

# **FALKIRK COUNCIL**

## **STANDING ORDERS**

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

These Standing Orders Relating to Meetings apply and have from 6 October 2010 subject to such amendments as may from time to time be made by the Council. (Consolidated Version)

## **STANDING ORDERS RELATING TO MEETINGS**

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

<b>Term</b>	<b>Meaning</b>
The 1973 Act	The Local Government (Scotland) Act, 1973
<del>The 1975 Act</del>	<del>The Local Government (Scotland) Act, 1975</del>
<del>The 1985 Act</del>	<del>The Local Government (Access to Information) Act, 1985</del>
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 <del>e</del> Etc. (Scotland) Act, 1994
The Council	Falkirk Council constituted by virtue of and incorporated under the 1994 Act
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.
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.

Convener	The person presiding at a Committee or Sub-Committee, duly appointed by the Council.
Depute Convener	The person presiding at a Committee or Sub-Committee in the absence of the Convener, duly appointed by the Council.
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.
<del>The National Code of Local Government Conduct</del>	<del>The code of recommended practice issued by the Secretary of State for Scotland under Section 31 of the Local Government and Housing Act, 1989.</del>
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.
Chief Officer	A statutory or non-statutory chief officer, as defined in Section 2 of the 1989 Act.
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.
Proper Officer	The person 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.
Committee	A Committee of the Council.
Sub-Committee	A Sub-Committee of a Committee.
Joint Boards	The Central Scotland Joint Police Board, the Central Scotland Joint Fire Board and the Central Scotland Joint Valuation Board.

Clerk	The person attending a meeting to act as Clerk to the Council, or any of its Committees and Sub-Committees.
<del>Political Group</del>	<del>Any group of Councillors who have given due notice to the Proper Officer and who satisfy the definition of such a group as contained in Sections 15 and 16 and Schedule 1 of the 1989 Act, and the definition contained in Paragraph 2 of the Local Authorities Etc (Allowances) (Scotland) Regulations 1991.</del>
<del>Leader of a political group</del>	<del>The leader of a group as defined in Paragraph 2 of the Local Authorities Etc (Allowances) (Scotland) Regulations 1991.</del>
<del>Leader of the Council</del>	<del>The leader of the group or groups which form the Administration of the Council. <u>Councillor designated as Leader for the purposes of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007</u></del>
<del>Majority Group</del>	<del>A political group to which belong:-  (i) more than half of the Members of the Council; or (ii) exactly half of the Members of the Council, including the Provost; or (iii) the largest number of Members of the Council.</del>
<del>Minority Group</del>	<del>A political group which:-  (i) where there is a majority group among the Members of the Council, is not that majority group; (ii) in any other case, is recognised as such by the Council.</del>
<del>Pecuniary interests</del>	<del>Those interests whether direct or indirect which satisfy the prescribed information detailed in the Schedule attached to the Local Authorities (Members' Interests) Regulations 1992, as amended.</del>
<del>General notice of pecuniary interests</del>	<del>A notice required to be given by a Councillor to the Proper Officer in terms of and in accordance with the time limits contained within the Local</del>



	<del>Authorities (Members' Interests) Regulations 1992, as amended.</del>
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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.
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### 3. CONDUCT OF MEMBERS

~~3.1 All Councillors must have regard to the National Code of Local Government Conduct which represents the standard against which Councillors will be judged both by the public and by fellow Councillors as required by Section 33A of the 1973 Act. Councillors must also have regard to the agreed Falkirk Council Code of Conduct for Members and Officers.~~

## **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 the Depute Provost of the Council;
- (iii) Resolve what Committees will be appointed, the terms of reference of each of those Committees and the number of voting Members each Committee will have;
- (iv) Appoint the Members of the Committees and any Standing Sub-Committees of the Council and of Joint Boards;
- (v) Appoint Conveners and Depute Conveners of the Committees and any Standing Sub-Committees of the Council;
- (vi) Appoint the Members of the Licensing Board;

~~(vii) Appoint ex officio Justices of the Peace;~~

(viii) Appoint representatives to certain other outside bodies insofar as such appointments may competently be made at this meeting;

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

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 ~~5.5~~—No adjournment of the statutory meeting will take place to a date later than twenty-one days from the date of the Election.

5.6 The Provost and, where appointed, the Depute Provost will hold office until the date of the next election of Councillors unless:-

(a) otherwise decided by the Council by resolution following a Notice of Motion in terms of Standing Order 28, or

(b) the Provost delivers to the Chief Executive a letter of resignation from office and the date on which such will take effect.

## **6. ORDINARY MEETINGS**

6.1 All meetings of the Council will 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, either of them 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.

