

# Scheme Of Governance

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PART 1

**Standing Orders**



## STANDING ORDERS OF ANGUS COUNCIL

This document contains the rules which regulate the business and proceedings of Angus Council and its appointed Committees and Sub-Committees.

The provisions of the Financial Regulations and the Procurement Standing Orders shall be read in conjunction with these Standing Orders.

The Council shall exercise all its powers and duties in accordance with the law and the Council's Scheme of Governance.

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## 1. First Meeting of Council

- (1) *The first meeting of the Council after an ordinary election of Councillors shall take place within 21 days of the date of the election. The Returning Officer, whom failing such Councillor as the meeting may select, will chair the meeting until a Provost is elected.*
- (2) At that meeting Full Council shall:-
- (i) *Elect the Convener of the Council, who shall be known as the Provost.*
  - (ii) *Elect a Deputy Convener of the Council, who shall be known as the Deputy Provost.*
  - (iii) *Appoint a Convener and Vice-Convener of each of the Standing Committees of the Council.*
  - (iv) *Appoint the members of Standing Committees, having regard to Political Balance, subject to Standing Order 31(4).*
  - (v) *Appoint or nominate, as the case may be, Councillors to represent the Council on Joint Boards, Joint Committees, and Outside Bodies on which the Council is entitled to, and agrees to be, represented.*
  - (vi) *adopt a timetable of meetings of the Council.*

*All appointments or nominations referred to in (i) –(v) above, will be effective for the full council term unless:-*

- a) *the Councillor resigns; or*
  - b) *a Motion to remove a Councillor or an External Member is carried by a majority of Members present and voting at the Council or Committee or Sub-Committee as appropriate.*
- (3) *When nominating or appointing Members to any office or position where there are a greater number of candidates than vacancies, the decision will be taken by a vote. As per Standing Order 19, 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 to any particular office or committee, 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.*

## 2. 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 will take place as detailed in the timetable of meetings. The Provost can cancel, advance or postpone an*

Ordinary Meeting, if in the Provost's opinion there is a good reason for doing so.

- (3) *A Special Council Meeting may be called at any time by the Provost or, if required, by at least one-fourth of all Councillors. If it is called by one-fourth of all Councillors, this is called a "Requisitioned Meeting" and must be held within fourteen days of receipt of the requisition by the Director of Legal, Governance & Change. The notice for the Requisitioned Meeting must be signed by all of the Councillors calling the Meeting and must state the purpose of the Meeting.*
- (4) The Provost can cancel, advance or postpone a Special Council Meeting that the Provost calls, if in their opinion there is a good reason for doing so.
- (5) Subject to Section 35 of the 1973 Act:-
  - (i) *if a Councillor fails throughout a period of six consecutive months to attend any Meeting, they shall, unless the failure was due to some reason approved by the Council, cease to be a Councillor. Attendance as a Councillor at a meeting of any Committee or Sub-Committee, or at a meeting of any Joint Committee, Joint Board or other body by whom for the time being any of the functions of the authority are being discharged, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed to be attendance at a meeting of the authority.*
  - (ii) *The absence of a Councillor from a Meeting during a period of suspension imposed on the Councillor under section 103F or 103G of the 1973 Act or section 19 or 21(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 is not a failure to attend the Meeting.*

### 3. Order of Business

- (1) *At an Ordinary Meeting, the business shown on the Agenda shall (unless otherwise agreed by the Councillors at the Meeting) proceed in the following order:-*
  - (i) Declarations of Interest/Statements of Transparency.
  - (ii) Minutes (which, unless reported for information only, shall be read or held as read, considered and disposed of).
  - (iii) Determination of Exempt Items.
  - (iv) Requests to Speak.
  - (v) Motions of which due Notice has been given in terms of Standing Order 24 in the order in which they have been received by the Director of Legal, Governance & Change.

- (vi) General Business, including matters which the Council is required by statute to take to a Meeting.
  - (vii) *Business which the Provost has determined should be considered at the Meeting as a matter of urgency by reason of special circumstances.*
- (2) **Declarations of Interest** - Any Councillor making a Declaration of Interest should:-
- (i) indicate whether it is a financial or non-financial interest;
  - (ii) include some information on the nature of the interest; and
  - (iii) must withdraw from the meeting room (including from the public gallery), or where applicable, the remote meeting, where they have made a Declaration of Interest and can only re-join after the discussion on the matter has concluded. It is not sufficient for them to turn off their camera and/or microphone for the duration of the matter.
- (3) **Statements of Transparency** - Any Councillor may make a Statement of Transparency where they think it is appropriate for transparency reasons to state publicly in the Meeting where they have a connection which they do not consider amounts to an interest as set out in section 5 of the Councillors' Code of Conduct.

