

STANDING ORDERS

OF

THE COUNCIL

21 December 2020



STANDING ORDERS

AND

RELATED DOCUMENTS

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ANGUS COUNCIL

STANDING ORDERS

NOTE: Standing Orders in italics relate to statutory provisions
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PART I - PRELIMINARY

1. Application of Interpretation Act

The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament. Any Standing Order that is in italics is a statutory requirement and cannot be altered.

2. Commencement

These Standing Orders shall apply with effect from 13 August 2019.

3. Definitions

In these Standing Orders, the following words and expressions shall have the meanings hereinafter expressly assigned to them, that is to say:-

“Council” means the Angus Council established by the 1994 Act

“the 1973 Act” means the Local Government (Scotland) Act 1973

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

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

“Proper Officer” means the person designated as such and for the purpose specified by the Council

“Head of Paid Service” means the person designated as such by the Council under Section 4 of the 1989 Act

“Monitoring Officer” means 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

“Finance Officer” means the person designated by the Council for the purpose of Section 95 of the 1973 Act

“Standing Committee” means a Committee referred to in Standing Order No 31 or any other Committee which may be so designated by the Council at any time

“Order of Reference” means the Order of Reference specifying the functions referred and the functions delegated to the respective Standing Committees, as appended to these Standing Orders

“Scheme of Delegation” means the Scheme of Delegation specifying the functions delegated to the respective officers, as appended to these Standing Orders

“Statutory Officers” have the meaning shown in Standing Order 45

“Remote Members” elected members who attend Council, Committee or Sub-Committee meetings remotely.

“Working day” means any day, excluding Saturday and Sunday and any day on which Angus Council’s offices are closed.

“Clear day” means in relation to a notice, summons, or application, a working day falling between the date of the notice, summons or application and the meeting to which the notice, summons or application relates, but excluding the date of the notice, summons or application and the date of the meeting to which the notice, summons or application relates.

4. Financial Regulations

- (1) The Council shall make Financial Regulations to provide the framework within which the financial administration is to be conducted and ensure that sound financial control is operated. The provisions in Standing Orders, the Order of Reference of Committees and the Scheme of Delegation to Officers should be applied in accordance with the Council's Financial Regulations.
- (2) The provisions of the Financial Regulations made by the Council in accordance with (1) above, so far as relating to procedures for tendering and contracts, shall be deemed to be part of these Standing Orders for the purposes of Section 81 of the 1973 Act.
- (3) The provisions of the Financial Regulations shall be read in conjunction with these Standing Orders in relation to the procedures for determining the annual revenue and capital budgets.

5. Application of Standing Orders to Committees and Sub-Committees

In these Standing Orders, those marked † in the margin shall apply (with the necessary changes) to Committees and Sub-Committees.

PART II - MEETINGS AND PROCEEDINGS OF THE COUNCIL

6. First Meeting of the Council after Elections

- (1) *The first meeting of the Council after the periodic ordinary election of Councillors shall take place on such date (within 21 days of the date of the election) as the Council may have determined prior to the election.*
- (2) Business to be transacted at such meeting shall be:-
 - (i) *the election, from among the members of the Council, of the Convener of the Council, who shall be known as the Provost, and, until such election has been completed, the Returning Officer shall preside;*
 - (ii) the election of a Depute Convener of the Council, who shall be known as the Depute Provost;
 - (iii) the election of a Convener and Vice-Convener of each of the Standing Committees of the Council;
 - (iv) the appointment of the members of Standing Committees;
 - (v) the appointment of members to represent the Council on Joint Boards, Joint Committees of the Council and other local authorities, and outside bodies on which the Council is entitled to be represented; and
 - (vi) *the adoption of a timetable of meetings of the Council.*
- (3) *In the case of an equality of votes, the Provost shall have a second or casting vote, except in any vote relating to the appointment of a member of the Council to any office, Committee or Sub-Committee, or to represent the Council on any other body, where, in the case of equality of votes the matter shall be determined by lot the method of which will be by the cutting of cards.*

7. Conveners and Vice-Conveners

- †(1) *At a meeting of the Council, the Provost or, in his/her absence, the Depute Provost shall preside. In the absence of both the Provost and Depute Provost, the Proper Officer shall call on the members of the Council to choose a member to preside.*
- (2) The term of office of the Provost and Depute Provost and of the Conveners and Vice-Conveners of Standing Committees shall be the term of office of the Council or, in the case of a person appointed to fill a casual vacancy, the remainder of that term.
- (3) The holders of the offices mentioned in sub-paragraph (2) above shall cease to hold office immediately on their ceasing to be a Councillor and shall be entitled to resign at any time during their term of office. At the conclusion of their term of office, they shall be eligible for re-election provided that they are re-elected as Councillors.
- (4) On a casual vacancy arising in any of these offices, an election to fill the vacancy shall be held as soon as practicable at a meeting of the Council, the agenda for which shall specify the filling of the vacancy as an item of business, and the election shall be conducted in the manner specified in Standing Order 6(3).

8. Meetings of the Council

- †(1) *Meetings of the Council shall be held at the places agreed by the Council or at such other places as the Provost shall determine.*
- (2) The ordinary meetings of the Council shall be held in accordance with the timetable approved by the Council, except that the Provost shall have the power, where in his/her sole discretion special circumstances so require, to alter the date of any meeting.
- (3) Special meetings of the Council for the consideration of the annual budget shall take place in accordance with the timetable fixed from time to time by the Policy and Resources Committee.
- (4) *A special meeting of the Council may be called at any time by the Provost or if required by at least seven members of the Council, and in the latter case shall be held within fourteen days of receipt of the requisition by the Director of Legal and Democratic Services.*

In the case of a requisitioned meeting, the notice required to be published in terms of Standing Order 9 shall in addition be signed by the members calling the meeting and shall specify the business proposed to be transacted at the meeting.

- (5) Should any group of elected members or an elected member wish to bring proposals regarding the Council's revenue and capital budgets to the annual Special Council meeting to set the Council Tax those budget proposals must be agreed with and a final version submitted to the Director of Finance no later than 15 working days before the date set for the Council Tax setting meeting (or by such other shorter period as may be agreed with the Director of Finance) and such budget proposals, excluding the rate of council tax to be set and proposed contributions to or from the Council Reserves (which will be disclosed as part of the formal motion/amendments at the meeting), will be published together as part of the Council reports for that Council meeting. For the avoidance of doubt, this will not prevent an elected member bringing an amendment or amendments to any budget proposals during the Council meeting as provided for in Standing Orders.

+9(a). Calling of Meetings

- (1) *Not less than three clear days before a meeting of the Council:*

- (i) *notice of the time and place of the meeting shall be published at the principal office of the Council; and*
 - (ii) *a summons to attend the meeting, with an agenda specifying the business to be transacted and signed by the Director of Legal and Democratic Services, shall be delivered or sent by post to the usual place of residence of every member of the Council or such other place as a member may have specified by notice in writing to the Director of Legal and Democratic Services.*
- (2) *The validity of any meeting of the Council shall not be affected by the failure of any member to receive notice of a meeting.*

†9(b). Remote Meetings Arrangements

Remote Members will be counted for the purposes of determining whether there is a quorum.