## **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 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 posting a notice at the Council's Offices at least three clear days before the meeting or, if the meeting is convened at shorter notice, at the time the meeting is actually convened.
- 8.2 The Notice of Meeting 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.
- 8.3 Notice To Councillors: The Chief Governance Officer will give notice of meetings to all Councillors by posting or delivering a Notice to them at their usual place of residence:-
  - (i) at least three clear days before the meeting, or
  - (ii) if the meeting is convened at shorter notice, at the time the meeting is actually convened.
- 8.4 Councillors should notify the Chief Governance Officer in writing if the Notice is to be sent to an address other than their usual place of residence.
- 8.5 Want of service of a Notice on any Councillor will not affect the validity of a meeting.
- 8.6 The Notice of Meeting 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, unless special circumstances exist for non-availability of any Report, which circumstances will be stated on the face of the Notice.

8.7 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 Order 8.6 above to the head office of local newspapers and to public outlets owned by the Council:-

- (i) at least three 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.

8.8 Where a special meeting has been requisitioned by Members of the Council in terms of Standing Order 7.1(iii), the Members calling the meeting will sign the Notice of the Meeting.

## **9. THE AGENDA**

9.1 Each item of business to be transacted at a meeting will be noted on the Agenda which will be signed by the Chief Executive or the Chief Governance Officer. 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 offices of the Council at least three 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;
- (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 of 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”.

9.8 The requirement for Reports to accompany Agenda items will not apply to the Agenda of Scrutiny Committees of the Council, unless the Policy and Resources Committee so require in any instance.

## **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 30.
- 10.3 ~~Nothing in these Standing Orders will require the Council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.~~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.

## **11. NON-ATTENDANCE OF MEMBERS**

- 11.1 Should a Member of the Council be unable to attend a meeting for whatever reason, (s)he 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 prior to 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, (s)he 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 or Sub-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 at the Council meeting and, in the absence of both, the Proper Officer or Chief Executive will preside over the meeting until the Council appoints a Convener from amongst its numbers.

### 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 any business not considered at the adjourned meeting will be postponed to and considered at the reconvened meeting.

### ~~14. DECLARATIONS OF INTEREST AND EXCLUSION OF MEMBERS FROM MEETINGS~~

- ~~14.1 If any Councillor has a direct or indirect pecuniary interest in any contract, proposed contract, or other matter being discussed at a meeting, he or she must declare the interest and leave the meeting until the matter has been dealt with.~~
- ~~14.2A Councillor must disclose at a Council meeting any non-pecuniary interest (s)he has in any matter being discussed at a meeting, which falls within the categories described in the National Code of Local Government Conduct. However, the Member may remain, speak and vote unless the interest is clear and substantial.~~
- ~~14.3 If the interest is clear and substantial, the Councillor may remain, speak and in some cases vote, in the circumstances described in the National Code of Local Government Conduct. The Member must still disclose the interest.~~
- ~~14.4 When a Councillor declares an interest at a meeting, (s)he should state clearly the specific nature of the interest. The Councillor's name, the nature of the interest and whether or not the Councillor remained in the meeting, took part in the debate or voted, will be included in the minutes.~~
- ~~14.5 If a Councillor is affected by the provisions of Section 112 of the 1992 Act (Councillors with Council Tax arrears who are precluded from voting on financial matters), (s)he must declare that fact at any meeting dealing with the setting of the Council Tax or other relevant issues referred to in that Section of the Act, and must not vote on any question with respect to that matter.~~

~~14.6 In advance of any meeting, advice may be sought from the Chief Governance Officer on the terms of the National Code of Local Government Conduct and how it may affect any Councillor in any particular circumstances.~~

### **SECTION 3**

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

##### **15.15 ORDER OF BUSINESS**

15.1 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 above:

- (i) The sederunt will be taken by way of calling the roll and any apologies intimated and noted;
- (ii) The minutes of the last ordinary meeting and of any special meeting of the Council since held will be held as read, corrected, if need be, and approved;
- (iii) Submission of the Information Bulletin and Volume of Minutes;
- (iv) Questions submitted in accordance with Standing Order 29;
- (v) Public announcements by the Provost regarding matters of immediate local concern;
- (vi) Recommendations from Committees;
- (vii) New business;
- (viii) Motions of which notice has previously been given in accordance with Standing Order 30;
- (ix) Business required by statute to be disposed of at the meeting; including authority for execution of deeds.

15.2 The order of business in items (i) and (ii) of Standing Order 15.1 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.

## **16.16. MINUTES**

- 16.1 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.
- 16.2 The Provost will put the question that the minutes of the meeting of the Council held on the ..... day of ..... will be approved as a true record.
- 16.3 There will be no discussion of the minutes except on their accuracy. Any question of accuracy must be raised by motion and voted on without discussion. No written notice of motion is required. The Provost will sign the minutes once they are deemed accurate.
- 16.4 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.

