

***East Renfrewshire Council***  
***Standing Orders***

**Approved by Council 11 September 2019**

**With effect from 30 September 2019**

Standing Orders  
of the  
East Renfrewshire Council

1. These Standing Orders are made by the East Renfrewshire Council in terms of powers conferred on the Council by paragraph 8 of Schedule 7 to the Local Government (Scotland) Act 1973.
2. The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.
3. These Standing Orders shall apply and have effect on and after 30 September 2019.

**DEFINITIONS**

4. In these Standing Orders, the following words and expressions shall have the following meanings:-

“The 1973 Act” means the Local Government (Scotland) Act 1973 as amended

“The 1989 Act” means the Local Government and Housing Act 1989

“The 1994 Act” means the Local Government etc. (Scotland) Act 1994

“Council” means the East Renfrewshire Council incorporated under the 1994 Act

“Member” means:

- a) in relation to the Council a Member elected at an election, bye-election or elected to fill a Council vacancy and who has made a Declaration of Acceptance of Office in terms of Section 33A of the 1973 Act; and
- b) in relation to any committee or sub-committee, a person appointed as a member of that committee or sub-committee whether or not entitled to vote.

“Chief Officer” means a statutory or non-statutory chief officer as defined in Section 2 of the 1989 Act.

“proper officer” means the person designated for a specific purpose by the Council in the Council’s Scheme of Delegated Functions.

“The Councillors’ Code of Conduct” means the code of conduct issued under Part 1 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

<u>Standing Order No.</u>	<u>Statutory Reference</u>
1	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 1(1)
2	-
3	-
4	-
5	-
6	-
7	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 2(1)
8	Local Government (Scotland) Act 1973 Sections 50A & 50B
9	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 2(3)
10	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 4
11	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 4
12	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 4
13	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 6
14	Local Government (Scotland) Act 1973 Section 35
15	Local Government etc (Scotland) Act 1994 Section 4(3)
16	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 3
17	-
18(a)	Local Government (Scotland) Act 1973 Section 50B(4)(a)
18(b)	Local Government (Scotland) Act 1973 Section 50B(3)(b)
18(c)	Local Government (Scotland) Act 1973 Section 50B(3)(a)
18(d)	Local Government (Scotland) Act 1973 Section 50B(4)(b)
19	Local Government etc (Scotland) Act 1994 Section 4
20	-
21	Local Government (Scotland) Act 1973 Section 50A
22	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 7(1)
23	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 7(1)
24-35	-
36	Local Government (Scotland) Act 1973 Schedule 7 Paragraph 5
37-38	-
39	Ethical Standards in Public Life etc (Scotland) Act 2000 Section 1
40	Local Government (Scotland) Act 1973 Sections 50A(4) and 50J
41	Local Government (Scotland) Act 1973 Section 56
42	Local Government (Scotland) Act 1973 Section 62
43-52	-
53	Local Government (Scotland) Act 1973 Sections 50A(2) and 50A(4)
54-55	-
56	Local Government (Scotland) Act 1973 Section 5A(7)

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## **STANDING ORDERS**

### **MEETINGS OF THE COUNCIL**

#### **FIRST MEETING OF THE COUNCIL AFTER ORDINARY ELECTIONS (STATUTORY MEETING)**

1. The first meeting of East Renfrewshire Council after an ordinary election of councillors shall be held within 21 days from the date of the election as required by paragraph 1(1) of Schedule 7 to the 1973 Act. The date and time of the meeting will be determined by the Chief Executive following consultation with political groups and independent councillors.

#### **DATES OF ORDINARY MEETINGS**

2. Subject to the preceding Standing Order and unless otherwise agreed to in terms of the following Standing Order, ordinary meetings of the Council shall be held on those days as set out in the calendar of meetings as approved by the Council.

#### **SPECIAL MEETINGS**

3. A special meeting of the Council may be called at any time by decision of the Council. A special meeting may also be called at any time by the Deputy Chief Executive on being required so to do by (a) the Provost (or in his/her absence by the Deputy Provost) or (b) on receiving a written requisition specifying the business proposed to be transacted at the meeting and signed by at least one quarter of the whole number of Members of the Council (5), in which latter case the meeting shall be held within 14 days of the receipt of the requisition, on such day and at such time and such place as the Provost shall determine.

#### **YEAR OF ORDINARY ELECTION**

4. In the year of an ordinary election an additional meeting of the Council shall be held, if necessary, on the Wednesday of the week preceding the election to conclude the business of the outgoing Council.

#### **PLACE AND TIME OF MEETING**

5. Meetings of the Council shall be held either in the Council Chamber, Council Offices, Eastwood Park, Rouken Glen Road, Giffnock, East Renfrewshire in accordance with the calendar of meetings approved by the Council or at such other place or time as the Council, or the Deputy Chief Executive in consultation with the Provost, may specify.