#### 4. Meeting of the Council to set the Council Tax

- (1) At the annual Special Council Meeting to set the council tax, a Councillor or any group of Councillors wishing to bring proposals regarding the Council's revenue and capital budget must submit a final version, which must be agreed with the Director of Finance, no later than 15 Working Days before the date set for the council tax setting meeting (or by such shorter period as may be agreed with the Director of Finance).
- (2) Such budget proposals will be published together as part of the council reports for that Council meeting, excluding the rate of council tax to be set, and proposed contributions to and from the Council Reserves (which will be disclosed as part of the formal motion/amendments at the meeting).
- (3) For the avoidance of doubt, this will not prevent a Councillor bringing an Amendment or Amendments, whether forming part of a Motion or an Amendment to any budget proposals during the Council meeting provided that:-
  - (i) the mover of any Amendment has submitted the same in writing to the Director of Legal, Governance & Change and the Director of Finance no later than 5pm two Working Days before the Meeting;

- (ii) the Amendment has been confirmed as being financially competent by the Director of Finance; and
  - (iii) with the exception that any proposals for use of Reserves for anything other than balancing the budget and the associated Council Tax position must be included in the published papers for the Special Council Meeting.
- (4) A Councillor who is moving a Motion for the adoption of annual reports, accounts, or budget, or moving an alternative budget may speak for more than the 5 minutes normally applied to movers of Motions and Amendments.

## 5. Calling of Meetings

- (1) For all Meetings, except in the case of an urgent meeting of a Committee or Sub-Committee, a notice will be published at least *three Clear Days before a meeting, which will:-*
- (i) detail *the time and place of the Meeting* and for Hybrid Meetings will include details of the physical venue for in-person attendance and the Microsoft Teams link for remote attendance; *and*
  - (ii) in addition to the notice, *a Summons specifying the business to be transacted and signed by the Director of Legal, Governance & Change, shall be sent to:*
    - a) Councillors electronically by email to their Angus Council address, or by post to their usual residence, *or such other place as a Councillor has provided in writing to the Director of Legal, Governance & Change;*
    - b) *External Members, in the case of Exempt Items, by email to their Angus Council address (if applicable) or by post to their usual residence; and in the case of non-Exempt Items, by emailing a link to the public part of the Agenda.*
- (2) *The validity of any Meeting shall not be affected by the failure of any Member to receive a Summons.*
- (3) Meetings of the Standing Committees will take place in accordance with a timetable approved by the Council.
- (4) Special meetings of Standing Committees and Sub-Committees can be called by the respective Conveners of those Committees and Sub-Committees and will take place on such dates and times as the respective Conveners of those Committees and Sub-Committees shall determine.
- (5) A Convener can cancel, advance or postpone an Ordinary Meeting or a special meeting called by them if, in their opinion, there is a good reason for doing so.

## 6. Remote Attendance at Meetings Arrangements

- (1) *A Meeting may be conducted remotely, however, only on the direction of the Convener, whom failing, the Vice-Convener of that Meeting.*
- (2) Remote Members will be counted for the purposes of determining whether there is a quorum.
- (3) A Remote Member will cast their vote as if participating in a roll call vote.
- (4) Where a Remote Member loses connection to the Meeting before casting their vote, the Remote Member may, subject to the exceptions outlined in terms of Standing Order 19(4) for Quasi-Judicial matters, phone in to cast their vote.
- (5) Any Remote Member who has declared an interest in an item and indicated that they will not take part in that item, must exit the communication link for the duration of consideration of the item. They will be re-invited back into the Meeting (whether by email or otherwise) and resume their participation following completion of consideration of that item.
- (6) Any Remote Member must ensure that they are in a secure private location, and before they can participate in the consideration of any Confidential Item and/or Exempt Item they must ensure that no-one else is able to hear the proceedings from the device being used by that Remote Member.
- (7) When considering a Confidential or an Exempt Item, Remote Members should ensure where practical that their cameras are turned on.

## 7. Arrangements for Chairing Meetings

- (1) At a Meeting the Convener, if present, will preside.
- (2) If the Convener is absent, the Vice-Convener will preside.
- (3) If they are both absent, the Proper Officer will initially preside and call for nominations from the Members present for a Chair of the Meeting. Whoever is elected will preside for the remainder of the Meeting or until the Convener or the Vice-Convener arrives.
- (4) Where the Convener or Vice-Convener arrive after a Chair has been elected, he/she will take over the Meeting from the start of the next item on the Agenda.

## 8. Office Holders



- (1) *The holders of the offices mentioned in Standing Order 1(2) 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 they are re-elected as Councillors.*
- (2) *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 1(3).*

## 9. Quorum

- (1) There must be a minimum number of Members present at a Meeting. This is known as a quorum. *No business can be determined at a Meeting unless a quorum is present.*
- (2) *The quorum for each Council meeting shall be one fourth of the whole number of the members of the Council.*
- (3) The quorum for Standing Committees and Sub-Committees shall be at least one-quarter of the whole membership, providing that the quorum shall never be less than 3 Members, namely as follows:-

1.	All Standing Committees	2.	5 Members
3.	Executive Sub-Committees	4.	3 Members
5.	All other Committees and Sub-Committees comprising 4 or more Members	6.	At least $\frac{1}{4}$ of the whole membership, providing that the quorum shall never be less than 3 Members

- (4) If, ten minutes after the time set for the start of a Meeting, a quorum is not present, the Meeting will be abandoned, and the Committee Officer will record that no business was considered because there was no quorum.
- (5) If at any time during a Meeting there is a question about whether there is a quorum, the Convener will immediately suspend the Meeting. After allowing an interval of ten minutes, the Committee Officer will count the numbers of Members present. If a quorum is not present in accordance with the provisions of Standing Order 9(2) or 9(3) as applicable, the Meeting will be adjourned.

