be decided by lot, which will be conducted by the clerk.~~
- 23.1 Where only one vacancy requires to be filled and two or more persons are nominated, a vote shall be taken between all the candidates, each councillor being entitled to one vote only. When any candidate obtains an absolute majority of those voting he/she shall be duly appointed. If no candidate obtains an absolute majority, the name of the candidate obtaining the least number of votes shall be struck out and a new vote taken of the remaining candidates and so on until a candidate obtains an absolute majority.
- 23.2 Where more than one vacancy requires to be filled and the number of persons nominated exceeds the number of vacancies, a vote shall be taken between all the candidates, each councillor being entitled to vote for as many candidates as there are vacancies. Candidates who receive an absolute majority shall be duly appointed. If all the vacancies are not filled on the first vote, the name of the candidate obtaining the least number of votes shall be struck out and a new vote taken of the remaining candidates who have not already been duly appointed by the first vote, and so on until all the vacancies have been filled.
- 23.3 In the event of an equality of votes that cannot be resolved by a further voting stage, the candidate to be elected will be decided by lot, which will be conducted by the clerk.

24. THIRD PARTY INTERESTS

- 24.1 For the purposes of clarification, where voting takes place on an agenda item where third party interests are directly affected, e.g. where a planning application is being considered, or where appointments are being made in accordance with Standing Order 23, only those councillors who have been present during the whole of the discussion will be entitled to participate in the vote, save where as otherwise provided within these Standing Orders.
- 24.2 Absences for brief periods during consideration of business will be disregarded in these situations. In all other cases, only those councillors who have been in attendance during the whole or part of the discussion on the agenda item giving rise to the vote will be entitled to participate in that vote.

25. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

- 25.1 The following motions and amendments may be moved without notice to:-
- (i) appoint a Chair of the meeting;
 - (ii) question the accuracy of the minute;
 - (iii) move that an item of business on the agenda takes precedence;
 - (iv) give leave to withdraw a motion;
 - (v) move that “the question be now put”;
 - (vi) move that “the debate be now adjourned”;
 - (vii) move that “the Council proceed to the next business”;
 - (viii) move that “the Council do now adjourn”;
 - (ix) move that “the vote be taken by ballot”;
 - (x) move that “the time for the meeting be extended”;
 - (xi) exclude or re-admit the press and public under section 50A(4) of the 1973 Act;
 - (xii) move that a member is not further heard or is required to leave the meeting in terms of Standing Orders 26 or 27;
 - (xiii) give consent of the Council where consent is required by these Standing Orders; and
 - (xiv) grant urgent action powers.

26. MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS

26.1 When a motion is under debate no other motion may be moved except:-

- (i) to amend the motion;
- (ii) motions moved by the Provost or another member that a member:-
 - (a) “be not further heard”;
 - (b) “must leave the meeting”;
- (iii) motions to exclude the press and public; and
- (iv) closure motions under the following paragraph:-

26.2 The following closure motions will be permitted during discussion of another motion. They will be moved, seconded and put to a simple vote without discussion. The Provost will proceed as follows:-

- (i) on a motion to “proceed to the next business”:-

Unless, in the Provost’s opinion, the matter before the meeting has been discussed insufficiently, the Provost will first give the mover of the original motion a right of reply and then put to the vote the motion to proceed to the next business; if that motion is carried, the original motion will lapse and the Council will proceed to the next business.

- (ii) on a motion that “the question be now put”:-

Unless, in the Provost’s opinion, the matter has been discussed insufficiently, the Provost will first put to the vote the motion that the question be now put and if it is carried, then give the mover of the original motion a right of reply before putting the original motion to the vote.

- (iii) on a motion to adjourn the meeting or debate:-

If the Provost is of the opinion that the matter has not been discussed sufficiently and cannot reasonably be discussed sufficiently on that occasion, the adjournment motion will be put to the vote without giving the mover of the original motion a right of reply on that occasion; if the adjournment motion is carried, the original motion, and/or any remaining business, will then stand over as uncompleted business until the next ordinary meeting of the Council.

26.3 If a closure motion is not carried, a similar motion may be made after every three additional councillors have spoken.