6. In extreme circumstances (for example severe weather conditions preventing Members and/or the public from travelling safely to the meeting place), meetings may be cancelled or postponed by the Chief Executive or Deputy Chief Executive in consultation with the Provost, Leader of the Council, and Leader of the Opposition.



## NOTICE OF MEETINGS

7. All meetings of the Council shall be called by:-
- a) a notice published by the Deputy Chief Executive at the Council's principal offices, at least three clear days before the meeting specifying the time and place of the meeting except, where the meeting has been requisitioned by Members of the Council in accordance with Standing Order No.3 above, when the notice shall be signed by those Members and shall specify the business proposed to be transacted thereat; AND
  - b) a summons to attend the meeting specifying the business to be transacted and signed by or on behalf of the Deputy Chief Executive shall be left at or sent at least three clear days before the meeting of the Council to the usual place of residence of every Member of the Council or to such other address as any Member may notify.
8. If a meeting is convened at shorter notice than three clear days, the notice and summons referred to in the preceding Standing Order shall in accordance with the terms of Sections 50A and 50B of the 1973 Act, be published and posted as soon as the meeting is convened.

## WANT OF SERVICE OF SUMMONS

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

## QUORUM

10. Subject to paragraph 4(2) of Schedule 7 to the 1973 Act, no business shall be transacted at a meeting of the Council unless at least one quarter (5) of the whole number of Members of the Council are present. If 10 minutes after the time stated in the summons to attend the meeting a quorum is not present, the meeting shall stand adjourned until such date and time as may be determined by the Deputy Chief Executive in consultation with the Provost. The Deputy Chief Executive will minute the reason for the adjournment of the meeting.
11. If after a meeting has been started the number of members able to participate falls below the quorum, and after the lapse of 5 minutes, during which time no business shall be conducted or transacted, a quorum cannot be found, the meeting shall be adjourned and the Deputy Chief Executive will minute the reason for the adjournment.
12. If less than a quorum of the Council is entitled to vote on an item because of declarations of interest, that item cannot be dealt with at the meeting.

## SEDERUNT AND APOLOGIES

13. The names of the Members present at a meeting of the Council shall be recorded in the Minute of the meeting. Members who intimate apologies for non-attendance at a meeting of the Council shall have their apologies recorded in the Minute.

## FAILURE TO ATTEND MEETINGS

14. Subject to the provisions of Section 35 of the 1973 Act, if a Member of the Council fails throughout a period of six consecutive months to attend any meeting of the Council, he/she shall, unless the failure was due to any reason approved by the Council, cease to be a Member of the Council.

## CONVENER/PROVOST

15. The Convener of the Council, upon being elected, shall be known as Provost and shall hold office until the next ordinary election of the Council or until ceasing to be a councillor, or resigning from office, whichever is the earlier. Notwithstanding the provisions of the foregoing, the Council may effect the early removal from office of the Provost providing that:-

- (i) the Deputy Chief Executive receives at least ten days prior to the meeting a written requisition signed by at least one quarter of the whole number of Members of the Council (5) requesting the early removal from office of the Provost; and
- (ii) not less than two thirds of councillors present and entitled to vote at the meeting agree that the Provost should be removed from office.

The provisions relating to the early removal from office of the Provost shall also apply to the post of Vice-Convener of the Council if the Council determines to make such an appointment. Upon being elected, the holder of the office of Vice-Convener shall be known as Deputy Provost.

## ROLE OF THE PROVOST

16. At a meeting of the Council, the Provost or, in his/her absence, the Deputy Provost shall preside. If the Provost and Deputy Provost are both absent from a meeting, another Member of the Council chosen by those Members present shall preside.

It shall be the duty of the Provost -

- to preserve order and ensure fairness in debate
- to decide all matters of order, competency and relevancy
- with the assistance of the Democratic Services Manager to ensure that Standing Orders are observed
- to determine any questions of procedure for which no express provision has been made in these Standing Orders
- to adjourn a meeting in the event of disorder arising to a time which the Provost may then or afterwards fix (the quitting of the chair by the Provost shall be the signal that the meeting is adjourned). In the event the Provost quits the Chair in other circumstances, the meeting shall not be adjourned, and the Deputy Provost, or in his/her absence another Member of the Council chosen by those Members present, shall assume the Chair.

The decision of the Provost on all matters within his/her responsibility shall be final and shall not be open to question or discussion.

## OBSTRUCTIVE AND OFFENSIVE CONDUCT

17. Any Member disregarding the authority of the Provost or obstructing the meeting or conducting him/herself offensively shall be suspended from the remainder of the meeting if a resolution for suspension, moved and seconded, is carried. There shall be no discussion on such a motion. The Member concerned shall forthwith leave the Council Chamber or meeting place. The Council Officer shall act on any instruction he/she may receive from the Provost in pursuance of such a decision.