## 10. Meeting Agenda

- (1) *The Summons will include an Agenda of the items of business for the Meeting. These will be set out in the order in which they will be considered at the Meeting, except that the Members present at the Meeting may agree to alter the order of business at any stage.*

- (2) *No item of business (including Notices of Motion) may be considered at a Meeting unless:-*
  - (i) *it is specified in the Summons, or any supplementary notice and copies of the Summons and any supplementary notice are available to any members of the public, or it is required by statute; or*
  - (ii) *it is an item that the Convener considers to be urgent, and the reasons of the urgency will be recorded in the minutes.*
- (3) *The Minute of each Meeting will be included on the agenda for the next Ordinary Meeting of Full Council or Committee or Sub-Committee (as the case may be) for approval. The Minute will be considered, corrected if need be, and where they are held to be a correct record of the Meeting, they will be signed by the person presiding.*

## **11. Requests to Speak for Items on the Meeting Agenda (other than Planning Applications)**

- (1) A Request to Speak at a Meeting may be made by a member of the public in terms of the following provisions:-
  - (i) The Request to Speak shall be in writing and shall be received by the Director of Legal, Governance & Change not later than 5pm on the Working Day preceding the date published for the Meeting. (This does not include the dates of any adjournments to the Meeting).
  - (ii) The application must state the subject on which the Request to Speak is to be received by referring directly to an item on the Agenda and the action (if any) which it is proposed that the Council/Committee should take.
  - (iii) If in the opinion of the Convener the subject matter of the Request to Speak is competent and relevant to the relevant Agenda, then the Request to Speak shall be put before Members to determine if it will be heard at the meeting.
- (2) It is at the discretion of the Convener to decide whether to put before the Meeting a Request to Speak in terms of this provision if received late.
- (3) The Members will decide whether to agree to hear the Request to Speak. If the Request to Speak is agreed, the total number of persons forming part of the Request to Speak shall consist of not more than ten persons.
- (4) No more than two people forming part of the same Request to Speak shall be permitted to address the Meeting and they may speak in total for no more than 10 minutes.
- (5) Any Member may put any relevant question to the two speaker(s) but shall not express any opinion on the subject matter until the speaker(s) have

completed their address to the Meeting. No debate or discussion on the matter shall take place until the relevant item falls to be considered in terms of the order of business.

- (6) No Request to Speak will be considered on an Exempt Item or a Confidential Item, an item relating to staffing terms and conditions of any organisation or body to which a councillor has been appointed or nominated by the Council and service, or an item in respect of any live litigation that the Council is involved with.
- (7) No Request to Speak will be heard if a Request to Speak has been previously granted on the same matter and no change of circumstances has occurred.

## **12. Requests to Speak about Planning Applications that are on the Meeting Agenda**

- (1) In the case of Requests to Speak on planning applications which form part of the meeting agenda, an applicant, any persons with a valid interest, that is a consultee or anyone who has submitted a valid representation on a planning application, may by themselves, or through an agent, make a Request to Speak at a meeting which is to be considering/determining the application.
- (2) A Request to Speak on a planning application must be made in writing and submitted to the Director of Legal, Governance & Change no later than 9.00am 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 but should as a courtesy advise the Committee Officer if they intend to speak.
- (3) Relevant parties under sub-paragraph (1) above (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).
- (4) After each individual relevant party has spoken, a Member 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 or in the case of attendance remotely has switched off their microphones.
- (5) 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.

- (6) For meetings that are not held remotely, the relevant party must have sufficient copies of any items to be tabled in terms of Standing Order 12(5) to be provided for all Members of the Committee and officers (minimum of 25) at the Meeting. All such papers etc should, where at all possible, be in an accessible format. In the case of meetings held remotely the Committee Officer will be provided with an electronic copy at least 1 Clear Day in advance of the meeting to be circulated to Members and officers electronically.
- (7) It will be at the discretion of the Convener, taking into account the nature of their representations, to limit the number of speakers on any one planning application. 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.

### **13. Petitions**

- (1) Members of the public may submit a Petition to the Council. Petitions must be lodged with the Director of Legal, Governance & Change. If a Petition has more than 50 signatories, a report shall be submitted to the Scrutiny and Audit Committee in accordance with its Terms of Reference. The report will be submitted to the next Scrutiny and Audit Committee meeting which, in terms of the agenda timetable, would allow sufficient time for a report to be prepared.
- (2) Petitions will only be accepted where the name and postcode has been provided for all signatories, with all signatories requiring to be resident in Angus.
- (3) Following consideration of the initial report on the Petition, the Scrutiny and Audit Committee may:-
  - (i) Note receipt of the Petition and take no further action; or
  - (ii) Agree that appropriate action has already been taken or is planned, and no further action is necessary; or
  - (iii) Ask for a fuller report from the relevant officer; or
  - (iv) Carry out a detailed scrutiny review, which will involve gathering evidence and making recommendations to the relevant committee.
- (4) The Scrutiny and Audit Committee can however simply refer the matter to another Committee or to Full Council, where in the view of the Committee, it is significant enough to merit this.