27. MISCONDUCT

- 27.1 The Provost may check a councillor for irrelevance, tedious repetition, failure to address the Chair, unbecoming language, reflections of a personal character on another member or any breach of order and may direct such councillor speaking to discontinue his or her speech.
- 27.2 In the event of persistent misconduct of a councillor by disregarding the ruling of the Provost, or behaving improperly or offensively, or using racist or sexist or unbecoming language, or wilfully obstructing the business of the meeting, the Provost may take any of the following courses of action either separately or in sequence:-
- (i) direct the councillor to refrain from speaking during the remainder of the debate on the matter under discussion;
 - (ii) move “that the councillor be not further heard” which motion will not require to be seconded, will be put to a simple vote without discussion and, if carried, the councillor named must not speak further at that meeting. If the councillor named continues the misconduct, after a motion under the foregoing paragraph has been carried, and does not heed a further warning from the Provost, the Provost is empowered to require the councillor to leave the meeting. The Council Officer will act on such order as he/she may receive from the Provost in pursuance of such action;
 - (iii) adjourn the meeting for such period as seems expedient to the Provost;
 - (iv) in the event of general disturbance, which in the opinion of the Provost renders the due and orderly despatch of business impossible, the Provost may, in addition to any other power vested in him/her, without the question being put, suspend the meeting for such period of time that he/she considers expedient.

28. PROTESTS OR EXPRESSIONS OF DISSENT

- 28.1 Without prejudice to Standing Order 20.5, no protest or expression of dissent made by any councillor or councillors will be entered in the minute of the Council.

29. MOTIONS - GENERAL

- 29.1 Every notice of motion must be in writing, signed by the councillor giving the notice ~~and countersigned by one other councillor~~. Every motion must be relevant to some matter in relation to which the Council has powers or duties or which affects the area of the Council.

- 29.2 Notices of motion must be delivered to the Chief Governance Officer at his or her office not later than 12 noon at least nine clear days before the date of the next meeting of the Council. Motions of which notice has been received after that time will neither appear on the agenda nor be moved at the meeting unless the Provost decides, in terms of section 50B(4)(b) of the 1973 Act, that the matter is one of urgency.
- 29.3 The motion may be delivered by hand, post or e-mail. Motions delivered by email will be treated as being signed if they are sent from a councillor's email ending "@falkirk.gov.uk".~~In the case of email, electronic signatures will be acceptable.~~
- 29.4 The Chief Governance Officer has power to refuse to accept any notice of motion which, by reason of any enactment, or other rule of law, or any provision in these Standing Orders, could not be considered at the meeting for which it is given. In the event of such power being exercised, the Chief Governance Officer will give written reasons to the member submitting the motion within five working days following delivery of the notice of motion in terms of Standing Order 29.2 above.
- 29.5 If the Chief Governance Officer has any doubts about any motion for reasons of propriety, he or she may refer it to the Provost.
- 29.6 If the Provost considers the motion to be vexatious, irrelevant or otherwise improper, the Chief Governance Officer will return it to the member who submitted it by noon of the third clear day after submission and will explain to the member in writing why it will not be included on the agenda. The motion will only be included on the agenda if it is resubmitted by noon on the third clear day before the date of the next meeting of the Council and is signed by at least one quarter of the members of the Council.
- 29.7 All motions considered valid by the Chief Governance Officer, and of which notice has been duly given, will be included in the agenda for the next meeting in the order in which they were received by the Chief Governance Officer.
- 29.8 If more than one such motion, in the opinion of the Chief Governance Officer, having consulted with the Provost, deals with the same subject matter, only the motion first lodged will be considered.
- 29.9 If a motion, notice of which is specified in the agenda, is not moved either by the councillor who has given the notice or by some other councillor on his/her behalf when it arises on the agenda, it will, unless postponed by leave of the meeting, be considered as dropped and may not be moved without fresh notice.
- 29.10 At the meeting, the Provost will, if need be, give a ruling as to whether the motion is relevant and/or competent.

30. MOTIONS – BUDGETS

- 30.1 Any motion or amendment which seeks to add to, take from or otherwise alter or amend the annual budgets submitted to Council shall require to take the form of an alternative budget which shall detail the cost of the proposal(s) being advanced or the savings proposed to be achieved and the consequential impact of that cost or those savings on the annual budget. Any such amendment must be submitted to the Chief Finance Officer by noon on the second last day before the meeting takes place to enable the Chief Finance Officer to consider the financial implications thereof.
- 30.2 Motions or amendments which, if approved, would involve the Council incurring revenue or capital expenditure must:-
- (i) contain information regarding the full amount of such expenditure; and
 - (i) state whether the expenditure is recurring or one-off.
- 30.3 The Chief Finance Officer shall advise, where possible, on the financial implications of such motion or amendment. In the event that the Chief Finance Officer is unable to give advice on the matter at the meeting, the matter will not be determined until such time as he/she has had the opportunity to consider the implications and give advice on them.