- A Remote Member will cast their vote as if participating in a roll call vote.
- Any Remote Member who has declared an interest in an item and withdrawn must pause/exit the communication link whilst the item is being considered. The Clerk will inform/re-invite the Remote Member (whether by email or otherwise) when to re-start the link and resume their participation.
- Any Remote Member must confirm that they are in a secure private location, and that no-one else is able to hear the proceedings from the device being used by that Remote Member, before they can participate in the consideration of any confidential and/or exempt item of business.

10. Quorum

- (1) *Subject to any statutory provision, seven members shall constitute a quorum at all meetings of the Council.*
- †(2) If, ten minutes after the time specified for the start of a meeting of the Council, a quorum is not present, no business shall be transacted and the meeting shall be adjourned until such date and time as the Provost shall determine.
- †(3) If, during any meeting of the Council, the Provost finds that there are fewer than seven members present, the meeting shall be suspended. At the end of ten minutes, the roll shall be called and if a quorum is not present, the meeting shall be adjourned until such other date and time as the Provost shall determine.

11. Order of Business

- (1) At an ordinary meeting of the Council, the business shown on the agenda shall (unless otherwise agreed by the Council at the meeting) proceed in the following order:-
- (i) Declarations of Interest;
 - (ii) Reception of deputations;
 - (iii) Minutes of the Council and Committees (which, unless reported for information only, shall be read or held as read, considered and disposed of);
 - (iv) Questions of which due notice has been given in terms of Standing Order 24(1), in the order in which they have been received by the Director of Legal and Democratic Services;
 - (v) Motions of which due notice has been given in terms of Standing Order 25(1) in the order in which they have been received by the Director of Legal and Democratic Services;

- (vi) General Business, including matters which the Council is required by statute to enact at a meeting of the authority;
 - (vii) Business determined by the Provost to be a matter of urgency by reason of special circumstances.
- †(2) *Except as otherwise prescribed by statute, no item of business shall be considered at a meeting of the Council unless either:-*
- (i) *a copy of the agenda including the item has been open in advance to inspection by members of the public in terms of the 1973 Act; or*
 - (ii) *by reason of special circumstances which shall be recorded in the minutes of the meeting, the Provost is of the opinion that the item should be considered at the meeting as a matter of urgency.*

†12. Reception of Deputations

- (1) Every application for the reception of a deputation must be in writing, duly signed and delivered or faxed or e-mailed to the Director of Legal and Democratic Services no later than 5pm on the working day preceding the meeting at which the deputation wish to be received. The application must state the subject on which the deputation wish to be received and the action (if any) which it is proposed that the Council should take.
- (2) If the application to be received is granted (if necessary after a vote), the deputation shall consist of not more than ten persons.
- (3) No more than two members of any deputation shall be permitted to address the meeting and they may speak in total for no more than ten minutes.
- (4) Any member of the Council may put any relevant question to the deputation, but shall not express any opinion on the subject matter until the deputation has withdrawn. If the subject matter relates to an item of business on the agenda, no debate or discussion on it shall take place until the relevant minute or other item falls to be considered in terms of the order of business.
- (5) No deputation from a party will be considered on an item relating to tenders or staffing conditions of service.

†13. Applicants, Supporters and Objectors

- (1) Where the Council is acting in a regulatory capacity, applicants, supporters and objectors, along with other persons whose Convention rights (within the meaning of Section 1(2) of the Human Rights Act 1998) are or will be directly affected by the decision of the Council, shall be given an opportunity to address orally any points which they wish the relevant meeting of the Council, Committee or Sub-Committee to take into account in coming to its decision. For the avoidance of doubt, this shall not be an opportunity to table submissions, drawings, plans, show slides/make visual presentations, unless the Convener of the meeting, in his/her sole discretion, considers it appropriate in exceptional circumstances to permit this.
- (2) Subject to any statutory provisions providing differently, the following procedures shall apply to applicants, supporters, objectors and any other persons with an interest (hereinafter referred to as "relevant parties") who wish to address a meeting to which this Standing Order applies.
- (3) Relevant parties who wish to be heard at a meeting must submit an application (either in writing, by electronic mail, by fax or by telephone) to the Director of Legal and Democratic Services no later than 5.00 pm on the working day preceding the meeting at which they wish to be heard. For the avoidance of doubt, all statutory consultees on a regulatory matter shall be exempt from the need to apply to be heard at meetings.

- (4) Relevant parties (or any spokesperson representing them) shall be allowed an appropriate time in which to present their case. However, the Convener of the meeting may restrict any lengthy speeches by parties, for example where a point is merely being repeated, and, in the interest of business efficiency, give guidance to the speakers as to what he/she considers to be a reasonable time (normally 5 minutes). After each individual relevant party has spoken, a member of the Committee or Sub-Committee (or at a meeting of the Council, a member of the Council) may put any relevant question to that speaker, but shall not express an opinion on the subject matter until the relevant parties have withdrawn to the public benches.
- (5) For the avoidance of doubt, applicants shall have the last word in relation to their application and shall therefore be permitted to speak after all other relevant parties have been heard.

14. Petitions

Where the petition relates to a matter where the Council is acting in a regulatory or quasi judicial capacity this will form part of the planning or licensing process and be dealt with separately to this Standing Order.

Petitions may be lodged in paper form or as an e petition to the appropriate Director. Where the petition exceeds 50 signatories, details are to be provided to the Director of Legal and Democratic Services for inclusion in a Schedule to a report presented as required to the Scrutiny and Audit Committee.

Petitions will only be accepted where the name and address has been provided with all signatories requiring to be resident in Angus.

Following consideration of the initial report, the committee may:

- (i) Note receipt of the petition and take no further action;
- (ii) Determine that appropriate action has already been taken or is planned, and no further action is necessary;
- (iii) Request a fuller report from the relevant officer;
- (iv) Undertake a detailed scrutiny review, gather evidence and make recommendations to the relevant committee.

Notwithstanding (i) – (iv) above, the committee may refer the matter to full Council, where in the view of the Scrutiny and Audit Committee, its significance requires a debate.

+15. Order of Debate

- (1) Any member of the Council wishing to speak at any meeting of the Council shall so indicate by raised hand and, when called upon, shall stand and address the Provost and restrict his/her remarks:-
 - (i) to the matter before the meeting by moving, seconding or supporting a motion or any relative amendment;
 - (ii) to moving or seconding a procedural motion;
 - (iii) to asking a question;
 - (iv) to making a point of clarification; or
 - (v) to raising a point of order.