## **RULES OF DEBATE**

### **17. RESPECT FOR THE CHAIR**

- 17.1 At all Meetings of the Council, there will be a duty on the Provost to preserve order and to ensure that every Member has a fair hearing.
- 17.2 As a matter of courtesy, a Councillor, when speaking, should stand and address the Provost. If two or more Councillors rise, the Provost will call on one to speak; the other or others will then sit. When a Councillor is speaking, all other Councillors will remain seated, unless rising to a point of order or in personal explanation. When the Provost rises, any Councillor then standing will resume his or her seat and no Councillor will rise until the Provost has resumed his or her seat.

### **18. POINTS OF ORDER, PERSONAL EXPLANATIONS AND PERSONAL ATTACKS**

- 18.1 On a point of order, a Councillor will be heard forthwith. Any other Councillor then speaking must give way. A point of order must relate only to an alleged breach of a Standing Order or statutory provision, and the Councillor must specify the Standing Order or statutory provision, and the way in which (s)he considers it has been contravened. The Councillor's remarks must be confined to the point of order.



- 18.2 On a point of personal explanation, a Councillor who has previously spoken on an item of business may rise and, with the consent of the Provost, speak in personal explanation. The Member will be heard forthwith if consent is given and any other Councillor then speaking will give way. A point of personal explanation must be confined to some material part of a former speech by him/her, which may appear to have been misunderstood in the present debate, or as to some statement or act wrongly attributed to him/her. Making such explanation, the Councillor must confine his/her remarks strictly to that point and must not refer to other matters, nor endeavour to elaborate a former speech by new arguments, or reply to other Councillors.
- 18.3 The Provost will consent to a Councillor giving an immediate personal explanation if he/she is abused, misinterpreted or unfairly accused of a misdemeanour by another Councillor. The Councillor's response must relate only to the part of the previous Councillor's speech which abuses, misinterprets or unfairly accuses him or her.
- 18.4 In the event of the Provost ruling against the admissibility of a point of order or personal explanation under Standing Order 18.1 or 18.2 he/she will give reason for the ruling.

## **19. MOTIONS AND AMENDMENTS**

- 19.1 A motion or amendment will not be discussed or put to the meeting unless it has been moved and seconded.
- 19.2 If requested by the Provost, the mover of a motion or amendment will put it in writing and hand it to the Provost before it is discussed or put to the vote.
- 19.3 A Councillor must direct any speech strictly to the question under discussion or to a personal explanation or to a point of order.
- 19.4 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.
- 19.4A Any motion or amendment which seeks to add to, take from or otherwise alter or amend the annual budgets submitted to Council ~~by the Chief Finance Officer~~ (relating to the Revenue Budget, the General Services Capital Programme, the Housing Revenue Account and Council House Rents and the Housing Investment Programme) 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 ~~the budget as submitted by the Chief Finance Officer.~~

- 19.5 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.
- 19.6 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.
- 19.7 A Councillor may only alter the text of his or her motion with the consent of the Provost. The alteration must amend the motion and not be an entirely new motion. If the motion has been moved and seconded, the seconder must also give consent to the alteration.
- 19.8 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.
- 19.9 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.
- 19.10 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. SPEECHES**

- 20.1 Each Councillor will introduce his or her speech by indicating whether (s)he is speaking in support of the motion or the amendment or introducing it.
- 20.2 Except with the consent of the Provost, a speech must not exceed:-
- (i) ten minutes, when a Councillor is moving an original motion or an amendment, or is seconding a motion or amendment; and

(ii) five minutes in any other case.

- 20.3 A Councillor must direct his or her speech to:-
- (i) the question under discussion, or
  - (ii) a personal explanation or a point of order.
- 20.4 A Councillor may only speak once during the debate on an item of business to either:-
- (i) move an amendment or motion, or
  - (ii) second or speak to an amendment or motion moved by another Member.
- 20.5 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.
- 20.6 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. 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 or her final right of reply.
- 20.7 After the mover of the motion has exercised his/her final right of reply, no other Councillor may speak to the question which will then be put by the Provost.

## **21. VOTING**

- 21.1 Unless dispensed with by the Provost, the Clerk will read out to the meeting the terms of the motion and the amendment. Thereafter the Clerk will:-
- (i) call for votes for the amendment, and subsequently
  - (ii) call for votes for the motion.

- 21.2 The Clerk will then announce the result of the vote on the basis of a simple majority of those voting.
- 21.3 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.
- 21.4 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 Clerk will call over the names of all the Councillors and will record in the minutes of the meeting the names of those:-
    - (a) voting for or against the motion or amendment; or
    - (b) abstaining from voting, or
    - (c) absent from the meeting when the vote was taken.
  - (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.
- 21.5 If, immediately after a vote is taken, a Councillor requests his or her vote to be recorded, there will be noted in the minute of the meeting whether the Councillor:-
- (i) cast his or her vote for or against the question, or
  - (ii) abstained from voting,
- except in any case where the vote is taken by roll call.
- 21.6 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 as detailed in Standing Order 23.