### **14. Order of Debate at Meetings**

- (1) Any Member who wants to speak at a Meeting should raise a hand and when asked to by the Chair speak, (unless present only by virtual means, in terms of remote meetings in which case the raise hand function should be used) and address the Meeting and only speak if it is relevant to the matter being debated. A Member cannot speak in support of a Motion or Amendment until it has been seconded.
- (2) A Member can only speak once in a debate unless they are:-
  - (i) asking a question or questions;
  - (ii) raising a Point of Order (which will stop the debate) (see Standing Order 23);
  - (iii) making a point of clarification; or
  - (iv) moving or seconding a procedural motion.
- (3) The mover of the Motion and the Amendment shall have a right of reply but may not use this as the opportunity to introduce any new matter.

## 15. Motions and Amendments

- (1) Other than for any regulatory or Quasi-Judicial meetings, the mover of any Motion or Amendment must state the exact terms of the Motion or Amendment before speaking in support of it.
- (2) Subject to the provisions of Standing Order 4 (Meeting of the Council to set the Council Tax):-
  - (i) the mover of any Motion or Amendment must submit the same in writing to the Director of Legal, Governance & Change no later than 5pm on the Working Day before the Meeting unless it is:-
    - a) a Motion or Amendment to approve or reject the report recommendations, or
    - b) a Motion or Amendment to defer the report for further consideration; or
    - c) a competent Motion or Amendment when it is clear that it is arising from the debate;in which case, it can be presented at the Meeting.
  - (ii) a Motion or an Amendment which would involve expenditure not provided for, or reduce income provided for in the Capital or Revenue Budgets will not normally be considered competent unless accompanied by a statement from the Director of Finance or his nominee of the financial implications.

- (3) The Convener has the right to move the approval of any recommendations in a Report by an officer.
- (4) Every Amendment must be relevant to the Motion.
- (5) All additions to, omissions from, or variations to a Motion will be considered as Amendments to the Motion and be dealt with on that basis.
- (6) A Motion or Amendment once moved and seconded shall not be withdrawn without the consent of the mover and seconder.
- (7) Where an Amendment to a Motion has been moved and seconded, no further Amendment may be moved until the result of the vote is known.
- (8) If an Amendment is rejected, a further Amendment to the original Motion may be moved, subject to the Member proposing to move such an Amendment giving notice of it prior to the vote being taken. If an Amendment is carried, it shall take the place of the original Motion.
- (9) A Motion or an Amendment which would involve expenditure not provided for, or reduce income provided for in the Capital or Revenue Budgets which has arisen clearly as a result of a debate during the Meeting or in respect of business determined by the Convener to be a matter of urgency by reason of special circumstances in terms of Standing Order 3(1)(v) will not normally be considered competent unless accompanied by a statement from the Director of Finance or his nominee of the financial implications.
- (10) A Motion or an Amendment will be determined as not competent by the Convener if:-
  - (i) the matter is already being pursued. In such circumstances, the Member may only resubmit the Motion after a period of six months from the date of submission of the Notice of Motion; or
  - (ii) the terms of the Motion or the Amendment could result in a breach in law; or
  - (iii) a Motion or an Amendment in similar terms has already been submitted for the same Meeting by another Member.
- (11) A Motion or Amendment moved but not seconded, or which has been ruled by the Convener to be not competent, shall not be put to the Meeting nor shall it be recorded in the Minute.
- (12) A Member may request his/her dissent to be recorded in the Minute in respect of a decision with which he/she disagrees.

## **16. The Minute**

- (1) No discussion or amendment will be competent on a Minute submitted at any Meeting for approval other than any discussion or amendment to the effect that it is not a correct record.
- (2) A Motion for the approval of a Minute (or any part thereof) shall be considered as an original Motion and any proposal involving alteration or rejection of such Minute shall be dealt with as an Amendment. Any such Amendment will include the words of the alteration which is proposed to the Minute. An objection to the correctness of a Minute will be dealt with by way of an Amendment to a Motion to approve the Minute. A Motion to challenge the accuracy of a Minute shall not be competent unless intimated in writing to the Manager – Democratic, Member Services and Elections prior to the Meeting at which the Minute is being submitted for approval.
- (3) Only Members who were present at the Meeting to which a Minute relates may vote on the correctness of the Minute.

## **17. Time allowed for speaking**

- (1) A Member who is moving any Motion or Amendment shall not speak for more than five minutes. Other Members shall not speak for more than three minutes and the mover of the Motion in summing up shall not speak for more than three minutes.
- (2) The Convener has discretion in applying these limits.

## **18. Closure of Debate**

- (1) At any Meeting 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 seconded, shall, without any discussion be put to the vote. If the Motion to close the debate is carried, the debate on the substantive Motion will stop except for the mover of the Motion and the mover of the Amendment who may sum up if they so wish. Thereafter 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. Any further Motions for closure can only be made after a further three Members have spoken.
- (3) No Motion for closure can be made during the course of a speech.
- (4) This Standing Order 18 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 26 (Suspension of Standing Orders) and any statutory provisions regarding a minimum number of votes required to decide a matter, all questions shall be decided by a majority of the Members present and voting at any Meeting.*
- (2) *In the case of an equality of votes the Chair shall have a second or casting vote except where the matter relates to the appointment of a Member to any particular office, Committee or Sub-Committee, in which case, in the event of an equality of votes, the decision shall be by lot in accordance with Standing Order 1(3).*
- (3) Every vote shall be taken by roll call beginning with the Convener, except:-
  - (i) where prior to the vote on any particular matter, the Members present agree (in the event of a division, by a roll call vote) that it be taken by ballot.
  - (ii) 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 a show of hands, or if so agreed by ballot.
  - (iii) Except in cases where the Council is required to act in a Quasi-Judicial manner, a Member who is absent when his/her name is called in a roll call vote shall be entitled to record a vote if he/she enters the meeting before the result of the vote is announced.
- (4) Where the Council, Committee or Sub-Committee is required to determine an item of business which is of a Quasi-Judicial nature, a Member must be present in the meeting room, or in the case of a Remote Member be present on the remote meeting, for the duration of the item. If a Member has left the room, or in the case of a Remote Member has left the remote meeting, at any point during discussion of the item, they will not be permitted to participate in the determination of the item, nor any vote.
- (5) Immediately prior to any vote being taken, the Committee Officer shall read out the matter on which the vote is to be taken. After that no one is to interrupt the proceedings until the result of the vote has been announced.