- (2) No member shall speak in support of a motion or amendment until it has been seconded.
- (3) No member shall speak more than once (except when raising a point of order, making a point of clarification, moving or seconding a procedural motion) in a debate on any one motion and amendment. However, the mover of the substantive motion (or an amendment which has become the substantive motion) in any debate shall have a right of reply but, in so replying, shall not introduce any new matter.
- (4) After the mover of the substantive motion has commenced his/her reply, no member shall speak in the debate except when raising a point of order or moving or seconding a procedural motion.
- (5) Any member wishing to raise a point of order may do so (but only immediately after it has arisen) by rising and stating that he/she is raising a point of order. Any member then speaking shall resume his/her seat and the Provost shall call upon the member raising the point of order to state its substance. No other member shall be entitled to speak to the point of order except with the consent of the Provost. The Provost shall give a ruling on the point of order, either immediately, or after such adjournment as he/she considers necessary. Thereafter, the member who was previously speaking shall resume his/her speech, provided the ruling so permits.
- (6) Any member wishing to ask a question relating to the matter under consideration may do so at any time before the formal debate begins.

†16. Motions and Amendments

- (1) Other than for any regulatory or quasi-judicial meetings, the mover of any motion or amendment shall, immediately upon being called upon by the Provost to speak, state the exact terms of the motion or amendment before proceeding to speak in support thereof. The mover of any motion or amendment will be required to submit such terms to the Director of Legal and Democratic Services no later than 5pm on the working day preceding the meeting at which the matter is to be discussed, except in the case of:-
 - (i) motions or amendments to approve or disapprove without further qualification;
 - (ii) motions or amendments to remit for further consideration; and
 - (iii) motions or amendments the terms of which have been fully set out in a minute of a Committee or Report by an officer.
- (2) Every amendment must be relevant to the motion to which it is moved. The Provost shall decide as to the relevancy and shall have the power, with the consent of the meeting, to conjoin motions or amendments which are not inconsistent with each other.
- (3) All additions to, omissions from, or variations upon a motion shall be considered as amendments to the motion and shall be disposed of accordingly.
- (4) A motion or amendment once moved and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (5) Where an amendment to a motion has been moved and seconded, no further amendment may be moved until the result of the vote arising from the first amendment has been announced.
- (6) If an amendment is rejected, a further amendment to the original motion may be moved. If an amendment is carried, it shall take the place of the original motion and any further amendment shall be moved against it. Following consideration of the original amendment, a maximum of two further amendments to a motion will be permitted, subject to the member proposing to move such an amendment giving notice of it prior to the vote being taken.

- (7) A motion for the approval of a minute (or any part thereof) or a report of a Committee shall be considered as an original motion and any proposal involving alteration or rejection of such minute shall be dealt with as an amendment.
- (8) The Provost shall have the prior right to move the approval of the minute (or any part thereof) of any meeting of the Council or any recommendations in a Report by an officer.
- (9) A motion (which has not been the subject of a report or recommendation to the Council) which would involve expenditure not provided for, or reduce income provided for in the Capital or Revenue Budgets shall not be competent unless accompanied by information provided by the Director of Finance on the costs and funding options, unless the Council in an emergency specifically resolves otherwise (see Guidance Note attached).
- (10) A motion to challenge the accuracy of a minute of a meeting shall not be competent unless intimated in writing to the Director of Legal and Democratic Services at least two working days prior to the meeting at which the minute is being submitted for approval as a correct record, unless the said minute has not been circulated with the papers for the meeting.
- (11) (i) A motion or amendment moved but not seconded, or which has been ruled by the Provost to be incompetent, shall not be put to the meeting nor shall it be recorded in the minute, unless the mover immediately gives notice to the Director of Legal and Democratic Services requesting that it be so recorded.
- (ii) Alternatively, a member may request his/her dissent to be recorded in the minute in respect of a decision with which he/she disagrees.

†17. Time allowed for speaking

- (1) A member who is moving any motion or amendment (other than a motion for the adoption of annual reports, accounts or budget) shall not speak for more than five minutes, other members shall not speak for more than three minutes and the mover in exercising a right of reply shall not speak for more than three minutes.
- (2) These time limits may be exceeded with the consent of the majority of the members present and the Provost shall be entitled to gauge such consent in relation to any speech without taking a vote.

†18. Closure of Debate

- (1) At any meeting of the Council, it shall be competent after eight or more members (including the movers and seconders of a motion and amendment) have spoken in a debate on any one motion and amendment, for any member who has not spoken in such debate to move "that the question be now put".
- (2) Such motion, if duly seconded, shall, without any discussion or amendment, be put to the vote. If the motion for closure is carried, the debate on the substantive motion shall cease except for the mover's right of reply, and the substantive motion and amendment shall immediately be put to the vote. If the motion for closure is not carried, the debate shall be resumed. Subsequent motions for closure may be made after a further three members have spoken.
- (3) No motion for closure may be made during the course of a speech.
- (4) This Standing Order will not apply to meetings of the Development Standards Committee, Civic Licensing Committee or any other Committee and/or Sub-Committee when acting in a quasi-judicial capacity.

†19. Voting

- (1) *Subject to Standing Order 27 and any statutory provisions regarding a minimum number of votes required to decide a matter, every question shall be determined by a majority of votes of the members present and voting.*
- (2) *In the case of an equality of votes, the Provost shall have a second or casting vote, except in any vote relating to the appointment of a member of the Council to any office, Committee or Sub-Committee, or to represent the Council on any other body, where, in the case of equality of votes the matter shall be determined by lot.*
- (3) Every vote shall be taken by roll call beginning with the Provost, except:-
 - (i) where prior to the vote on any particular matter, the members present agree unanimously that it be taken by show of hands;
 - (ii) where prior to the vote on any particular matter, the members present resolve (in the event of a division, by a roll call vote) that it be taken by ballot;
 - (iii) in the case of any matter relating to the appointment of a particular member of staff or relating to disciplinary or grievance proceedings affecting a particular member of staff, when the vote shall be taken by show of hands, or, if so resolved, by ballot.
- (4) Immediately prior to any vote being taken, the Director of Legal and Democratic Services shall read out the question on which the vote is to be taken. Thereafter, no one shall interrupt the proceedings until the result of the vote has been announced.

+20. Voting in the case of vacancies and appointments

- (1) In the filling of vacancies in the membership of any Committee or Sub-Committee and the making of appointments of members of the Council to any body, where more than one candidate has been nominated and seconded, members shall be entitled to vote for up to as many candidates as there are places to be filled. Candidates shall be appointed in the order of number of votes received until all vacant places have been filled.
- (2) In the event of two or more candidates tying with the lowest number of votes to fill the last vacant place, a further vote shall be taken between or among those candidates, each member having one vote, and in the event of a further tie, the appointment shall be determined by lot.

+21. Adjournment and duration of meetings

- (1) During any meeting of the Council, it shall be competent for a member, at any time, except in the course of a speech by another member, to move that the meeting be adjourned, but no motion for adjournment may be made within thirty minutes of a motion for adjournment having previously been rejected if the Council is still considering the same item of business.
- (2) A motion for adjournment shall have precedence over all other motions and, if moved and seconded, shall be put to the meeting without discussion or amendment.
- (3) If the motion is carried, the meeting shall be adjourned until the time specified in the motion, or such other time as the Council may then fix, being on the same day or any other day within a period of four weeks.
- (4) Where a meeting has been adjourned without a time for its resumption having been fixed, it shall be resumed at such other time as may be fixed by the Provost.