## **22. VOTING ON APPOINTMENTS**

- 22.1 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, (s)he will be declared as elected.

- 22.2 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. THIRD PARTY INTERESTS**

- 23.1 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 22, 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.
- 23.2 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.

## **24. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

- 24.1 The following motions and amendments may be moved without notice to:-
- (i) appoint a Chair of the meeting;
  - (ii) question the accuracy of the minutes;
  - (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 named under Standing Order 26 be not further heard or do leave the meeting;
- (xiii) give consent of the Council where consent is required by these Standing Orders;
- (xiv) grant urgent action powers.

## **25. MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS**

25.1 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;
- (iv) closure motions under the following paragraph.

25.2 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.

- 25.3 If a closure motion is not carried, a similar motion may be made after every three additional Councillors have spoken.

## **26. MISCONDUCT**

- 26.1 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.

- 26.2 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 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 ~~named~~ 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 (s)he 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.

## **27. PROTESTS OR EXPRESSIONS OF DISSENT**

- 27.1 Without prejudice to Standing Order 19.4, no protest or expression of dissent made by any Councillor or Councillors will be entered in the minutes of the Council.

## **28. NOTICES OF MOTION INTENDED FOR CONSIDERATION AT NEXT MEETING**

- 28.1 Every notice of motion must be in writing and signed by the Member giving the notice. Every motion must be relevant to some matter in relation to which the authority has functions or which affects the area of the Council. The Provost will, if need be, give a ruling as to whether the motion is relevant.

- 28.2 Every such notice must be delivered to the Chief Governance Officer at his or her office not later than 12 Noon at least seven clear working days before the date of the next meeting of the Council, otherwise it will not appear on the Agenda for such meeting. The motion may be delivered by hand, post or fax but not e-mail.

29.128.3 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 28.2 above.

29.228.4 If the Chief Governance Officer has any doubts about any motion for reasons of propriety, he or she may refer it to the Provost.

- 28.5 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 working 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 fourth working day before the date of the next meeting of the Council and is signed by at least one quarter of the whole Members of the Council.

- 28.6 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, who will record both the date and time of receipt on the original notice.
- 28.7 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.
- 28.8 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. QUESTIONS**

- 29.1 Any Councillor may put a question relevant to the business of the Council:-
- (i) to the Provost as to matters of fact relating to an Agenda item, or
  - (ii) to the Chief Governance Officer as to a point of law or procedure,
- provided that the Councillor must have given the question in writing to the Chief Governance Officer not later than 10.30 a.m. on the last working day prior to the day of the meeting.
- 29.2 The Provost will decide whether any question is to be answered orally or in writing at the Council meeting. Questions and any written answers will be reproduced and numbered in the order in which they have been received and will be made available to the Members of the Council at the commencement of the meeting.
- 29.3 Arising from each answer given, two supplementary questions, for clarification of the answer given, may be put by the Councillor who asked the original question and the supplementary questions will be answered orally by the Provost or by the Chief Governance Officer or by such other Officer as the Provost may direct.
- 29.4 If the Provost is of the opinion that a question is out of order the question will not be answered.
- 29.5 Written questions and any written answers will be recorded in the minute. The key points of any oral answers will also be recorded in the minute.

29.6 In this Standing Order, the expression “written question” includes a series of written questions asked by the same Member all dealing with one subject or with subjects, which in the opinion of the Provost, are so closely related as to be regarded as one subject.

29.7 Standing Order 29.1 is without prejudice to the right of any Member present at any meeting of the Council to obtain at such meeting and without prior notice such 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.

~~30.1~~29.8 In addition to, and without prejudice to, the above provisions of this Standing Order, any Member may put, without notice, a question to the Provost at any ordinary meeting of the Council, on any matter contained in the Volume of Minutes of Committees or the Council Information Bulletin circulated to Members, provided that:-

- (i) any question requiring a detailed response or which cannot be answered immediately will be continued to the next ordinary meeting of the Council unless in the interval it has been disposed of otherwise, and
- (ii) it will not be competent for any Member to move a motion on any such matter which has been the subject of a decision made under delegated powers in terms of the Scheme of Delegation to Committees, Sub-Committees and Officers if that motion seeks to rescind, alter, amend or recall any such decision.

### **30. DEPUTATIONS OR DELEGATIONS**

30.1 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 10 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.

30.2 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.