## 20. Voting in the case of vacancies and appointments

- (1) When filling of vacancies in the membership of a Committee or Sub-Committee and the making of appointments of Members to any body, where more than one candidate has been nominated, Members can vote



for up to as many candidates as there are places to be filled. Candidates are to be appointed in the order of number of votes received until all the vacant places are filled.

- (2) If two or more candidates have the same number of votes to fill the last vacant place, a further vote will be taken between these 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, a Member, at any time, except during a speech by another Member, may move that the meeting be adjourned, but no Motion for an adjournment can be made within thirty minutes of a Motion for adjournment for the same reason having previously been rejected if the Council/Committee 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, will be put to the Meeting without discussion or amendment.
- (3) If the Motion is carried, the Meeting shall be adjourned until:-
  - (i) the time specified in the Motion; or
  - (ii) such other time as the Members at that Meeting may then agree; or
  - (iii) 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 relevant Convener following the meeting.
- (4) The Convener can adjourn any Meeting if they are of the opinion that the business of the Meeting cannot properly be conducted by reason of disorder. If that occurs the Convener will quit the chair by rising or if in a remote meeting, by verbally intimating that he/she is quitting the chair.
- (5) Every Meeting is not to last more than 3 hours (this includes any adjournments) unless a Member, before the expiry of the 3-hour time limit, moves that the Meeting be continued, and this is approved by a majority of Members at the Meeting.

## **22. Powers and Duties of a Convener**

The powers and duties of a Convener are as follows:-

- (1) To preserve order and ensure that any Member wishing to speak at a Meeting is given due opportunity to do so and a fair hearing.

- (2) To call Members to speak according to the order in which they caught his/her eye or in a remote or hybrid Meeting according to the order in which he/she noticed the hand raise function being used, 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.
- (3) To decide all matters of order, competency, relevancy and urgency.
- (4) The decision of the Convener on all matters referred to in this Standing Order 22 shall be final and shall not be open to question or discussion in any Meeting.
- (5) The Convener will ensure that the decision of the Meeting is clear with regard to all matters which form the business of the Meeting.
- (6) Deference shall at all times be paid to the authority of the Convener. When the Convener starts to speak any Member who is standing will resume his/her seat, no other Member will stand, and the Convener shall be heard without interruption.

### **23. Points of Order**

- (1) A Point of Order is an objection claiming some irregularity in the conduct of the Meeting in terms of a Standing Order and is directed to the Convener for a decision by the Convener. Any Member may at any time at any Meeting request to speak on a Point of Order which should be done as soon as practicable following the point arising. Reference must be made to the particular Standing Order, which in their opinion, is being breached and the alleged breach must be detailed.
- (2) Any Member who is then addressing the Meeting when a point of order is raised shall pause to allow the Member making the point of order to speak. No other Members shall be entitled to speak to the Point of Order raised except by permission of the Convener.
- (3) The Convener shall then make a ruling on the Point of Order and the Member who was addressing the Meeting at the time the point of order was raised shall be entitled (if the ruling permits them to do so) to continue their speech.

### **24. Notices of Motions**

- (1) At any Meeting, a Member may propose a Motion which does not directly relate to an item of business under consideration at the Meeting. Prior notice in writing of such Motion must be given to the Director of Legal, Governance & Change at least 14 days before the Meeting and at the same time given also to the Director of Finance should the Motion involve expenditure not provided for, or reduce income provided for in the Capital

or Revenue Budgets. The Convener shall determine competency and relevancy of the Motion in accordance with Standing Order 22(3).

- (2) If the Convener determines that the notice of Motion is competent and relevant this will be included on the agenda for the next Ordinary Meeting.
- (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.
- (4) If the Convener determines that the Motion is inadmissible, at the request of the proposer, it will be included on the Agenda with the reasons for inadmissibility.

## 25. Alteration or Revocation of Previous Decision

- (1) No Motion which seeks to alter or revoke a previous decision of Full Council or a Committee or has that effect will be considered within a period of 6 months of the original decision, unless:-
  - (i) Notice has been given on the Agenda by virtue of a Notice of Motion submitted in terms of Standing Order 24 that as part of that Notice of Motion either directly or by implication it is proposed that the previous decision is to be altered or revoked, and the Convener is satisfied that the previous decision can no longer be implemented or that a material change of circumstances has occurred to such extent that it is appropriate for the issue to be reconsidered; or
  - (ii) It is detailed in the terms of a report submitted to the Council or Committee by an officer that the previous decision can no longer be implemented or that a material change of circumstances has occurred to such extent that it is appropriate for the issue to be reconsidered.
- (2) This Standing Order 25 shall not apply to the ongoing progression or development of an issue on which a decision is required.