- (5) When an adjourned meeting is resumed, the proceedings shall be commenced at the point at which they were interrupted by the adjournment.
- (6) The Provost may adjourn any meeting of the Council if he/she is of the opinion that the business of the meeting cannot properly be conducted by reason of disorder. Such adjournment shall be signified by the Provost rising and quitting the Chair and shall be for one hour or such shorter period as may be specified by the Provost at that time.
- (7) Every meeting of the Council, or meeting of the final committee of a number of consecutive committee meetings, shall end not later than 3 hours (excluding any period as a result of (6) above) after the time at which the Council, or the first committee meeting of that group, commenced.
- (8) It shall, however, be competent, before the expiry of the time limit, for any member to move that the meeting be continued for such further period as is deemed appropriate.

†22. Powers and Duties of Provost

- (1) It shall be the duty of the Provost:-
 - (i) to preserve order and ensure that any member wishing to speak is given due opportunity to do so and a fair hearing;
 - (ii) to call members to speak according to the order in which they caught his/her eye subject to the provision that where an alternate budget is being proposed, then the largest non-administration group will have the right to move their proposals after the budget has been moved and seconded;
 - (iii) to decide all matters of order, competency and relevancy.
- (2) The decision of the Provost on all matters referred to in this Standing Order shall be final and shall not be open to question or discussion in any meeting of the Council.
- (3) Deference shall at all times be paid to the authority of the Provost. When the Provost commences speaking, any member then standing shall resume his/her seat, no other member shall rise and the Provost shall be heard without interruption.

†23. Suspension of Members

- (1) If any member of the Council disregards the authority of the Provost, obstructs the meeting or, in the opinion of the Provost otherwise acts in an offensive manner at a meeting, the Provost may move that such member be suspended for the remainder of the meeting. If seconded, such a motion shall be put to the vote immediately without discussion.
- (2) If such a motion is carried, the suspended member shall leave the meeting room immediately. If the member fails to comply, the Provost may order the suspended member to be removed from the meeting by the Council Officer or by any other specified person or persons.
- (3) A member who has been suspended in terms of this Standing Order shall not re-enter the meeting room except with the consent of the meeting.
- (4) In the event of a motion for suspension of a member being defeated, the Provost may, if he/she thinks it appropriate to do so, adjourn the meeting as if a state of disorder had arisen.

24. Questions

- (1) At any ordinary meeting of the Council, a member may put a question to the Provost, or to the Convener of any Standing Committee relating to the functions of that Committee,

irrespective of whether the subject matter of the question relates to business which would otherwise fall to be discussed at that meeting, provided that notice in writing of the question, duly signed, has been delivered to the Director of Legal and Democratic Services, not later than 4 working days before the meeting.

- (2) One supplementary question, limited to clarifying any answer given, may be asked by the original questioner.
- (3) No discussion shall be permitted on any question or answer which does not relate to an item of business otherwise falling to be considered at that meeting.
- (4) Questions of which notice has been given in terms of paragraph (1) above, and the answers thereto, shall be recorded in the minutes of the meeting only if the questioner so requests, but any supplementary questions and the answers thereto shall not be so recorded.

†25. Notice of Motions

- (1) At any ordinary meeting of the Council, a member may propose a motion which does not directly relate to an item of business under consideration at the meeting, only if prior notice in writing of such motion has been given to the Director of Legal and Democratic Services at least 7 clear days before the meeting.
- (2) The terms of motions of which notice has been given in terms of (1) above shall appear as items of business for consideration at the next ordinary meeting of the Council.
- (3) If a member who has given notice of a motion is absent from the meeting when the motion falls to be considered or, if present, fails to move it, any other member shall be entitled to move it, failing which the motion shall fall.

†26. Alteration or Revocation of Previous Decision

- (1) Subject to (2) below, a decision shall not be altered or revoked within a period of 6 months from the date of such decision being taken.
- (2) Where the Provost rules that a material change of circumstances has occurred to such extent that it is appropriate for the issue to be reconsidered, a decision may be altered or revoked within 6 months by a subsequent decision arising from:-
 - (i) a recommendation to that effect, by an officer in a formal Report; or
 - (ii) a motion to that effect, of which prior notice has been given in terms of Standing Order 25.
- (3) This Standing Order shall not apply to the ongoing progression or development of an issue on which a decision is required.

†27. Suspension of Standing Orders

- (1) It shall be competent for a member at any time during a meeting to move suspension of the whole or any specified part of any of the following Standing Orders:-
 - 12 Reception of deputations;
 - 13 Applicants, Supporters and Objectors;
 - 24 Questions;
 - 25 Notices of motion;
 - 26 Alteration or revocation of previous decision
 - 36 Rights of Members to attend meetings, etc.

and such a motion, if duly seconded, shall be put to the vote immediately without amendment or discussion.

- (2) No motion for the suspension of Standing Order 26 (alteration or revocation of previous decision) shall be held to have been carried unless it has received the vote of not less than two thirds of the members present and voting.

†28. Admission of Public and Press

- (1) *Except where otherwise required by statute, every meeting of the Council shall be open to the public and press.*
- (2) *The Council may, however, by resolution exclude the public and press while considering any matter which falls within the categories of "exempt information" specified in Schedule 7A to the 1973 Act. (appended hereto)*
- (3) *The terms of any such resolution specifying the part of the proceedings to which it relates and the categories of exempt information involved shall be specified in the minutes.*

†29. Exclusion from Meeting of Members with other Interests

- (1) Members should be aware of their need to comply with The Councillors' Code of Conduct.
- (2) A member who has made a declaration in terms of Section 112 of the Local Government Finance Act 1992 (by reason of being in arrears with Community Charge or Council Tax) shall be entitled to be present during the discussion of and to speak in relation to any matter to which that section applies but not to propose or second any motion relative thereto or to vote on the matter.
- (3) This Standing Order shall apply to persons other than members of the Council who are members of any Committee or Sub-Committee in the same way as if they were members of the Council.

PART III - COMMITTEES AND SUB-COMMITTEES

30. Appointment of Committees

- (1) Subject to any statutory provision, the Council shall appoint the Standing Committees referred to in Standing Order 31, and may at any time appoint Committees for any purpose it deems necessary.
- (2) The Council shall delegate or refer to such Committees such matters as it may from time to time think fit. The matters so delegated or referred to Standing Committees shall be those set out in the Order of Reference of those Committees appended hereto.