## RESTRICTION ON BUSINESS

18. An item of business shall not be considered at a meeting of the Council unless, taking into account the exclusion provisions as provided for in terms of Section 50(B)(2) of the 1973 Act either:-
- a) a copy of the agenda including the item is open to inspection by members of the public at the Council's principal offices at least three clear days before the meeting; or
  - b) the item has been added to an agenda in which case an amended agenda and a copy of the item added shall be made available; or
  - c) where the meeting is convened at shorter notice, from the time the meeting is convened; or
  - d) by reason of special circumstances, which shall be specified in the Minutes, the Provost is of opinion that the item should be considered at the meeting as a matter of urgency.

## ORDER OF BUSINESS: FIRST MEETING OF THE COUNCIL AFTER AN ORDINARY ELECTION

19. At the first meeting of the Council after an ordinary election of councillors the Council shall deal with the business in the following order:-
- the Returning Officer shall assume the Chair until the Provost is elected
  - to note the election of Councillors
  - to record those Councillors present, noting which Councillors have executed the declaration of acceptance of office
  - Members will be invited to declare any interests they may have in any of the items on the agenda
  - to elect the Provost of the Council
  - to elect the Deputy Provost of the Council
  - to elect the Leader of the Council
  - to elect the Deputy Leader(s) of the Council
  - to appoint Conveners/Deputy Conveners
  - to appoint Chairs and Vice Chairs of committees
  - to appoint Members to committees

- to appoint representatives to outside bodies
- to deal with any other business specified in the notice calling the meeting

#### ORDER OF BUSINESS: ORDINARY MEETINGS

20. At all meetings of the Council other than the meeting held in accordance with Standing Order No.19 immediately above, the order of business shall be:-

- a) the Chair shall be taken in accordance with the provisions of Standing Order No.16;
- b) the names of those Councillors present shall be recorded, and apologies for absence intimated;
- c) Members will be invited to declare any interests they may have on any of the items on the agenda;
- d) the Minutes of the previous ordinary meeting and of any special meeting of the Council shall be submitted for approval as a correct record;
- e) the Minutes of meetings of the Cabinet and other committees shall be submitted for approval as a correct record, with Members having the opportunity to ask questions in relation to any of the items in the Minutes with the exception of any Minutes included in the Minute Volume that have already been approved by a previous meeting of the Council;
- f) reports relative to recommendations made to the Council by the Cabinet or other committees shall be submitted for approval or otherwise;
- g) business (if any) remaining from the last meeting;
- h) motions of which notice have been given in accordance with Standing Order No.27 - shall be considered in the order in which they have been received;
- i) questions to Conveners of which written notice in accordance with Standing Order No.26 below has been given;
- j) statements by Conveners;
- k) statements by representatives on Joint Boards/Committees;
- l) appointments which may arise from time to time;
- m) other business, if any, specified in the summons relating to the meeting; and
- n) matter(s) of urgency accepted by the Provost.

Notwithstanding the foregoing, the Provost at ordinary meetings of the Council may, at his/her discretion, alter the order of business to facilitate the conduct of the meeting.

## 21. RIGHTS OF ACCESS FOR THE PUBLIC AND PRESS

- a) Meetings of the Council are open to the public and the press. Subject to Standing Orders 21(b), 21(c), and 21(d) below, while meetings are open to the public and press, the Council shall not have power to exclude the public or press from the meeting.
- b) Members of the public and press may be denied access to a meeting, or asked to leave a meeting, if they are preventing (or are likely to prevent) the meeting from carrying out its business. If a member of the public or press interrupts any meeting, the Provost may warn that person about their conduct. If they continue to interrupt the meeting, the Provost may order the person to be removed from the meeting room. If there is general disturbance in any part of the meeting room that is open to the public, the Provost may order that part of the room to be cleared.
- c) The public and press shall be excluded from a meeting, or part thereof, if it is considered likely that confidential information would be disclosed to them in breach of the obligation of confidence, contrary to the 1973 Act.
- d) The public and press shall be excluded from a meeting, or part thereof, if it is considered that in view of the nature of the item under consideration, "exempt" information, as set out in the 1973 Act, would be disclosed.
- e) Before the press and public can be excluded from a meeting in accordance with (d) above, it will be necessary for the Council to pass a resolution identifying those items to which the resolution applies, and state the description of the exempt information.

## MINUTES - COUNCIL

22. Minutes of Council meetings shall be prepared by the Deputy Chief Executive. The Provost will move that the Minutes of the meeting of the Council are a true record. Subject to approval as a true record the Minutes shall be signed at the next suitable meeting of the Council by the person presiding at that meeting. However, the Minutes of the last meeting of the Council prior to an ordinary election shall be signed by the person presiding at that meeting as being a correct record of the proceedings.

23. There will be no discussion of or questions on 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. In the event an amendment is moved, both the Provost's motion and the amendment must be seconded.