## **31. CLOSE OF BUSINESS**

31.1 Meetings of Council will generally start at 10.30a.m. (unless the Provost specifies an earlier or later time) and will last for no longer than 3 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 section 31.2 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.

31.2 If, at 5 p.m. 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:

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

31.2.2 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.

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

31.3 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 3 hours referred to in Standing Order 31.1 but will not have the effect of extending the 5p.m. closure term specified therein.

## **32. RESCINDING/REVOCATION OF PREVIOUS DECISION/RESOLUTION**

32.1 No decision of the Council may be reconsidered and, except where required by statute, no item of business the same or substantially the same as one previously determined by the Council may be discussed by the Council within six months of the date of the making of the previous decision or determination of the item, except when two-thirds of the Members present and voting and an absolute majority of the whole Council agree otherwise.

### **33. STANDING ORDERS**

- 33.1 The ruling of the Provost concerning the interpretation or application of these Standing Orders shall not be challenged at any meeting of the Council.
- 33.2 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.
- 33.3 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.
- 33.4 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.
- 33.5 Standing Orders 32 and 33 are not capable of suspension.

## **SECTION 4**

### **CONSTITUTION, MEETINGS AND PROCEEDINGS** **OF COMMITTEES AND SUB-COMMITTEES**

#### **34. COMMITTEES**

34.1 At its Statutory Meeting, the Council will appoint:-

- (i) Standing Committees, together with any other bodies required for statutory purposes. The powers of the Committees will be set out in their terms of reference,
- (ii) A Convener, Depute Convener and Members for each, with the exception of the Audit Committee.

34.2 The number of Members on each Committee and the quorum for each will be as set out below:-

#### **STANDING COMMITTEES**

<b>Committee</b>	<b>Membership</b>	<b>Quorum</b>
Policy and Resources Committee	8	3
Education Committee	12 plus 3 representatives of denominational bodies as required by Section 124 of the <del>1973</del> 1994 Act; <del>2-parental, non-</del> <del>voting</del> representatives teachers nominated from the serving staff of schools, 2 parental representatives nominated by the Parents' Forum and 2 non- voting young people to be nominated by the Falkirk Schools' Council	4 elected Members
Environment and Community Safety Committee	12	4

Economic Strategy and Development Committee	12	4
Leisure, Tourism and Community Committee	12	4
Housing and Social Care Committee	12	4
Planning Committee	12 except when conducting a pre- determination hearing required by s 38A of the Town and Country Planning (Scotland) Act 1997 when the membership will comprise all elected members of Council	4 except when conducting a pre- determination hearing required by s 38A of the Town and Country Planning (Scotland) Act 1997 when the quorum will be quarter of the membership
Planning Review Committee	5 The Convener and Depute Convener of the Planning Committee, ex officio, with 3 others drawn from the remaining members of the Planning Committee on a rota basis	3
Civic Licensing Committee	10	4
Audit Committee	7 6 Elected Members and 1 Lay Member	4
Appeals Committee	8	3
<del>Investment Pensions</del> Committee	6 <u>Elected Members and 3 Lay Members</u>	<u>4</u> <del>3</del>
Appointments Committee	6 Plus the Convener of the relevant Scrutiny Committee on an ad hoc basis	3

	where he/she is not already a Member of the Committee; where there is more than one Scrutiny Committee to which the appointee would principally report, the Conveners should agree amongst themselves which Member will attend.	
<del>Consultative Committee</del>	<del>6</del>	<del>3</del>
Emergency Committee	The Members of the Policy and Resources Committee	3
Bo'ness Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3
Denny and Dunipace Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3
Falkirk Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3
Grangemouth Common Good Fund Committee	The Provost, Depute Provost and Members of the former Burghal area	3

34.3 The Education Committee, the Environment and Community Safety Committee, the Economic Strategy and Development Committee, the Leisure,



Tourism and Community Committee and the Housing and Social Care Committee are collectively referred to as the Council's 'Scrutiny Committees'.

34.4 (i) The Convener of the Policy and Resources Committee will be the Convener of the Emergency Committee.

(ii) The Convener and Depute Convener of the Planning Committee will be the Convener and Depute Convener of the Planning Review Committee.

34.5 The Council may appoint special Committees for such purposes as it may from time to time consider expedient.

34.6 The Policy and Resources Committee may at any time appoint Sub-Committees or panels and may authorise the appointment of such Sub-Committees and panels by any of the Scrutiny Committees. Such bodies' terms of reference and the delegation of any powers to them must be explicit and within the appointing Committee's terms of reference.

34.7 A Member of a Sub-Committee or panel must be a Member of the Committee appointing it.

34.8 With the exception of the Common Good Fund Committees and from time to time the Planning Review Committee, Membership of all Committees and Sub-Committees will reflect the political balance of the Council. Seats allocated to Political Groups will be as resolved by the Council at the Statutory Meeting or at any other meeting of the Council as required to comply with the provisions of the 1989 Act or any Regulations made thereunder.