31. Standing Committees

The Standing Committees of the Council shall be:-

Children and Learning
Civic Licensing
Communities
Development Standards
Policy and Resources
Scrutiny and Audit

32. Membership of Standing Committees

- (1) The Development Standards Committee shall consist of 13 members and the Civic Licensing Committee shall consist of 10 members of the Council.
- (2) The Children and Learning Committee shall consist of 16 members of the Council, and in addition, five persons who are not members of the Council, being:-

- (i) *three persons representative of church interests, appointed in terms of Section 124 of the 1973 Act; and*
 - (ii) two teachers employed in educational establishments under the management of the Council, nominated in such manner as the Council may determine.
- (3) All other Standing Committees of the Council shall consist of 16 members of the Council except for Scrutiny and Audit Committee which shall consist of 13 members with not less than 8 of those appointed being councillors who are not members of the Administration.
- (4) In appointing members to Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the 1989 Act except in the case of the Scrutiny and Audit Committee where the majority of members must not be members of the Administration. The Leader and Depute Leader of the Council are not permitted to be members of the Scrutiny and Audit Committee.
- (5) Members shall be appointed to Committees at the first meeting of the Council after the ordinary election of Councillors. It shall, however, be competent for the Council to vary the membership at any time, provided:
- (i) that the political balance referred to in (4) above is maintained; and
 - (ii) that each member of the Council is afforded proper opportunity to serve on Committees.
- (6) Persons who are not members of the Council (but who are appointed to any Committee in terms of these Standing Orders) shall, subject to their right to resign, or to any disqualification, remain members of those Committees from the date of their appointment until the next ordinary election of Councillors.
- (7) Substitutes shall be permitted on all Standing Committees of the Council with the exception of the Development Standards and Civic Licensing Committees, subject to intimation being made to the Director of Legal and Democratic Services not later than the commencement of the meeting. It shall not however be possible for a member to substitute for only part of a meeting. The Leader and Depute Leader of the Council are not permitted to act as substitutes at meetings of the Scrutiny and Audit Committee.

33. Appointment of Sub-Committees

- (1) Subject to any statutory provision, and to these Standing Orders, each Standing Committee shall appoint the Standing Sub-Committees specified in its Order of Reference, and may at any time appoint such other Sub-Committees for any purpose as it deems necessary.
- (2) Each Standing Committee (excluding Development Standards and Civic Licensing) shall appoint an Executive Sub-Committee comprising three members of the Committee, with delegated powers to decide any matter (other than a matter affecting Council policy):-
- (i) which would normally be decided by the Standing Committee but which, by reason of its urgency, requires to be decided upon during the annual recess of the Council or, in the case of acceptance of tenders, outwith the approved timetable of meetings and the delegated powers contained in Section 16.8 and Appendix 1 of Financial Regulations; and
 - (ii) which has been specifically referred by the Committee for consideration, at other times of the year.

The Convener of the Committee, in consultation with the Director of Legal and Democratic Services, shall determine whether a matter is urgent or is policy in terms of this Standing Order.

- (3) The Executive Sub-Committee of the Policy and Resources Committee shall have delegated powers to consider applications for early retiral/voluntary redundancy from those employed under the Chief Officers Scheme.
- (4) Members of the Executive Sub-Committee appointed in terms of (2) above shall be entitled to appoint substitute members (who need not be members of the parent Committee) to attend in their place. The Leader and Depute Leader may not serve as substitutes to attend the Executive Sub-Committee of the Scrutiny and Audit Committee.
- (5) Subject to any statutory requirement, any two or more Standing Committees may appoint a joint Sub-Committee to discharge such functions of mutual interest as the Standing Committees concerned may determine, and each Standing Committee may delegate to such joint Sub-Committees such of its own delegated functions as it may determine.
- (6) Without prejudice to the foregoing sub-paragraph, any Standing Committee(s) may establish such joint advisory and/or consultative groups, without delegated powers, as it thinks fit. The membership of such groups may include persons who are not members of the Council.

34. Membership of Sub-Committees

- (1) In appointing members to Sub-Committees, a Standing Committee shall, so far as possible, give effect to the principles regarding political balance set out in the 1989 Act save in the case of the Scrutiny and Audit Committee.
- (2) Members shall be appointed to Standing Sub-Committees at the first meeting of the parent Committee after the ordinary election of Councillors. It shall, however, be competent for the Committee to vary the membership at any time thereafter, provided the political balance referred to in (1) above is maintained, so far as possible.
- (3) In appointing any Sub-Committee, a Standing Committee shall appoint members to be Convener and Vice Convener thereof, who shall hold office for such period as the Committee shall specify at the time of appointment (or if no period is fixed, for the life of the Council). The Convener of any Sub-Committee of the Scrutiny and Audit Committee must not be a member of the Administration.

35. Days and Times of Meetings

- (1) The ordinary meetings of the Standing Committees shall be held in accordance with a timetable approved by the Council.
- (2) Special meetings of Standing Committees, and all meetings of Standing Sub-Committees and any other Committee or Sub-Committee, shall be held on such dates and times (including during the recess) as the respective Conveners of those Committees or Sub-Committees shall determine.
- (3) It shall be within the discretion of the Convener of any Committee or Sub-Committee to cancel, advance or postpone an ordinary meeting if, in his/her opinion, there is a good reason for doing so.
- (4) Four or more members of a Standing Committee or two or more members of any other Committee or Sub-Committee, may, by notice in writing, require a special meeting of that Committee or Sub-Committee to be called to consider the business specified in the notice. Such a meeting shall be held within fourteen days of receipt of the notice by the Director of Legal and Democratic Services.

36. Right of Members to attend meetings and/or place items on agenda

- (1) Any member of the Council shall be entitled to attend any meeting of any Standing Committee or Standing Sub-Committee (other than those mentioned in Standing Order

40(4)(iii) where the public and press have been excluded) and shall, with the consent of the Committee or Sub-Committee concerned, be entitled to speak for a maximum of three minutes but not to propose or second any motion or to vote.

- (2) A member of the Council, who is not a member of a particular Standing Committee or Standing Sub-Committee and wishes that Committee or Sub-Committee to consider an item of business which is within its remit, shall, at least 7 clear days (or where a meeting is called at shorter notice, as soon as practicable) before an ordinary meeting, give written notice of the item and its general import to the Director of Legal and Democratic Services who shall arrange for it to be placed on the agenda of the Committee or Sub-Committee. The member shall be entitled to attend the meeting and speak in relation to the item, but shall not be entitled to propose or second any motion or to vote.
- (3) A member of a Standing Committee or Standing Sub-Committee who wishes to raise any item of business which is within the remit of that Committee or Sub-Committee shall, at least 7 clear days (or where a meeting is called at shorter notice, as soon as practicable) before an appropriate meeting give written notice of the item, its general import and any motion which he/she proposes to move thereon, to the Director of Legal and Democratic Services who shall arrange for it to be placed on the agenda of the Committee or Sub-Committee.