## MINUTES – COMMITTEES

24. The Minutes of all meetings of all committees that are submitted to the Council for approval as a true record, as incorporated in the Minute Volume (and any supplementary Volume) shall, unless an amendment is moved and seconded, be taken as approved. In the event an amendment is moved and seconded to any of the Minutes contained in the Minute Volume, unless the amendment is accepted the Minute shall require to be moved by the person presiding at the meeting and seconded by another person who was present at the meeting.

## ORAL QUESTIONS

25. Any Member may put a question to a member of the Cabinet or Chairman of a committee concerning any item of business dealt with by the Cabinet or other committee when that item is under consideration as a report or recommendation to the Council. Any Member may also put a question concerning any business dealt with by the Cabinet or other committee under delegated powers and included in the Minute Volume for that meeting of the Council with the exception of any Minutes included in the Minute Volume that have already been approved by a previous meeting of the Council.

## WRITTEN QUESTIONS

26. Any Member may submit a written question for consideration at any meeting of the Council. The question shall be delivered to the Deputy Chief Executive by 4.45pm at least 7 days prior to the meeting at which the question is to be submitted. Questions may be delivered by hand, post or e-mail. Questions delivered by e-mail must be sent from a councillor's email address ending in "eastrenfrewshire.gov.uk".

On receipt of a written question, the Deputy Chief Executive will forward a copy of the question to the Leader of the Council and/or relevant Convener(s) and the relevant Director(s) to allow a reply to be prepared. At the meeting, once a reply to a question has been given, the Member who submitted the question will be entitled to ask a supplementary question, which must be relevant to the original question submitted. No discussion shall be allowed on any question, principal or supplementary, so put. A Member will be entitled to submit up to a maximum of two written questions per meeting.

## PROCEDURE FOR NOTICE OF MOTION

27. a) A Member may submit a notice of motion for consideration at any meeting of the Council. Such notice shall either be in writing, and shall be signed and dated by the Member giving the notice, countersigned by one other Member and shall be delivered to the Deputy Chief Executive by 4.45pm at least 14 days prior to the meeting of the Council at which the motion is to be considered, or e-mailed to the Deputy Chief Executive by the Member submitting the notice from his/her "eastrenfrewshire.gov.uk" email address advising of the name of the Member who is countersigning the motion ("the seconder"), with the seconder confirming in writing or by email from his/her "eastrenfrewshire.gov.uk" email address that he/she is seconding the motion, all in accordance with the timescales outlined above.
- b) All valid motions of which notice has been duly given shall be included in the agenda of the meeting of the Council in the order in which they were received by the Deputy Chief Executive who will record both the date and time of receipt on the original notice
- c) Motions shall be printed in the summons for the meeting of the Council without prejudice to the right of the Provost to rule as to its competency.
- d) A motion may be moved by the Member who submitted the notice of motion or in his/her absence by any other Member present at the meeting. If it be not so moved at the appropriate stage of the meeting it shall, unless postponed by leave of the Council, be considered as withdrawn.
- e) A Member shall be entitled to submit no more than 3 notices of motion for consideration at a meeting of the Council.

## MOTIONS – BUDGETS

28. Any motion or amendment which seeks to add to, take from or otherwise alter or amend the annual budgets submitted to the 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 motion or amendment must be submitted to the Chief Financial Officer no later than 12 noon 2 days before the meeting takes place, to enable the Chief Financial Officer to consider the financial implications thereof.

- 29 a) 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
  - (ii) state whether the expenditure is one-off or recurring.
- b) The Chief Financial Officer shall advise, where possible, on the financial implications for the Council of any such motion or amendment. In the event that the Chief Financial Officer is unable to give advice on the matter at the meeting, the matter will be continued until such time as the Chief Financial Officer has had the opportunity to consider the financial implications and give advice on them.

## MOTION CONTRARY TO PREVIOUS DECISION

30. A motion which is contrary to a previous decision of the Council shall not be competent within six months from the date of that decision unless a notice of motion has been submitted in accordance with Standing Order No.27 and the motion bears the names of at least half of the Members of the Council. The Council may however decide to consider such a motion if new information is available or if some change in circumstances has taken place.

## MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

31. The following motions and amendments may be moved without notice:-
- a) appointment of a Chairman of the meeting at which the motion is made;
  - b) motions relating to the accuracy of the Minutes;
  - c) that an item of business specified in the summons has precedence;
  - d) remission to a committee;
  - e) appointment of a committee or sub-committee or Members thereof, occasioned by an item mentioned in the summons for the meeting;
  - f) adoption of reports and recommendations of committees or sub-committees or officers or any consequent resolutions;
  - g) that leave be given to withdraw a motion;
  - h) that the Council proceed to the next business;
  - i) that the question be now put;

- j) that the debate be now adjourned;
- k) that the Council does not adjourn;
- l) suspending Standing Orders in accordance with Standing Order No.57; and
- m) motion under Standing Order No.17 to suspend a Member.