31. MOTIONS THAT STAND REFERRED

- 31.1 Motions submitted to Council that refer to matters within the remit of the Executive or the Education Executive will stand referred to the next available Executive or ~~the~~ Education Executive, as the case may be ~~(unless ruled out of order by the Provost)~~, and there shall be no discussion on them at the Council meeting unless:-
- (i) special circumstances exist which, in the opinion of the Provost, having consulted with the councillor who submitted the motion, the Council Leader and the Leader of the Opposition, requires an exception to be made to the general rule, or
 - (ii) two thirds of the members present at the meeting vote in favour of the matter being discussed
- 31.2 Where a motion to Council stands referred to the Executive or the Education Executive, the councillor who submitted the motion, if he or she is not a member of the Executive or the Education Executive, will be entitled to attend the Executive or the Education Executive meeting at which the motion is to be considered and to be heard on it before it is considered or debated for a period not exceeding five minutes.

- 31.3 A councillor shall not submit a motion to Council for remit to a committee if he or she is a member of that committee.

32. QUESTIONS

- 32.1 At each ordinary meeting of Council, any councillor may put questions to the Leader of the Council or to the relevant Executive Portfolio Holder on any matters relating to business transacted at any meeting of the Executive or Education Executive where the minute of that meeting is to be in the minute volume for that meeting of Council. Written notice of the question(s) must be given to the Chief Governance Officer not later than 12 noon at least seven clear days before the meeting takes place. In the event that any minute to be considered at Council has not been published, the question may be submitted no later than two working days after the minute has been made available to members of the Council.
- 32.2 Questions may also be put to the Provost on civic and related matters. Written notice of the question(s) must be given to the Chief Governance Officer not later than 12 noon at least seven clear days before the meeting takes place.
- 32.3 The Provost, having consulted with the Council leader, Leader of the opposition and the member submitting the question, will determine whether a question is of a factual nature and could reasonably be answered by an officer. If the Provost so determines, the question will not be considered as a question for the purposes of this Standing Order
- 32.4 The question will be put at the meeting by the councillor who lodged it. If that councillor is absent, another councillor may put the question on his behalf provided the original questioner has given his or her consent.
- 32.5 Questions will be answered by the Provost, Council Leader or the appropriate Portfolio Holder. The Provost will determine the order in which the questions will be answered and, in doing so, will endeavour to ensure a fair allocation of questions among Portfolio Holders. An answer may take the form of:-
- (i) a direct oral answer at Council; or
 - (ii) where the reply cannot conveniently be given orally, a written answer will be provided and circulated at the Council meeting.
- 32.6 The councillor who submitted the question may ask one supplementary question of the councillor who answered the question. The supplemental question must arise directly out of the original question or reply.
- 32.7 The Provost may disallow any supplementary question if he/she is not satisfied that it meets the requirements of Standing Order 32.6. If asked, the Provost will explain the reason for the ruling.

- 32.8 The period set aside for questions and answers will not exceed one hour, unless, in exceptional circumstances, the Provost determines otherwise. Any questions not answered within that period will receive a written response from the Council Leader or the Portfolio Holder within seven days of the meeting.
- 32.9 The minute of the meeting shall record that a formal question was asked and answered, and by whom, and (if appropriate) that a supplementary question was asked and shall refer to the subject matter of the questions and answers.
- 32.10 The foregoing Standing Order is without prejudice to the right of any councillor present at a meeting to obtain at such meeting and without prior notice such factual information as may then be available concerning any matter appearing on the agenda, subject to the reservation that the person addressed may postpone his or her reply to the next ordinary meeting should the information requested not be available.
- 32.11 If the Provost is of the opinion that a question is out of order the question will not be answered.

33. DEPUTATIONS OR DELEGATIONS

- 33.1 No deputations will be received by the Council unless an application for admission to the meeting setting out the matters on which the deputation wish to be heard is lodged with the Chief Governance Officer at least ten clear days before the meeting. Any such application will be entered in the notice calling the meeting and such meeting may agree to decline to receive the deputation.
- 33.2 Unless with leave of the meeting, the members of any deputation will not exceed five persons and only one member will be entitled to address the Council, except in reply to questions from the Provost or members of the Council.

34. CLOSE OF BUSINESS

- 34.1 Meetings of Council will generally start at 9.30a.m. (unless the Provost specifies an earlier or later time) and will last for no longer than three hours unless a motion to continue the meeting for a further specified period has been moved, seconded and voted upon without discussion, provided that no meeting will continue beyond 5p.m. on that same day (subject to the terms of Standing Order 34.2 below) unless a motion to continue the meeting beyond that time for a further specified period has been moved, seconded and voted upon without discussion.