37. Notices and Order of Business of Meetings

- (1) Except in cases of urgency, every notice calling a meeting of a Committee or Sub-Committee shall be given in writing at least three clear days before the date of the meeting.
- (2) The agenda issued with the notice calling each meeting of a Committee or Sub-Committee shall specify the business to be transacted and the order in which it will be brought before the meeting. The business shall proceed in that order, unless otherwise resolved by the Committee or Sub-Committee at the meeting.
- (3) Except as mentioned in (4) below, every member of the Council shall be entitled to receive, on request, a copy of every notice calling a meeting of any Committee or Sub-Committee, together with the agenda and any reports.
- (4) The preceding sub-paragraph shall not apply to the agenda and any reports issued in connection with a meeting of the Committee or Sub-Committees listed in Standing Order 40(4), except with the consent of the Committee or Sub-Committee concerned.

38. Quorum

The quorum of Standing Committees and Sub-Committees shall be as follows:-

All Standing Committees	5 members
Executive Sub-Committees	3 Members
All other Committees and Sub-Committees comprising 4 or more members	At least ¼ of the whole membership, providing that the quorum shall never be less than 3 members.

39. Minutes of Meetings of Committees and Sub-Committees

- (1) The minutes of each meeting of a Standing Committee shall be submitted as soon as is practicable to an ordinary meeting of the Council for information purposes only. The minutes of each meeting of a Standing Sub-Committee shall be submitted as soon as possible to an ordinary meeting of the parent committee for information purposes only. Minutes of meetings of special Committees and special Sub-Committees may, if the Committee or Sub-Committee so determine, be submitted after the Committee or Sub-Committee has exhausted its remit.

- (2) The minutes of each meeting of a Standing Committee or Sub-Committee shall be submitted to the next meeting of the Committee or Sub-Committee for approval as a correct record and signature by the Convener.

40. Delegation to Committees and Sub-Committees

- (1) The Standing Committees and Sub-Committees of the Council shall have the terms of reference and specific delegated authority specified in the Order of Reference appended hereto.
- (2) Each Standing Committee or Standing Sub-Committee shall have delegated authority to determine any matter within its Order of Reference, with the exception of any specific restrictions contained in Standing Orders or in its Order of Reference.
- (3) Subject to the provisions of Standing Orders 41 and 42, the delegation conferred by the previous sub-paragraph shall not apply where:
 - (i) following a division in Committee (or Sub-Committee), two members immediately indicate that they wish the matter to be referred to the Council (or Committee) for decision; or
 - (ii) following a division in Committee and within 3 working days of the date of the Committee (or Sub-Committee) meeting (the day of the meeting being considered as one of those days), 2 members give notice in writing to the Director of Legal and Democratic Services that they wish the matter to be referred to the Council (or Committee) for decision,

and in either case the matter shall be so referred, and such matters, together with those excluded from delegation under the provisions of any other Standing Order, shall be specially identified in the minutes submitted to each meeting of the Council, on the basis that the matter referred requires a decision and was not for noting.

- (4) The provisions of sub-paragraph (3) above shall not apply to:-
 - (i) any matter where the Committee or Sub-Committee is required to act quasi-judicially;
 - (ii) any proceedings of any Committee or Sub-Committee specifically established in terms of statute for the purpose of those proceedings;
 - (iii) any proceedings at meetings of the following Sub-Committees:-
 - School Attendance Sub-Committee
 - Education Special Cases Sub-Committee
 - Staffing Sub-Committee
 - Education Records Review Sub-Committee
 - Case Sub-Committee
 - Personnel Appeals Sub-Committee
- (5) Committees and Sub-Committees shall conduct their business within their terms of reference and, in exercising the authority delegated to them, shall do so always in accordance with the following provisions. However, in relation to any matter (i) not specifically referred to in the Order of Reference, or (ii) in Standing Order 41, it shall be competent, for the Committee, whose remit the matter most closely resembles, to consider such matter and to make any appropriate recommendation to the Council. In the interest of efficiency whenever possible business should only be presented to one committee being the committee whose order of reference includes the principal issues to be considered.
- (6) Committees and Sub-Committees shall exercise the authority delegated to them having regard to, and in accordance with, the policy of the Council.

- (7) Committees and Sub-Committees shall conduct any business relating to contracts always in accordance with the Standing Orders, Financial Regulations and administrative procedures adopted by the Council.
- (8) Committees and Sub-Committees shall conduct their business having regard where appropriate to the constituency interests of local members in the matters under consideration.
- (9) The Council may, if it so resolves, deal with any matter falling within the Order of Reference of any Committee or Sub-Committee without the requirement of receiving a report or minute of that Committee or Sub-Committee referring to that matter.
- (10) Subject to any statutory requirement, the Council may at any time vary, add to, restrict or recall any reference or delegation to any Committee or Sub-Committee, and any specific direction by the Council in relation to the remit of a Committee or Sub-Committee shall take precedence over the terms of any provision in the Order of Reference.
- (11) A Committee may, at any time, deal with any matter falling within the Order of Reference of any of its Sub-Committees without the requirement of the submission of a report or minute of that Sub-Committee referring to that matter.
- (12) Subject to any statutory requirement, a Committee may, at any time, vary, add to, restrict or recall any reference or delegation to any of its Sub-Committees and any specific direction by a Committee shall take precedence over the terms of any provision in the Order of Reference.
- (13) A Committee may at any time refer any item of business to a Standing Sub-Committee for consideration and report and may, if the Committee considers it appropriate to do so, delegate to the Sub-Committee such additional powers to dispose of the business as the Committee thinks fit.
- (14) If any matter is of interest to a Committee or Committees other than the one to which the matter is referred or delegated, either or any of the Committees concerned shall be entitled (in the case of a matter referred but not delegated, without the necessity of the prior approval of the Council) to submit a proposal or recommendation relative to the matter to any other Committee or Committees, and any such proposal or recommendation shall appear as an item of business on the agenda of the next convenient meeting of such Committee or Committees. However, no action shall follow on the submission of any such proposal or recommendation without the approval of the Committee within whose remit the matter falls.
- (15) If a matter is of common or joint interest to a number of Committees, and is a delegated matter, no action shall be taken until all Committees have considered the matter.
- (16) In the event of disagreement between Committees in respect of any such proposal or recommendation which falls within the delegated authority of one Committee, the decision of that Committee shall prevail. If the matter is referred but not delegated to any Committee, a report summarising the views of the various Committees shall be prepared by the Director of Legal and Democratic Services and shall appear as an item of business on the agenda of the next convenient meeting of the Council.

41. Exclusions from Delegations

There shall be excluded from any delegation:-

- (i) any of the Council's functions in respect of the setting of the Council Tax or resolving to borrow money;
- (ii) the incurring of capital expenditure for which no provision or insufficient provision has been made in the capital budget;

- (iii) the undertaking of borrowing or investment activity which is not in accordance with the annual Treasury Management Strategy Statement and Investment Strategy;
- (iv) the incurring of revenue expenditure for which no provision or insufficient provision has been made in the revenue budget;
- (v) the acquisition (other than by the Policy and Resources Committee), of any land or buildings or other interests therein required for the purposes of any service controlled by a particular Committee;
- (vi) the dismissal of Directors;
- (vii) the making, alteration or revocation of Byelaws and Management Rules;
- (viii) the making, alteration or revocation of Standing Orders and Financial Regulations;
- (ix) the making and amendment of the Structure Plan and the Local Plan;
- (x) any matter involving determination of differences between Committees;
- (xi) proposals for the promotion of, or opposition to, parliamentary powers;
- (xii) the appointment of elected members to outside bodies.