## 32. RULES OF DEBATE

- a) The first proposition on any particular subject shall be known as the original motion and all succeeding propositions on the subject shall be called amendments.
- b) Any Member desiring to propose a motion or amendment shall state precisely its terms to enable the Provost to rule as to its competency.
- c) Subject to the provisions of Standing Order No.31 before any discussion takes place a motion or amendment must be duly seconded.
- d) Any motion or amendment which is not seconded shall fall and shall be recorded in the Minutes of that meeting to that effect.
- e) A Member who has moved a motion or amendment but failed to find a seconder may if he/she so requests have his/her dissent to a decision recorded in the Minutes.
- f) The Provost may require that any motion or amendment shall be reduced to writing and a copy thereof circulated to each Member, or may require any motion or amendment to be read to Members prior to it being put to the meeting.
- g) A motion or amendment once moved and seconded shall not be altered nor withdrawn without the consent of the mover and seconder.
- h) No Member shall move or second more than one motion or amendment upon a particular issue, although a Member who has moved or seconded a motion or amendment shall not be precluded from moving or seconding a fresh amendment if the original motion or amendment is withdrawn.
- i) A mover of a motion shall be allowed to speak for not more than ten minutes. All other speakers in debate shall be allowed to speak for not more than five minutes. With the exception of the mover of a motion, who shall be allowed five minutes to reply to the debate during which time he/she shall not introduce any new matter, no Member shall speak more than once unless on a point of order or, with the consent of the Provost, to explain something which he/she believes to have been misunderstood.
- j) The time limits specified in paragraph (i) above may be exceeded with the consent of the majority of Members present and the Provost may determine without taking a vote whether such consent has been obtained.
- k) After the mover of a motion has replied to the debate, the discussion shall be held to be closed after which no Member shall be permitted to offer an opinion or to ask a question or otherwise interrupt the proceedings or to speak, except with regard to the manner of taking a vote.



- l) Without prejudice to the above, a motion duly moved and seconded to which no amendment is moved and seconded will be declared carried and will not be the subject of debate unless the Provost, at their 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 permitted.

## POINTS OF ORDER

33. Should a Member indicate a desire to raise a point of order, he/she shall state at the outset the Standing Order or rule of debate considered to have been infringed. A Member shall cease speaking when a point of order is raised by another Member until the point in question has been decided by the Provost. The decision of the Provost shall be final and shall not be discussed

## 34. ADJOURNMENT

- a) At the conclusion of any speech a Member may move that the meeting be adjourned. If such a motion is moved and seconded there will be no further debate and a vote shall be taken immediately in the form of "adjournment" or "not adjournment". If the motion to adjourn is carried then unless times of adjournment and resumption are specified in the motion, adjournment shall take effect immediately and the meeting shall stand adjourned until such time as is decided by the Provost in consultation with the Deputy Chief Executive. A motion for adjournment shall take precedence over all other motions.
- b) A second or subsequent motion to adjourn may not be made within 30 minutes unless it is moved by the Provost when it will be dealt with

## CLOSURE OF DEBATE – PROCEDURE

35. At the close of any speech any Member who has not spoken on the question before the meeting may move "that the question be now put". If this is seconded a vote will be taken without further debate. No speeches may be made on this motion. If it is carried the mover of the original motion will have the right to reply to the debate on that original motion, in accordance with Standing Order 32(i), following which the vote will immediately be taken.

## 36. VOTING

- a) All questions concerning or arising before the Council shall be decided by a simple majority of the Members present and voting except for the following three matters in which case the decision must be supported by not less than two thirds of the Members present and voting:-
  - i) Suspension of Standing Orders (Standing Order No.57)
  - ii) Early removal from office of Provost or Deputy Provost (Standing Order No.15)
  - iii) Award of the Freedom of East Renfrewshire

- b) Voting shall be by a show of hands unless at least three Members present require a roll call vote in which case the vote shall be taken by calling the roll.
- c) On a vote being taken the order shall be:-
  - i) Those voting for the motion
  - ii) Those voting for the amendment
  - iii) Those abstaining
- d) In the case of an equality of votes between the motion and the amendment the Provost shall have a second or casting vote except where the matter relates to the appointment of a Member of the Council to any particular office or committee in which case the decision shall be by lot.
- e) When a motion and two or more amendments have been proposed and seconded, the vote shall be taken in the first instance between the motion and the amendment first proposed. The successful proposition from that vote shall be taken against the amendment next proposed and so forth until there remains only one amendment to be taken against the surviving proposition and whichever is carried shall be the decision of the meeting.
- f) When a vote has been taken and the accuracy of the count is immediately challenged it shall be at the discretion of the Provost to call for a recount.