34.2 If, at 5 p.m. (or if, in the case of a meeting having started later than 9.30 a.m. after three hours have passed) or such later time as Council shall have agreed, business remains on the agenda to be transacted, it shall be dealt with in the following manner:-

~~(i) (i) —It will be held over as uncompleted business to a future meeting of Council, the date and time to be determined by the Provost, on a motion to that effect being moved, seconded and voted on without discussion, which failing:~~

~~(ii)~~ Any motion or amendment which has been formally moved and seconded will be put to the vote by the Provost.

(ii) Any reports or motions then remaining on the agenda will be considered by the Provost in order. It will be available for a motion and amendment to be moved and seconded on each item but without discussion (provided that the Provost may allow discussion on such an item where in his/her view such discussion is necessary for the proper consideration of the item). Each item will then be put to the vote by the Provost. Items not moved and seconded will fall from the agenda.

(iii) There will be no right of reply available to the mover of any motion under this Standing Order.

34.3 Nothing in this Standing Order will prejudice the power of the Provost, at his/her discretion, to adjourn temporarily any meeting for a brief period. The time elapsed during any such adjournment will be disregarded for the purpose of calculating the period of three hours referred to in Standing Order 34.1 but will not have the effect of extending the 5 p.m. closure term specified therein (unless in the case of a meeting having started later than 9.30 a.m., in which case the meeting shall not extend beyond three hours without the agreement of Council).

35. REVOCATION OF PREVIOUS DECISION

35.1 A decision of Council cannot be reconsidered or changed within six months of being made unless:-

(i) it is required by statute, or

(ii) the Provost rules that there has been a material change in circumstances since the decision was made, or

(iii) two thirds of the members present at the meeting agree otherwise; and

(iv) in each of the cases (i) to (iii) above, notice has been given of the proposed change in the Notice for the meeting.

36. STANDING ORDERS

- 36.1 The ruling of the Provost concerning the interpretation or application of these Standing Orders shall not be challenged at any meeting of the Council.
- 36.2 The ruling of any person presiding at a meeting of any Council body shall not be challenged on the interpretation of Standing Orders relating to the meeting.
- 36.3 The Council at any of its meetings may suspend any Standing Order provided that:-
- (i) either due notice has been given, or Council agrees that it is a case of urgency; and
 - (ii) the motion to suspend a Standing Order is moved, seconded and carried without discussion by at least two-thirds of the councillors present and voting at the meeting and an absolute majority of the whole Council.
- 36.4 A meeting of the Council may only consider changes to these Standing Orders if notice of the intention is included in the Notice for the meeting.
- 36.5 Standing Orders 35 and 36 are not capable of suspension.

STANDING ORDERS 37-50 HAVE BEEN OMITTED

51. PLANNING COMMITTEE

Reservation to Council

- 51.1 It is important to note, prior to detailing the Terms of Reference and Powers of the Planning Committee, that under section 56(6A) of the 1973 Act, there is reserved to Council, the determination of all applications which fall within section 38A(1) of the Town and Country Planning (Scotland) Act 1997. These are applications which require a mandatory pre-determination hearing prior to determination and include “national developments” as set out in a National Planning Framework and major developments which are significantly contrary to the development plan. This reservation to Council is noted at paragraph 1(4) of this Scheme of Delegation to Committees.**

Terms of Reference and Powers of the Planning Committee

- 51.2. To discharge the Council’s regulatory and enforcement functions as detailed at paragraphs 51.3 to 51.9 below.**

- 51.3 In relation to development control matters, to determine applications for:-**

- (i) planning permission in relation to major and local developments in terms of section 26A(1) subsections (b) and (c) respectively of the Town and Country Planning (Scotland) Act 1997;
- (ii) listed building and conservation area consent;
- (iii) discharge, amendment or deletion of conditions;
- (iv) certificates of lawfulness of existing or proposed development;
- (v) advertisement consent;
- (vi) hazardous substances consent, and
- (vii) decisions on permitted development,

all in circumstances where:-

- (a) the application has been made by a member of the Council or by an officer involved in the statutory planning process;
- (b) determining the application (whether by grant or refusal) would result in a contravention of the development plan or a contravention of the Council’s policies, whether or not objections have been made;

- (c) it is proposed to approve the application and there is a formal objection from a statutory consultee which would trigger referral of the application to Scottish Ministers;
- (d) there has been a request from an elected member to refer any matter to committee within seven days of the periodical recommendations list being issued, in which case reasons must be stated, such reasons being included in the committee report; or
- (e) for any other reason, the Director of Development Services considers it inappropriate to consider the application under delegated powers.