42. Attendance at Meetings, Conferences or other Functions

- (1) Each Committee, subject to any statutory provision, shall have power to appoint representatives to attend any meeting or conference relevant to the interests of the Committee.
- (2) The Convener of any Committee may attend meetings convened by or with other local authorities, government departments or other statutory bodies or organs of the European Union at which matters relevant to the interests of that Committee are to be considered. Any such Convener may be accompanied at such meetings by any appropriate officer and may authorise such officer and/or another member of the Committee to attend any such meeting in his/her absence.
- (3) Subject to the constitution of the Convention of Scottish Local Authorities, the members appointed by the Council to the Convention shall be entitled to attend all meetings of the Convention or its Committees, including the Annual General Meeting and Annual Conference. The Convener of any Standing Committee of the Council may attend any meeting of the Convention or one of its Forums or subordinate bodies where he/she reasonably considers such attendance to be in the interest of the Council.
- (4) Where a member of the Council has been appointed to any office by the Convention and such appointment has been notified to and approved by the Council, he/she shall be entitled, without further approval by the Council, to attend all meetings, conferences, etc necessarily arising out of such appointment.
- (5) The Convener of the Policy and Resources Committee or any other member of that Committee nominated by him/her shall be entitled to attend, with the appropriate officers, all meetings of the joint negotiating bodies responsible for the negotiation of conditions of service for the Council's employees.
- (6) The expenses and allowances payable to any member of the Council in attending any meeting or conference in terms of these Standing Orders or as otherwise authorised by the Council shall, subject to any enactment, be in accordance with the scheme prepared by the Director of Finance and approved by the Policy and Resources Committee in terms of the Council's Financial Regulations.

- (7) The delegated authority conferred by this Standing Order shall apply only to members attending meetings, conferences or other functions held within the European Union where appropriate budget provision has been made.

43. Expenditure on Hospitality etc

- (1) Any Standing Committee may, within the sum provided for that purpose in the approved Revenue Budget for the department or function in question, incur expenditure:-
- (i) on the provision of hospitality consisting of the reception and entertainment by way of official courtesy, of distinguished persons and persons representative of or connected with local government or other public services whether within or outside the United Kingdom where the occasion giving rise to such hospitality relates mainly to the function of that Committee;
 - (ii) on the provision of hospitality in connection with any inspection or ceremony affecting any service controlled by that Committee;
 - (iii) on the provision of hospitality to persons who may be interested in the promotion of industrial or commercial developments or other activities which may create employment opportunities in Angus; or
 - (iv) to persons who are assisting or co-operating with the Council or its officers in relation to the functions of the Committee.
- (2) The Convener of any Standing Committee may authorise the provision of hospitality in the circumstances specified above and related to the functions of a service under the control of the Committee (or in the case of the Policy and Resources Committee to the functions of the Council), provided that the expenditure on any one occasion does not exceed £400 and that the expenditure can be met out of the sum provided in the appropriate budget for that purpose.

PART IV - OFFICERS OF THE COUNCIL

44. Returning Officer for Elections

- (1) The Chief Executive shall be the Returning Officer for each election of councillors in accordance with Section 41 of the Representation of the People Act 1983 and the Director of Legal and Democratic Services shall be the Depute Returning Officer.
- (2) The Director of Legal and Democratic Services shall be the Returning Officer for all Community Council elections.

45. Statutory Officers of the Council

- (1) The Chief Executive, the Director of Legal and Democratic Services and the Director of Finance shall be respectively the Head of the Council's Paid Service, Monitoring Officer and Proper Officer for the administration of the Council's financial affairs, in terms respectively of S4 and S5 of the 1989 Act and S95 of the 1973 Act and be entitled to discharge all the powers and duties conferred upon such officers by the 1989 Act or other statutory provisions.
- (2) The Director of Children, Families and Justice shall be the Chief Social Work Officer in terms of S3 of the Social Work (Scotland) Act 1968. The designated Depute Chief Social Work Officer shall be the Service Leader – Reducing Reoffending.

46. Proper Officers of the Council

The Proper Officers of the Council shall be as follows (unless otherwise stated, references are to the 1973 Act):-

- (1) the Chief Executive, or the Director of Legal and Democratic Services, for the purposes of -
 S33(A) - declaration of acceptance of office as a councillor
 S34 - receipt of resignations of councillors
- (2) the Director of Legal and Democratic Services and in his/her absence the Service Leader - Legal and Democratic for the purposes of:-
 S43, Schedule 7, para 2 - notice of and summons to attend meetings
 S40 - receipt of notices and recording of disclosures
 S189 (2) – institute, defend or appear in summary jurisdiction proceedings
 S190 - service of legal proceedings, notices etc
 S191 - claims in sequestrations and liquidations (excluding those for outstanding local taxes etc)
 S193 - authentication of documents
 Schedule 2 of the Requirements of Writing (S) Act 1995
 S197 - inspection and deposit of documents
 S202 and 202B - procedure etc for and register of byelaws
 S204 - evidence of byelaws
 S231 - application to Sheriff in cases of difficulty
 S50B, 50C and 50F - access to information
 S223 - property held on trust (unless the Council have otherwise specified the appointment of another officer for any of such purposes)
 Schedule 5 of the Representation of the People Act 1983 - lists of meeting rooms
 S19 of the Local Government and Housing Act 1989 - members' interests
 S112 of the Education (Scotland) Act 1980 - procedure in preparation of reorganisation schemes
 The Scottish Local Government Elections Order 2007 Schedule 1
 Scottish Local Government Elections Rules 2002
 S82 (2) of the Representation of the People Act 1983 - declaration as to election expenses
 S113 of the Civic Government (Scotland) Act 1982 - evidence of management rules
 Section 7(1) of the Ethical Standards in Public Life (Scotland) Act 2000 - set up, maintain and make available for public inspection the register of interests
- (3) the Director of Finance, or the Service Leader - Finance, for the purposes of-
 S92 - transfer of securities
 S95 - financial administration

- (4) the Director of HR/Digital Enablement/IT and Business Support for the purpose of S2 of the Local Government and Housing Act 1989 – politically restricted posts
- (5) the Director of Communities or the Service Leader – Planning and Communities, for the purposes of -
The Building (Scotland) Act 2003
- (6) the Director of HR/Digital Enablement/IT and Business Support or the Service Leader - Digital Enablement/IT, for the purposes of -
S145 and the Ordnance Survey Act 1841 - applications to the Council
- (7) the Director of Communities or the Service Leader - Housing for the purposes of signing Notices of Proceedings for Recovery of Possession of Houses under Section 47 of the Housing (Scotland) Act 1987
- (8) the Director of Infrastructure for the purposes of Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984
- (9) the Director in whose name a report is issued for the purposes of S50D - identification of and inspection by members of the public of background papers for reports.