### 37. VOTING ON APPOINTMENTS OF MEMBERS

- a) In the case of an appointment when only one vacancy requires to be filled and there are only two candidates, a vote shall be taken between the candidates and the one receiving the majority of votes shall be declared duly appointed. When, however, there are more than two candidates and the first voting does not produce an absolute majority in favour of any one candidate, the candidate having the least number of votes shall be removed from the list and fresh voting shall take place until one candidate has secured an absolute majority of the Members of the Council present and voting and he/she shall thereupon be declared duly appointed. In the event of a final equality of votes the candidate selected by lot shall be declared duly appointed.
- b) In the case of appointments where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, voting shall take place on the nominations, with each Member being entitled to vote for one candidate for each vacancy and the candidates receiving the highest number of votes shall be appointed to the number of vacancies to be filled provided that in each case that number exceeds the total votes cast for the remaining candidates. When no clear result emerges from the first voting either because one or more of the candidates receiving the highest number of votes has not secured an overall majority or because of an equality of voting for two or more of the candidates, the candidate having the lowest number of votes shall be removed from the list. Where there is an equality of votes between candidates having the lowest number of votes further voting shall take place between these candidates until one receives a majority of votes. The voting shall then be repeated until the requisite majority is received by the number of candidates corresponding to the number of vacancies. In the event of a final equality of votes the candidates selected by lot shall be declared duly appointed.

## 38. DEPUTATIONS

- a) Deputations will only be considered if they relate to matters within the remit of the Council and not be in respect of planning applications where there is already a process in place
- b) Any written request received by the Deputy Chief Executive that a deputation be received on a particular matter shall be referred, in the first instance, to the Convener for the appropriate service and the Director of the relevant Department, who shall give consideration to meeting with representatives of those submitting such a request in order to discuss the subject at issue. In the event of the Convener and the relevant Director deciding to arrange such a meeting, an invitation to attend shall be given to the Local Members. Thereafter where the relevant Director in consultation with the relevant Convener considers it appropriate to do so in a particular case, arrangements will be made for hearing deputations either at a subsequent meeting of the relevant committee or, subject to consultation with, and agreement by, the Provost at a meeting of the Council.
- c) Unless decided otherwise in advance, the members of any deputation shall not exceed three and shall present their case within a period not exceeding 15 minutes.
- d) When a deputation is received it shall be competent for Members to put to the deputation any questions pertinent to the subject on which they ask to be heard but no Member shall express an opinion upon or discuss the subject until the deputation has withdrawn from the floor of the Chamber or other meeting place.

## DECLARATION OF INTERESTS BY MEMBERS

39. Any Member who, in terms of the Councillors' Code of Conduct, has an interest (whether financial or non-financial) in a matter which requires declaration and is present at a meeting of the Council at which such matter is the subject of consideration, shall declare that interest as soon as practicable at the meeting where the interest arises. The declaration shall be sufficient to enable the meeting to understand the nature of the interest and shall be recorded in the Minute.

If, in terms of the Code, the nature of the interest means that the Member cannot participate in discussion and voting on the matter, the Members shall retire from the meeting and leave the meeting room until the business concerning that matter is concluded.

## STAFF MATTERS – PUBLICITY

40. If any question arises at a meeting of the Council where the public or representatives of the press are present as to the appointment, promotion, cessation of employment, salary or conditions of service of named officers or as to the conduct of any persons employed by the Council, the Council shall forthwith consider a resolution to meet in private in terms of Sections 50A(4) and 50J of the 1973 Act as read with paragraph 1 of part I of Schedule 7A thereof.

## COMMITTEES

41. The Council may arrange for the discharge of its functions by way of appropriate management arrangements as are permitted by Section 56 of the Local Government (Scotland) Act 1973, and shall prepare and adopt a Scheme of Administration on the terms of reference and powers delegated to any bodies established and a Scheme of Delegated Functions to officers for the purpose of arranging for the discharge of the functions of the Council. Copies of both Schemes form appendices to these Standing Orders.

## APPLICATION OF STANDING ORDERS OF THE COUNCIL TO THE CABINET AND OTHER COMMITTEES

42. The provisions of the Standing Orders of the Council, except as outlined in Standing Orders Nos.43 to 50 shall, so far as applicable and not inconsistent with any Standing Orders expressly applicable to the Cabinet and other committees, apply to the Cabinet and other committees of the Council and to sub-committees of committees in like manner as they apply to the Council.

## ORDINARY MEETINGS

43. Ordinary meetings of the Cabinet, other committees and sub-committees shall be held on such days and at such times and places as set out in the calendar of meetings approved by the Council. Once these dates have been agreed, the Cabinet, other committees and sub-committees will be entitled to amend meeting dates and times in order to facilitate the conduct of business

## SPECIAL MEETINGS

44. A special meeting of the Cabinet, other committees or sub-committees may be called at any time by decision of the Cabinet, other committee or sub-committee or on receipt by the Deputy Chief Executive of a written instruction from the Leader of the Council or Chairman of the relevant committee or sub-committee, specifying the business to be transacted.