## 26. Suspension of Standing Orders

- (1) Except in the case of Standing Orders contained *in italics*, any one or more of the Standing Orders may be suspended in any case of urgency or upon Motion made on a notice duly given by a Member at any Meeting provided that in each case two-thirds of the Members present, and voting shall so decide. Any Motion to suspend Standing Orders shall be made with a short explanation and, on such Motion being seconded, the Convener shall put the same to the Meeting without speeches or discussion.

## 27. Admission of Public and Press

- (1) *Except where otherwise required by statute, every Meeting shall be open to the public and press.*
- (2) *The Council may, however, by resolution exclude the public and press while considering an Exempt Item.*
- (3) *The Council must exclude the public and press where a Confidential Item is being considered.*
- (4) Copies of the Agenda for a Meeting and Reports on items of business (except for either Confidential Items or Exempt Items) will be open to public access by being available at the Council's offices and published on the Council's website for at least three Clear Days before the Meeting or on the day they are sent out to Members, whichever is the later.
- (5) If the Monitoring Officer or their representative considers that a Report (or any part of a Report) relates to an item of business which, in their opinion, the Meeting is likely to consider in private, the Report (or part of that Report) will either be marked:-
  - (i) *"Not for Publication" and every copy of the Report (or the appropriate part) will reference a description of the Exempt Information the Report contains, in keeping with the law; or,*
  - (ii) *"Confidential" and every copy of the Report (or the appropriate part) will state that it contains Confidential Information.*

## 28. 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 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 II - COMMITTEES AND SUB-COMMITTEES

### 29. Appointment of Committees

- (1) Subject to any statutory provision, the Council will appoint the Standing Committees referred to in Standing Order 30 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 Terms of Reference of those Committees.

### **30. Standing Committees and Standing Sub-Committees**

The Standing Committees of the Council shall be:

- (1) Family, Education & Justice
- (2) Civic Licensing
- (3) Communities
- (4) Development Standards
- (5) Policy and Resources
- (6) Scrutiny and Audit

The Standing Sub-Committees of the Council shall be:-

- (1) School Attendance Sub-Committee
- (2) Staffing Sub-Committee
- (3) Special Appeal Sub-Committee
- (4) Public Procession Sub-Committee
- (5) Land Reform Sub-Committee
- (6) Environmental Appeals Sub-Committee
- (7) Appeals Sub-Committee
- (8) Appointments Sub-Committee
- (9) Grant Sub-Committee

### **31. Membership of Standing Committees**

- (1) The membership of the Development Standards Committee will be made up of 13 Members and the Civic Licensing Committee will consist of up to 10 Members.
- (2) The Family, Education & Justice Committee will have a membership of 16 Members, and in addition, five persons who are not members of the Council, being:-
  - (i) three persons representative of church and denominational 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 will consist of 16 Members, except for Scrutiny and Audit Committee which will 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 are to be appointed 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 Standing Order 31(4) above is maintained; and
  - (ii) that each Member is given proper opportunity to serve on Committees.
- (6) Substitutes are permitted on all Standing Committees of the Council apart from the Development Standards and Civic Licensing Committees, provided that the Director of Legal, Governance & Change has been notified before the meeting starts. Members cannot be substituted for only part of a Meeting.

## **32. Appointment of Sub-Committees**

- (1) Each Standing Committee (excluding Development Standards, Civic Licensing and Scrutiny and Audit) will appoint an Executive Sub-Committee made up of 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; or
  - (ii) which has been specifically delegated to the Executive Sub-Committee by the Standing Committee.
- (2) The Convener of the Committee, following consultation with the Chief Executive, shall determine whether a matter is urgent and requires to be considered by the Executive Sub-Committee in accordance with Standing Order 32(1) above.
- (3) Members of the Executive Sub-Committee appointed in terms of Standing Order 32(1) above shall be entitled to appoint substitute members (who need not be Members of the parent Committee) to attend in their place.

### **33. Membership of Sub-Committees**

- (1) In appointing Members to Sub-Committees, a Standing Committee, except in the case of Scrutiny and Audit shall, so far as possible, give effect to the principles regarding Political Balance set out in the 1989 Act.
- (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 Standing Order 33(1) above is maintained, so far as possible.
- (3) During the council term, it shall be competent for a Committee to establish Sub-Committees at any stage for the discharge of any of its functions.
- (4) In appointing any Sub-Committee, a Standing Committee shall appoint members to be Convener and Vice-Convener of the Sub-Committee 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).

### **34. Right of Members to attend meetings and/or place items on an Agenda**

- (1) Any Member may be present at a Meeting of a Committee or Sub-Committee of which they are not members provided that the Member may not speak at the Meeting except with the express permission of the Chair.
- (2) A Member cannot be present at a Meeting or a Quasi-Judicial hearing for which they are not a member when all of the following three conditions apply:-
  - (i) The public have been excluded from the Meeting;
  - (ii) The Meeting is considering a matter where the decision may affect the interests of any person or body; and
  - (iii) The decision is made after a hearing by a hearing body, for example, Employee Appeals, where the person has a right in terms of any law, Standing Order, or administrative procedure, to be heard at that meeting in person or through a representative, for example, the Appeals Sub-Committee.
- (3) A Member who is not a member of a particular Standing Committee and wishes that Committee consider an item of business shall, at least 14 Clear Days in advance of the Committee meeting date, give written notice of the item to the Director of Legal, Governance & Change and at the same time submit in writing such Motion or Amendment to the Director of Finance where such Motion or Amendment would involve expenditure not provided for, or reduce income provided for in the Capital or Revenue

Budgets, all in accordance with Standing Order 24. If the item has been placed on the Agenda, the Member can attend the meeting and speak in relation to the item.