34.9 The Chief Governance Officer is authorised to appoint, nominate and convene Committees, boards and panels for specific statutory purposes. These include:-

~~(i) Council Tax and Housing Benefit Review Boards;~~

~~(ii) Access to Personal Files Review Boards (Education, Housing and Social Work);~~

~~(iii)(i)~~ Complaints Review Committee (Social Work);

~~(iv)(ii)~~ Education Appeals Committee;

~~(v)(iii)~~ Appointments Committee (Education);

~~(vi)(iv)~~ Attendance Committee (Education).

(v) Planning Review Committee

~~34.10 The Council is the lead Council among Falkirk, Stirling and Clackmannanshire Councils in respect of the following statutory Committees:-~~

~~(i) Joint Advisory Committee on the Inspection of Residential Care Establishments,~~

~~(ii) Joint Children's Panel Advisory Committee.~~

~~The Chief Governance Officer is authorised to appoint, nominate and convene these Committees or to liaise with the other two Councils in so doing.~~

(i)34.11 The Chief Governance Officer will appoint, nominate and convene the bodies referred to in Standing Orders 34.9 ~~and 34.10~~, and like bodies, in accordance with their statutory framework. These bodies will follow the procedure that is suitable to the subject matter being considered and will not otherwise be bound by the procedures for meetings set out in these Standing Orders. They will usually be required to observe the principles of natural justice and to follow a set procedure.

34.12 Meetings of the Appeals Committee and the Appointments Committee will follow procedures which are set out by the Chief Governance Officer and which will conform to the principles of good employment practice. Those Committees will not otherwise be bound by the procedures for meetings set out in these Standing Orders.

34.13 The Council and its Committees and Sub-Committees can establish other informal advisory or consultative bodies, which are not Council Committees or Sub-Committees. They may also establish working groups which may include both officer and Member representation.

34.14 With exception of the Planning Review Committee and the Audit Committee, the Members of each Committee referred to in Standing Order 34.2 and the Conveners and Depute Conveners thereof:-

(i) will be appointed by the Council at the Statutory Meeting of the Council in terms of Standing Order 5, and

(ii) will hold office until the date of the next election of Councillors, unless:-

(a) otherwise decided by the Council by resolution following a Notice of Motion in terms of Standing Order 28, or

(b) an individual Councillor delivers to the Chief Executive a letter of resignation specifying the particular office from which (s)he is resigning and the date on which such resignation will take effect.

34.14(A)

~~1. The Provost will be appointed by the Council at the Statutory Meeting of the Council in terms of Standing Order 5; and~~

~~(ii) Will hold office until the date of the next election of Councillors unless:-~~

~~(a) otherwise decided by the Council by resolution following a Notice of Motion in terms of Standing Order 28, or~~

~~(b) the Provost delivers to the Chief Executive a letter of resignation from office and the date on which such will take effect.~~

~~2. The above provision relating to the Provost will also apply to the Depute Provost if the Council has elected a Depute Provost.~~

34.14(AB) The Convener of the Audit Committee shall be a lay person appointed following a public recruitment exercise and will hold office for a period to be agreed by Council.

34.15 The Conveners and Depute Conveners of Sub-Committees will be appointed by the parent Committee of that Sub-Committee.

34.16 Standing Committees and any Sub-Committees will meet in accordance with the programme based on a cycle approved by the Council, such programme to be drawn up by the Chief Governance Officer and intimated to all Councillors and Chief Officers, provided that Members of the Scrutiny Committees may agree to meet on a more frequent basis if the nature of the business to be considered and the timescale for completion of that business so requires.

34.17 Any Member elected as the result of a By-election should fill the vacancies on Committee created by the circumstances leading to the By-election until the first meeting of Council following the By-election, but only where the Member is of the same political group as the Member whose demission of office created the By-election.

## **35. CONDUCT OF MEETINGS AT COMMITTEES**

35.1 Meetings of Committees and any Sub-Committees will be conducted in accordance with Standing Orders 8 to 14, 16 to 29.7 and 30 to 32, subject to the following amendments:-

(i) all references to "Provost" and "Depute Provost" will be read as "Convener" and "Depute Convener" respectively;