**STANDING ORDERS 51.4 – 60.4 HAVE BEEN
OMITTED**

SECTION 7

SCHEME OF DELEGATION TO OFFICERS

60. The Scheme of Delegation to officers is as follows:-

- 60.1 Chief Officers are the only officers specifically empowered to act and take decisions in the name of the Council.
- 60.2 The Chief Executive is the Head of Paid Service and has authority over all other Chief Officers so far as is necessary for efficient management and for carrying out the Council's functions. His or her principal responsibilities are:-
- (i) to be the Council's principal adviser on general policy, and to ensure that all proposals are consistent with policy;
 - (ii) to make long term assessments of resources, needs and commitments and to co-ordinate advice on forward planning;
 - (iii) to ensure that the Council's policies and programmes are implemented and that the Council's staff is managed effectively having regard to statutory responsibilities; and
 - (iv) to be responsible for management of the Council's operational buildings.
- 60.3 Subject to paragraph 60.2 above, the Council's Chief Officers are answerable to the Council for the efficient management of the services provided by their staff and due performance of their statutory functions.
- 60.4 The Council's Chief Officers are hereby empowered to take operational decisions:-
- (i) discharging any of the functions of the Council except for any matters specifically reserved to Council or Committee and provided that any such decision does not alter or depart from any Council policy or any procedure which has been approved by Council or any of its Committees and is consistent with the Budget;
 - (ii) on all managerial and professional matters incidental or ancillary to the discharge of functions delegated under (i) above or relating to lawful requirements imposed on them or their staff by third parties; and
 - (iii) without exception, where an emergency requires that a decision under (i) above be taken without reference to Council or Committee .

60.5 The Council's Chief Officers may use whatever means they consider appropriate to discharge the functions of the Council allocated to or dealt with by them or their staff, including:-

- (i) incurring expenditure;
- (ii) engaging and deploying staff provided (a) that there shall be no increase in agreed staffing levels unless the increase is necessary to implement any decision of Council and (b) all matters relating to remuneration and terms and conditions of employment are conform to Council policy;
- (iii) deploying other resources within their control;
- (iv) placing contracts and procuring other resources within or outside the Council; and
- (v) determining any matter which is necessary to enable the Council to provide any service, to comply with any duty or requirement in the provision or management of any service, to assist the efficient and effective management of the Council or a function thereof or to implement any decision of the Council.

STANDING ORDERS 60.6 TO 60.24 HAVE BEEN
OMITTED

APPENDIX 4

EXTRACT FROM:

MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 18 SEPTEMBER 2015 at 3.30 p.m.

Decision

Council agreed:-

- (1) that officers will bring forward an outline action plan with a timeline for implementation by March 2016 to the Statutory meeting to be held as part of the Full Council agenda on 7th October;**
- (2) that consideration of incorporation of the following changes would further enable the Council in taking this process forward.**
 - (i) the reform of the full Council meeting to provide for proper access to be given to back bench and opposition Councillors. This would include provision for notices of motion and/or dedicated opposition time;**
 - (ii) the reform of the Executive, cutting the number of members to three portfolio holders, Leader and Depute Leader of the Administration and three opposition members;**
 - (iii) the slimmed down Executive should be the main policy development forum of the Council with regular meetings designed as development stages operating under suspension of standing orders;**
 - (iv) the reduction of portfolio holders to three to match the number of service departments not only sets an example, but is consistent with changes which have already been implemented and others which are planned within the workplace;**
 - (v) Opposition groups to have the freedom to nominate whoever they wish from within their own ranks to committees;**
 - (vi) the opposition will hold one of the places on the Health and Social Care Integrated Joint Board;**
 - (vii) Audit Scotland clearly stated that the Performance Panel must be held in public. In order to meet this condition the agenda will be merged with the main Scrutiny with adjustments between Scrutiny 1 and Scrutiny 2;**

- (viii) a full review of Standing Orders is carried out, in order to incorporate the principles of fairness and openness and to encourage complete accountability;
 - (ix) the Business Transformation Project needs the benefit of political influence and drive. It is therefore essential to incorporate cross party representation on the Project Board;
 - (x) reflecting on the Accounts Commission report and the need for elected members of all political colours to be more informed and engaged within the budget planning process makes it an essential requirement to set up a cross party budget working group;
- (3) that all of the above is considered as part of the process of improvement required following publication of the Accounts Commission Report; and
- (4) that the Leader of the Council, the Leader of the Opposition and the Provost work together with the Chief Executive to bring forward action plans to the meeting of Council on 7 October 2015.