## CANCELLATION OF MEETINGS

45. The Deputy Chief Executive will have the power to cancel any meeting (subject to Standing Orders Nos.43 & 44) if it appears that there is insufficient business to justify the holding of the meeting. The Deputy Chief Executive may also postpone/reschedule a meeting in consultation with the relevant Chair.

## QUORUM

46. At all meetings of the Cabinet, other committees and sub-committees, 3 Members shall form a quorum.

## MINUTES - SIGNATURE

47. At every meeting of the Cabinet or other committee, the Minute of the previous meeting(s) as approved by the Council shall be signed by the Chairman of the meeting to which it is submitted with the exception of the Minutes of those meetings which do not always occur within the meetings cycle, to be signed by the Chairman following approval of the Minute by the Council.

## NUMBER OF MEMBERS

48. The number of Members on the Cabinet and each committee shall be determined by the Council. The number of Members on a sub-committee shall be determined by the parent committee.

## 49. SCHEME OF ADMINISTRATION

- a) Subject to the terms of Standing Order No.49(b), the business to be transacted at the Cabinet and other committees, the arrangements for committee meetings, and the functions delegated to committees shall be regulated in accordance with the Scheme of Administration referred to in Standing Order No.41 above.
- b) In the case of the Cabinet or other committee or sub-committee exercising a delegated function in terms of the Scheme of Administration, where a vote is taken or dissent recorded under Standing Order No.32(e) it shall be competent for at least one quarter of the Members present to require that the delegated powers be not exercised and the matter under discussion be referred for determination to the relevant committee in the case of a sub-committee or to the Council in the case of the Cabinet or a committee.
- c) Paragraph (b), above will not apply in respect of decisions taken relative to judicial and quasi-judicial matters such as planning, licensing, disciplinary and grievance appeals etc.

## 50. COMMITTEES ACTING IN A QUASI-JUDICIAL CAPACITY

- a) Where a committee is dealing with an item of business in a quasi-judicial capacity, a Member shall not be entitled to move a motion or amendment, take part in debate, or vote on a motion or amendment unless that Member has been present at all times throughout any consideration of that item of business, any continuation of that item of business, or any site visits in relation to that item of business.
- b) Absences for brief periods during consideration of business will be disregarded.
- c) For the avoidance of doubt, if a committee is dealing with an item of business in a quasi-judicial capacity and agrees to continue an item prior to any substantive discussion, any Members not present at that meeting will be entitled to participate in any continuation, subject to taking part in any subsequent intermediate deliberation by the committee such as attendance at site visits.

## CALL-IN ARRANGEMENTS

### 51. CALL-IN TO AUDIT AND SCRUTINY COMMITTEE

- a) Notice of Cabinet decisions will be circulated to all Elected Members by close of business on the day of the meeting.
- b) The call-in procedure can only be used in relation to final decisions taken by the Cabinet. Consequently all matters that are remitted by the Cabinet to the full Council for approval, or where the Cabinet is only being asked to note an operational decision that has been made, cannot be called-in.
- c) Requests for a decision to be called-in to the Audit and Scrutiny Committee must be made on the appropriate call-in notice and lodged with the Deputy Chief Executive by no later than 4.45pm, 2 working days after the meeting of the Cabinet at which the decision was made. The deadline for the submission of a call-in request will be extended in the event public holidays form part of the original call-in period.
- d) The call-in notice must be signed by 5 councillors, and provide the reason for call-in. In the event the call-in notice does not comply with agreed procedure the request for call-in will be deemed invalid and the signatories to the call-in will be advised accordingly.
- e) A copy of the call-in notice can be submitted electronically from an "eastrenfrewshire.gov.uk" e-mail address.
- f) In the event the call-in notice submitted is not signed by 5 councillors, supporting emails from other councillors from their "eastrenfrewshire.gov.uk" email address, confirming that they are a signatory to the call-in, will be accepted no later than 4.45pm, 2 working days after the meeting of the Cabinet at which the decision was made.
- g) In the event the call-in does not comply with agreed procedure the request for call-in will be deemed invalid and the signatories to the call-in will be advised accordingly.
- h). Once it has been established that a request for call-in is valid, the matter will be referred to the Audit and Scrutiny Committee for scrutiny.
- i). The Clerk will contact the Audit and Scrutiny Committee Chair, and other Committee members thereafter, to arrange a meeting to consider the matter that has been called-in. The meeting shall be held as soon as possible after receipt of the request for the decision to be called-in, with due regard being paid to the statutory timescales associated with the issue of committee papers.
- j). Once the meeting has been arranged, the Clerk will issue an agenda for the meeting. The agenda will include the report considered by the Cabinet.
- k). At the meeting, the Committee will consider the report and hear from those parties invited to the meeting to give evidence. These parties will be:-
  - The lead signatory to the call-in
  - The relevant Convener for the matter that is the subject of the call-in
  - Appropriate officers
- l) In the event the relevant Convener is unable to attend the meeting, the Leader of the Council will be invited to attend as substitute.