- (ii) the quorum for any meeting will be as set out in Standing Order 34.2 and, in the case of a Sub-Committee, by the parent Committee appointing it;
- (iii) at any meeting of the Planning Committee, the Convener may extend the period for transaction of business if (s)he considers that it will enable the Committee to complete its business;
- (iv) the time limit for meetings will not apply to the Appeals Committee, the Appointments Committee or any of the bodies referred to in Standing Orders 34.9 and 34.10;
- (v) no report need accompany an item on the Agenda for any of the Scrutiny Committees unless:-
  - (a) the Policy and Resources Committee issues a prior written direction to that effect, or
  - (b) the item on the Agenda requires consideration by the Committee of recommendations from officers;
- (vi) the Convener of any of the Scrutiny Committees may, in the interests of securing open debate, dispense in regard to any item on the Agenda with the requirements respecting rules of debate, procedural motions and points of order and will announce to the meeting that (s)he is so dispensing. Any such dispensation will be minuted and may be recalled by the Convener should the requirements of good order and expeditious dispatch of business require it. The aim of the Scrutiny Committees is for the Convener to conduct the meeting in a manner which will encourage interest and participation and without unnecessary formality such as would inhibit or discourage involvement.
- (vii) A Councillor may attend any Council Committee, Sub-Committee or panel meetings, even when they are not appointed to them, but they cannot vote. They may attend all parts of the meeting, whether or not the Committee has excluded the press and public, with the following exceptions:-
  - (a) Councillors who are not appointed Member of the Appeals Committee, Appointments Committee may not attend any part of these meetings;
  - (b) Councillors who are not appointed Members of any of the bodies referred to in Standing Orders 34.9 and 34.10 may not attend any part of these meetings;
  - (c) where the Councillor is not a Member of the Committee, Sub-Committee or panel, (s)he should sit in the public gallery so

that it is clear to the public that the Member is not part of the body taking the decisions.

- (viii) Where a Councillor has a right to attend a Committee, Sub-Committee or panel under Standing Order 35.1(vii), (s)he may speak at a meeting subject to:-
  - (a) giving notice to the Convener of the meeting of the matters the Councillor wishes to speak about, at least 24 hours before the start of the meeting, and
  - (b) the Convener giving his or her consent.

### **36. ORDER OF BUSINESS AT SCRUTINY COMMITTEES**

36.1 The business of the Scrutiny Committees will proceed in the following order and subject to its division into Parts I, II and III as referred to in Standing Order 9.4:-

- (i) The sederunt will be taken and any apologies intimated and noted;
- (ii) The minutes of the last meeting will be held as read, corrected if need be, and approved;
- (iii) Written questions submitted in accordance with Standing Orders 29.1 to 29.7;
- (iv) Motions of which notice has previously been given in accordance with Standing Order 28 will be considered in the order in which such notices were received by the Chief Governance Officer;
- (v) Business required by statute to be disposed of at the meeting;
- (vi) Statement by the Convener of the remit of the meeting as decided by Council or the Policy and Resources Committee;
- (vii) Presentations and submission of any Reports;
- (viii) Statements of any expert witnesses accepted as such by the Convener (whose decision will be final);
- (ix) Debate/discussion;
- (x) Voting thereon.

The order of business in items (i) and (ii) may not be changed but the order and content of any other business may be varied at the discretion of the Convener.

### **37. SPECIAL PROVISIONS IN THE EVENT OF THE USE OF THE CONVENER'S DISPENSING POWER**

37.1 In the event of the Convener utilising his dispensing power in terms of Standing Order 35.1(vi), the following provisions will apply (but only for as long as the dispensation remains unrecalled):-

- (i) No substantive motions or amendments will be tabled or discussed (save those in respect of which prior notice has been given);
- (ii) No procedural motions will be moved, except to shorten or curtail business;
- (iii) No question will be asked of the Convener except:-
  - (a) those of which prior written notice has been given, and
  - (b) those relevant to the business before the meeting, the matter of relevancy being one for the Convener in his or her sole discretion to decide;
- (iv) No point of order will be raised.

### **38. MINUTES**

38.1 The minute of a meeting of a Committee will be submitted to the next ensuing ordinary meeting of the Committee at which it will be held as read, corrected if need be, and where held to be a true record of the proceedings of the meeting to which it relates, will be signed by the person presiding at that next ensuing meeting.

38.2 The minute of a meeting of a Sub-Committee will be:-

- (i) submitted to the next meeting of the parent Committee for noting, and
- (ii) submitted to the next following meeting of the Sub-Committee at which it will be held as read, corrected if need be, and where held to be a true record of the proceedings of the meeting to which it relates, will be signed by the person presiding at that next following meeting.

### **39. REPRESENTATIVES – EDUCATION COMMITTEE**

39.1 In addition to the persons referred to in Section 124 of the 1973 Act as being entitled to be Members of the Education Committee, ~~six~~two other persons will be invited to sit on the Committee.

39.2 The ~~six~~two additional Members will be:-

39.3 (a) two drawn from the pool of serving teachers employed within schools managed by the Council and will be nominated ~~and appointed~~ by their peers:-

(b) two current pupils attending a secondary school managed by the Council nominated by the Falkirk Schools Council; and

(c) two parents of pupils attending a school managed by the Council and nominated by the Parents' forum.