### **35. Notices of Meetings**

- (1) With the exception of the agenda and any reports issued in connection with a meeting of any of the Committees or Sub-Committees listed in Standing Order 36(3)(iv), every Member 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.

### **36. Delegation to Committees and Sub-Committees**

- (1) The Standing Committees and Standing Sub-Committees of the Council shall have the terms of reference and specific delegated authority specified in the Terms of Reference for that Standing Committee and Standing Sub-Committee.
- (2) The delegation conferred by the previous sub-paragraph shall not apply where following a vote, prior to the matter being determined, two Members who are present at the Meeting immediately indicate that they wish the matter to be referred to the Council (or Committee) for decision. The referral must be submitted by report to Full Council or Committee, as the case may be, by the Director of the relevant service and no action will be taken on the decision reached until the matter has been determined by Full Council or Committee, as the case may be.
- (3) The provisions of sub-paragraph (2) 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 matter of urgency where it would prevent Angus Council from making a decision or observations within a statutory, contractual, or other legally binding timescale; or
  - (iv) any proceedings at meetings of the following Sub-Committees:-
    - a) School Attendance
    - b) Staffing
    - c) Special Appeal
    - d) Public Procession
    - e) Land Reform
    - f) Environmental Appeals
    - g) Appeals
    - h) Appointments



- (4) Committees and Sub-Committees will exercise the authority delegated to them having regard to, and in accordance with, the policy of the Council.
- (5) Committees and Sub-Committees will conduct any business relating to contracts always in accordance with the Standing Orders, Financial Regulations and administrative procedures adopted by the Council.
- (6) *The Council may, if it so resolves, deal with any matter falling within the Terms of Reference of any Committee or Sub-Committee.*
- (7) 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 Terms of Reference.
- (8) *A Committee may, at any time, deal with any matter falling within the Terms of Reference of any of its Sub-Committees.*
- (9) 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 Terms of Reference.

## GLOSSARY OF TERMS

<b>The 1973 Act:</b>	means the Local Government (Scotland) Act 1973, as amended and updated from time to time.
<b>The 1989 Act:</b>	means the Local Government and Housing Act 1989, as amended and updated from time to time.
<b>The 1994 Act:</b>	means the Local Government etc (Scotland) Act 1994, as amended and updated from time to time.
<b>Administration:</b>	means the Council's ruling group.
<b>Adjournment:</b>	means an agreed suspension to a Meeting.
<b>Agenda:</b>	means the list of items outlining the date, time, location, and order of business of any Meeting.
<b>Amendment:</b>	means a formal seconded proposal against a Motion to be discussed and voted on in a Meeting
<b>Annual Accounts:</b>	means the formal Accounting Statements the Council is required to prepare under relevant legislation and codes of accounting practice.
<b>Annual Recess:</b>	means the period between the last meeting of Full Council in June and the first meeting of a Standing Committee in August
<b>Area:</b>	means the geographical area covered by the jurisdiction of the Council or may refer to an administrative area.
<b>Chair:</b>	means the person duly appointed to preside at a Meeting.
<b>Chief Executive:</b>	means the Chief Executive appointed by the Council who fulfils the statutory officer role of Head of Paid Service who provides strategic leadership for the Council's Services ensuring that its direction and policies are put into action.
<b>Chief Officer(s):</b>	means a politically restricted statutory or non-statutory Chief Officer, as defined in section 2 of the 1989 Act including the Chief Executive, Depute Chief Executive, Directors, and the Chief Officer of the Integration Joint Board.
<b>Clear Day:</b>	means, a 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.

**Committee:** means a formal group appointed by Full Council with responsibility for making decisions in accordance with the delegations specified within the Council's Committee Terms of Reference.

**Committee Officer:** means an Officer who administers, supports, and provides procedural advice to meetings of Full Council, Committees, Working Groups, Joint Boards and other bodies as well as to Members, Officers and the general public.

**Confidential Information:** means information as defined in Section 50A (2) and (3) of the 1973 Act, which cannot be made available to the press or public (as described in Appendix 2).

**Confidential Item:** means an agenda item which contains Confidential Information.

**Convener:** means a person who presides at a Meeting and includes in their absence the Vice-Convener or such other person who presides over the Meeting.

**Council:** means the Angus Council established by the 1994 Act.

**Councillor:** means a Councillor elected in terms of the Local Government etc. (Scotland) Act 1994.

**Councillors' Code of Conduct:** means the Councillors' Code of Conduct made by Scottish Ministers and approved by the Scottish Parliament under the Ethical Standards in Public Life (Scotland) Act 2000.

**Delegation:** means the assignment of responsibility, duties or authority to a Committee, Sub-Committee, or officer to carry out specific activities or functions.

**Depute Leader:** means the Member appointed to that office by the Council.

**Director:** means a Chief Officer appointed by the Council to provide strategic leadership to one of the Council Directorates.