47. Execution of Deeds

All deeds which, in the opinion of the Director of Legal and Democratic Services require to be formally executed on behalf of the Council, shall be signed by the proper officer and either:

- (i) sealed with the Common Seal of the Council; or
- (ii) sealed with the Common Seal of the Council and signed by 2 members; or
- (iii) attested by one witness.

48. Reports to Members

- (1) Reports to the Council, Committees and Sub-Committees shall be submitted by the Chief Executive, by the appropriate Director, by the Chief Integration Officer, by the Monitoring Officer, the Chief Social Work Officer or the Director of Finance in exercising their duties as the Proper Officer, by the Service Leader – (Internal Audit), the Chief Executive, Angus Alive, or when, in the professional opinion of the Chief Executive or Director a report is required to enable the Council to comply with any enactment or other rule of law or when the exigencies of the service under his/her control so require.
- (2) Reports on the performance of the Police and Fire and Rescue Services will be submitted by the Divisional Commander, Police Scotland or by the Area Manager, Scottish Fire and Rescue Service.
- (3) Any report to be submitted in terms of this Standing Order shall be provided in draft not later than fourteen days prior to the meeting at which it is proposed to be considered, to:-
 - (i) the Chief Executive, the Director of Finance and the Director of Legal and Democratic Services
 - (ii) the Director of HR/Digital Enablement/IT and Business Support and the Director of Infrastructure in cases where the report concerns matters within their professional remit, and any other Director whose service or budget may be affected by the proposals contained in the report;

and any observations by those officers on matters within their professional remit shall be incorporated into the report.

- (4) Reports by the Service Leader – Planning and Communities which relate to a Planning Application, including enforcement action and Reports by the Director of Legal and Democratic Services which relate to Licensing Applications or Planning Application reviews are exempt from the consultation process detailed in (3) above.

49. Appointment of Staff

- (1) The appointment of staff shall be based on merit and shall have regard to the Council's Recruitment and Selection Procedures.
- (2) The appointment of the Chief Executive the Depute Chief Executive and Directors shall be undertaken by an Appointments Sub-Committee of the Council, comprising the Leader and Depute Leader of the Council and four other members (one Administration, three Non-Administration).
- (3) The appointment of all other staff (except the appointment of teaching staff in terms of statutory requirements) shall be delegated to the appropriate Directors.
- (4) The list of applications for any appointment shall be treated as confidential and only the name and particulars of successful candidates shall be recorded in the minutes of the relevant meetings.
- (5) For the purpose of appointment of Headteachers, and Depute Headteachers, the Children and Learning Committee shall establish appointment committees in accordance with section 14 of the Scottish Schools (Parental Involvement) Act 2006.
- (6) For the avoidance of doubt, the person presiding at any relevant meeting shall, in the case of an equality of votes, have a second or casting vote in relation to matters falling within this Standing Order.

50. Relatives of Members and Certain Officers not to be employed without approval of Council

- (1) Subject to the provisions of any enactment, a person who is a relative of , or a person in the same household as, a member of the Council (or a member of any Committee or Sub-Committee who is not a member of the Council) or of any officer employed under Chief Officers Scheme of Salaries and Conditions of Service, shall not be appointed to any remunerative post in the service of the Council without the approval of the Committee controlling the service in which the appointment is to be made.
- (2) The Chief Executive shall be advised immediately an application falling within the terms of this Standing Order is received. He/she shall satisfy him/herself that the related member or officer:-
 - (i) has not been and will not be in any way involved in the appointment procedure; and
 - (ii) will not be involved in any direct working relationship with the appointee which might give rise to allegations of favouritism or other form of embarrassment within the Council or Service(s) concerned;

and thereafter a Report shall be submitted to the Committee responsible for approving the appointment incorporating such observations as the Chief Executive may consider appropriate.

51. Property Transactions involving Members, Certain Officers or their Relatives

- (1) This Standing Order applies where a property transaction, (whether purchase, sale, lease, servitude, excambion or of any other description) is proposed between the Council and a member of the Council (including for this purpose a non-elected member of any Committee or Sub-Committee) or any officer employed under Chief Officers Scheme of Salaries and Conditions of Services , or where to the knowledge of such member or officer such a transaction is proposed between the Council and any relative of his/her or person in the same household as him/her.
- (2) The member or officer shall, when he/she intimates his/her interest in the proposed transaction, or as soon as he/she receives a proposal from the Council or becomes aware of a proposal involving a relative or person in the same household, give notice of the possible transaction to the Chief Executive.
- (3) The Chief Executive shall thereupon submit a report to the Committee or Sub-Committee by whom the transaction is to be considered, containing (i) such observations as he/she considers to be appropriate or necessary regarding the transaction or (ii) the procedure to be applied in formulating or approving its terms, including the exclusion of persons from the process.
- (4) When considering a transaction falling within this Standing Order, the Committee or Sub-Committee concerned shall satisfy themselves, after due consultation with the Chief Executive, that the person giving the notice required by paragraph (1) has not in any way been involved in the negotiations and has not exercised influence or pressure in relation to the negotiations and that there is no way in which the transaction can give rise to allegations of favouritism.
- (5) For the purpose of this Standing Order and Standing Order 50, "relative" shall include a first cousin and any nearer degree of relationship whether by blood or marriage.

52. Restriction on staff engaging in other remunerative employment

- (1) All staff who are in the employment of the Council shall not engage in any other regular remunerative employment without the consent of the Chief Executive or appropriate Director, with the exception of reserve forces employment who will only be required to give notice, and in the case of the Chief Executive without the express authority of the Policy and Resources Executive Sub-Committee.
- (2) No member of staff shall engage in any work in competition with any service of the Council.
- (3) All rights of copyright in all works of whatever kind created by an employee of the Council in the course of their employment with the Council shall remain with the Council and shall be dealt with in accordance with the policy of the Council.

PART V - GENERAL

53. Public Notices, Invitations to tender etc

Subject to the provisions of any enactment, all public notices, advertisements and invitations to tender, whether by press advertisement or otherwise, required to be given by or on behalf of the Council or any Committee or department thereof, shall be made by and in the name of the Director of the service concerned or the Director of Legal and Democratic Services.

54. Annual Return of Payments to Members

The Director of HR/Digital Enablement/IT and Business Support shall prepare and issue an annual return showing for the previous financial year the salaries, allowances, expenses (including travelling expenses) paid to each member of the Council, in accordance with the legislation governing members' remuneration, allowances and expenses.

55. Custody of Title Deeds

The Director of Legal and Democratic Services shall be responsible for the safe custody of the title deeds of all land and property in the ownership of the Council, the minutes and other records of the proceedings of the Council, its Committees and Sub-Committees and all other records belonging to or relating to the Council which are not more appropriately retained by the Director of a particular service. The requirements of this paragraph may be exercised in terms of an agency arrangement with any other local authority or authorities.