- m) Having considered the report and having heard the evidence, the Committee will reach a decision:-
- 1 If the Committee agrees with the Cabinet's decision, the Cabinet's decision will be implemented immediately.
  - 2 If the Committee disagrees with the Cabinet's decision, a report, giving details of the Committee's recommended changes and the reasons for them, will be prepared and submitted to the first available meeting of the Cabinet. In the event that a minority view in support of the Cabinet's decision has been expressed by members of the Committee, this will be reflected in the report. The Chair of the Committee will present the report to the Cabinet.
  - 3 If, having heard from the Chair of the Committee, the Cabinet accepts the Committee's recommendations, this will become the decision of the Cabinet. In these circumstances, the amended Cabinet decision cannot be the subject of a further call-in.
  - 4 If, having heard from the Chair of the Committee, the Cabinet is not prepared to accept the Committee's recommendations, the matter will be referred to the next available meeting of the Council to decide whether either the Cabinet's original decision, or the Committee's proposals, should be approved.
- n). Minutes of all meetings will be prepared in the normal manner and submitted to the Council.

## 52. CALL-IN TO COUNCIL

- a). Requests for delegated powers not to be exercised by the Cabinet, and for a Cabinet decision to be deferred to the full Council for determination must be made on the appropriate call-in notice and lodged with the Deputy Chief Executive by no later than 4.45pm, 2 working days after the meeting of the Cabinet at which the decision was made. The deadline for the submission of the request will be extended in the event public holidays form part of the original notification period.
- b) The call-in notice must be signed by 5 councillors, provide the reason why the decision should be deferred, and also provide an alternative proposal to that agreed by the Cabinet.
- c) A copy of the call-in notice can be submitted electronically from an "eastrenfrewshire.gov.uk" e-mail address.
- d) In the event the call-in notice submitted is not signed by 5 councillors, supporting emails from other councillors from their "eastrenfrewshire.gov.uk" email address, confirming that they are a signatory to the call-in, will be accepted no later than 4.45pm, 2 working days after the meeting of the Cabinet at which the decision was made.
- e) In the event the call-in does not comply with agreed procedure the request for call-in will be deemed invalid and the signatories to the call-in will be advised accordingly.
- f). Once it has been established that a request for deferral of a Cabinet decision is valid, the matter will be placed on the agenda for the next available meeting of the Council.

### 53. RIGHTS OF ACCESS FOR ELECTED MEMBERS

- a) Except where a committee or sub-committee is dealing with an item of business in a judicial or quasi-judicial capacity, any Member who is not a member of the committee or sub-committee may request that they be invited by the Convener, or in their absence the Vice Convener, to attend a meeting while there is under discussion any item in which that Member has a local or other special interest. If it is agreed to extend an invitation to attend the meeting, such Member shall be entitled to participate in the discussion of the item but shall not be entitled to vote.
- b) Where the Cabinet, other committee, or sub-committee resolves to exclude the public in terms of Sections 50A(2) or 50A(4) of the 1973 Act, as amended, any Elected Members in the public gallery who are not members of the Cabinet, other committee, or sub-committee will not be required to withdraw except where expressly required to do so by the Leader of the Council or Chairman of the committee or sub-committee as appropriate.
- c) If a Member has an interest, whether financial or non-financial, in any matter he/she shall not have the rights conferred by Standing Order No.53(a).

### SPEECHES AT COMMITTEES

54. There shall be no formal restriction upon the length of time a Member may speak at the Cabinet, other committee, or sub-committee subject, however, to the Chairman of the Cabinet, committee or sub-committee having the power to require any person speaking to limit his/her speech in order to facilitate the conduct of the meeting and the discharge of business.

### REMITTS BETWEEN COMMITTEES

55. Any decision by the Cabinet or other committee to remit consideration of a matter to another committee shall, where practicable, be considered at the next meeting of the committee to which the remit is made without the approval of the Council being required for such remit.

### RECORDING OF PROCEEDINGS

56. With the exception of the Council's webcasting arrangements, no audio, video or photographic recording of the proceedings of any meeting may be made without the prior approval of the Council or the committee concerned.

A request for such permission should be made to the Council by 4.45pm on the last business day prior to the date of the meeting and will be considered as part of the business of the meeting.



## SUSPENSION, ALTERATION AND REVIEW OF STANDING ORDERS ETC.

57. So far as not inconsistent with any statutory provisions, any one or more of the Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting, provided that two-thirds of the Members of the Council present so decide.

58. These Standing Orders may be varied or revoked by the Council. No alteration of the Standing Orders shall be effected except on a resolution adopted by a majority of the Members present and voting.

59. The Council shall review its Standing Orders at least once during its lifetime.