~~39.3~~39.4 The ~~six~~two Members referred to in Standing Order 39.2 will not be entitled to vote on any matter before the Committee but will otherwise have the same rights as elected Members.

#### **40. SPECIAL MEETING**

40.1 The requirement to hold a Special Meeting of any Committee, except the Emergency Committee, will be determined by the Chief Governance Officer. Notice of the time and place of the meeting and the business to be transacted will be in terms of Standing Orders 8 and 9.

## **SECTION 5**

### **MISCELLANEOUS MATTERS**

#### **41. DISCLOSURE OF INFORMATION**

- 41.1 Information, whether contained in a document or otherwise, which is confidential information within the meaning of Section 50A(2) of the 1973 Act, must not be disclosed to any person by any Member or officer.
- 41.2 The full or any part of a document marked “Not for Publication by virtue of the appropriate Paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973” must not be disclosed to any person unless or until the document has been made available to the public or the press under Section 2 of the 1973 Act.
- 41.3 Any information regarding proceedings of the Council or a Committee or Sub-Committee from which the public have been excluded must not be disclosed to any person unless and until such disclosure has been authorised by the Council or Committee or Sub-Committee or the information has been made available to the public or the press under Section of the 1973 Act.
- 41.4 Without prejudice to the ~~National Code of Local Government~~Councillors’ Code of Conduct and to Paragraphs (2) and (3) of this Standing Order, no Councillor shall use or disclose to any person any confidential and/or exempt information coming to his or her knowledge by virtue of his or her office as a Councillor where such disclosure would be to the advantage of the Councillor or of anyone known to him or her, or which would be to the disadvantage or discredit of the Council or anyone else.

#### **42. APPOINTMENT OF STAFF (GENERAL)**

- 42.1 In accordance with the provisions of Section 7 of the 1989 Act, all appointments of staff will be made on merit, subject, however, to the provisions of those Acts specifically mentioned in Section 7(2) of the 1989 Act.
- 42.2 The Council will comply with any Regulations made by the Secretary of State imposing a duty to adopt Standing Orders with respect to staff as contained in Section 8 of the 1989 Act.



### **43. APPOINTMENTS MADE BY MEMBERS**

- 43.1 The appointment of the Chief Executive, Chief Officers, ~~and~~ their Heads of Service and Depute Chief Officers will be undertaken by a Committee and/or panel made up of Councillors. All appointments made below Heads of Service or Depute Chief Officer level will be made by the relevant Chief Officer in consultation, if necessary, with other relevant Chief Officers.

### **44. EXECUTION OF DEEDS AND COMMON SEAL**

- 44.1 Except where statute expressly requires otherwise, deeds requiring to be sealed by the Council will be sealed with the Common Seal of the Council and signed on its behalf by the Chief Executive or the Chief Governance Officer, ~~or the~~ Depute Chief Governance Officer ~~Head of Legal Services~~ or the Legal Manager(s).
- 44.2 The Common Seal of the Council will be kept by the Chief Governance Officer who will be responsible for its safe custody and use.
- 44.3 An entry of the sealing of every deed and other document to which the Common Seal has been affixed will be made by the Chief Governance Officer in a register kept for this purpose and the officer subscribing the deed or the document on behalf of the Council will also sign against the appropriate entry in the register.
- 44.4 The Chief Executive, the Chief Governance Officer and the ~~Head of Legal Services~~ Depute Chief Governance Officer will have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

### **45. REGISTER OF MEMBERS AND COMMITTEE MEMBERSHIP**

- 45.1 The Chief Governance Officer will maintain on behalf of the Council a current Register stating:-
- (i) the name and address of each Member of the Council and the ward which (s)he represents;
  - (ii) the date when any Councillor ceases to be a Member of the Council;
  - (iii) the name of every Member of each Committee or Sub-Committee for the time being; and
  - (iv) the date of appointment to and resignation from such Committee or Sub-Committee.

## **46. CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS**

- 46.1 The Council will make Contract Standing Orders and may make Financial Regulations for the regulation of the making by it or on its behalf of contracts and for the proper planning, execution and control of its financial affairs and such Standing Orders and Regulations will form part of these Standing Orders and will be read with them and with any Scheme of Delegation made by the Council.
- 46.2 Contract Standing Orders and Financial Regulations made by the Council in terms of this Standing Order will apply to Committees, Sub-Committees, Members of the Council, Officers and certain Agents of the Council as appropriate, (the question of whether any person or body is an “Agent” of the Council being determined by the Chief Governance Officer whose ruling will be final).

## **~~47. PROHIBITION OF SMOKING~~**

- ~~47.1 No smoking will be permitted during any Council meeting.~~