**Exempt Information:** means information which is exempt under Section 50J and Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 and therefore cannot be made available to the press or public (as described in Appendix 1).

<b>Exempt Item:</b>	means an agenda item which contains Exempt Information.
<b>External Member:</b>	means a person validly appointed to a Committee or Sub-Committee who is not a Councillor.
<b>Finance Officer:</b>	means the person designated by the Council for the purpose of Section 95 of the 1973 Act.
<b>Financial Regulations:</b>	means the financial regulations regulating the financial affairs and processes of the Council which are from time to time in force.
<b>Full Council:</b>	means the collective term for all Members or the term used to describe a Meeting to which all Members are entitled to attend.
<b>Joint Board:</b>	means a board established in accordance with legislative provisions between the Council and one or more other public authorities.
<b>Joint Committee:</b>	means a committee established between the Council and one or more other public authorities.
<b>Leader:</b>	means the Member appointed to that office by the Council.
<b>Meeting:</b>	means a meeting of Council and/or any Committee or Sub-committee of the Council.
<b>Member:</b>	means a Councillor or an External Member, as the case may be.
<b>Minute:</b>	means the formal written record of the decisions taken at a Meeting.

<b>Monitoring Officer:</b>	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.
<b>Motion:</b>	means a formal seconded proposal to be discussed and voted on in a Meeting.
<b>Notice:</b>	means advance notice in writing or sent by email or any other electronic means.
<b>Notice of Motion:</b>	means a proposal by a Member formally submitted in terms of the approved procedures to a Meeting for discussion and thereafter possible adoption as a resolution.
<b>Ordinary Meeting(s):</b>	means a Meeting included within the annually agreed schedule of Meetings.
<b>Outside Bodies:</b>	means external organisations to which Members have been nominated by the Council.
<b>Petition:</b>	means a formal written request to the Council in respect of a particular cause.
<b>Political Balance:</b>	means the duty to allocate seats to political groups in accordance with section 15 of the Local Government and Housing Act 1989.
<b>Points of Order:</b>	means an appeal to the Chair for clarification or for a ruling on a matter of procedure.
<b>Procurement Standing Orders:</b>	means the Council's standing orders relating to procurement and for the making of contracts by them or on their behalf which are, from time to time, in force in terms of Section 81 of the 1973 Act.
<b>Proper Officer:</b>	means the person designated as such and for the purpose specified by the Council.
<b>Provost:</b>	means the Member elected Convener of the Council in accordance with Section 4 of the 1994 Act to act as the civic head and includes in his/her absence the Depute Provost.
<b>Quasi-Judicial:</b>	means involving the exercise of discretion and procedures of a regulatory nature including but not limited to the determination of licensing and planning applications or School Placing Request Appeals.

<b>Remote Members:</b>	means Members who attend Council, Committee or Sub-Committee meetings from different locations and through online internet or phone connections.
<b>Returning Officer:</b>	means a person duly appointed by the Council for the election of Members to the local authority.
<b>Special Council Meeting:</b>	means a Meeting which is not included in the annually agreed schedule of Meetings and includes the annual Special Council Meeting to set the council tax, a Meeting this is called by the Provost or on a signed Requisition in accordance with Standing Order 2(3).
<b>Standing Committee:</b>	means a Committee referred to in Standing Order 30 or any other Committee which may be so designated by the Council at any time.
<b>Standing Orders:</b>	means the Standing Orders of Angus Council from time to time in force and shall apply to all Angus Council, Committee and Sub-Committee meetings.
<b>Standing Sub-Committee:</b>	means a group of three or more Committee members to which specific tasks and/or designated powers have been delegated by a Committee.
<b>Scheme of Delegation:</b>	means the Scheme of Delegation specifying the functions delegated to the respective officers.
<b>Statutory Officers:</b>	has the meaning applied by Section 3 of the 1989 Act.
<b>Summons:</b>	means a summons specifying the business to be transacted at a Meeting signed by the Director of Legal, Governance & Change.
<b>Terms of Reference:</b>	means the Terms of Reference specifying the functions referred and the functions delegated to the respective Standing Committees.
<b>Vice-Convener:</b>	means the Member duly appointed by the Council to preside at a meeting of a Committee or Sub-Committee, in the absence of the Convener.
<b>Working Day:</b>	means any day, excluding Saturday and Sunday and any day on which Angus Council's offices are closed.

**CATEGORIES OF EXEMPT INFORMATION IN TERMS OF SCHEDULE 7A TO THE LOCAL -  
GOVERNMENT (SCOTLAND) ACT 1973**

(Subject to the Qualifications and Interpretations set out in the Schedule)

1. Information relating to a particular employee, former employee, or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under the authority.
2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
5. Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement made in respect of that child under the Social Work (Scotland) Act 1968.
6. Information relating to the financial or business affairs of any particular person (other than the authority).
7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in Section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
10. The identity of the authority (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
  - (a) any legal proceedings by or against the authority; or
  - (b) the determination of any matter affecting the authority.

(whether in either case, proceedings have been commenced or are in contemplation).
13. Information which, if disclosed to the public, would reveal that the authority proposes:-
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
14. Any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.
15. The identity of a protected informant.



## APPENDIX 2

**“Confidential Information”** means—

- (a) information furnished to the authority by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.