

PROCEDURAL STANDING ORDERS

OF

THE

SCOTLAND EXCEL

JOINT COMMITTEE

STANDING ORDERS OF
SCOTLAND EXCEL JOINT COMMITTEE
INDEX

<u>STANDING</u> <u>ORDER</u>	<u>SUBJECT</u>	<u>PAGE</u>
1	Definitions	3
2	Applying the Interpretation Act	4
3	Start	4
4	First Meeting after Appointment of Members	4
5	Ordinary Meetings	4
6	Special Meetings	5
7	Notice of Meetings	5
8	Quorum	6
9	Sederunt and Apologies	6
10	Minutes of Meetings	6
11	Access for the Public & Press	6/7
12	Order of Business	7
13	Convener - Powers and Duties	7/8
14	Form of Notice of Motion	8
15	Failure to Move Motion After Notice Has Been Given	8
16	Motions Contrary to Previous Decision	8
17	Motion or Amendment to be Moved and Seconded	8
18	Motion or Amendment Not To Be Withdrawn	9
19	Member Allowed to Speak Only Once on a Motion	9
20	Procedure on Point of Order	9
21	Right to Reply	9
22	Closure of Discussion	9
23	Time Limit on Speeches	9
24	Members May Stand When Speaking	9
25	Obstructive or Offensive Conduct	10

<u>STANDING</u>	<u>SUBJECT</u>	<u>PAGE</u>
<u>ORDER</u>		
26	Closure of Debate	10
27	Motion for Adjournment of Meeting	10
28	Second Motion for Adjournment	10
29	Motion or Amendment Not Seconded	10
30	Method of Voting	11
31	Taking a Vote	11
32	Questions	11
33	Pecuniary Interest	11
34	Voting on Appointments	12
35	Variation and Revocation of Standing Orders	12
36	Suspension of Standing Orders	13
37	Deputations	13
38	Delegating to Sub-Committees	13
39	Application of Standing Orders to Sub-Committee	13
40	Membership/Role	14
41	Application of Standing Orders to Executive Sub-Committee	14
42	Quorum	14
43	Delegation to Officers	14
44.	Remote Participation in meetings	14/15

**STANDING ORDERS OF THE
SCOTLAND EXCEL JOINT COMMITTEE**

PRELIMINARY

DEFINITIONS

1. In the Standing Orders the following words and expressions have the following meanings:

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

“1978 Act” means the Interpretation Act 1978;

“1985 Act” means the Local Government (Access to Information) Act 1985;

“1994 Act” means the Local Government etc. (Scotland) Act 1994, as amended.

“Chair” means a person appointed by the Joint Committee to act as a Convener of a sub-committee, or the person chairing a meeting of the Joint Committee in the absence of the Convener and Vice Convener, or the person chairing a meeting of a sub-committee in the absence of the Convener of that sub-committee;

“Clerk” means the Director of Corporate Services of Renfrewshire Council or his/her nominee.

“Constituent Authority” means any of the Member Councils of Scotland Excel

“Convener” means the Convener of the Joint Committee duly, appointed under these Standing Orders (and the person presiding at a meeting);

“The Director” means the officer appointed by the Joint Committee to have overall responsibility for the operational performance of Scotland Excel.

“Executive Sub-Committee” means a sub-committee appointed in terms of Paragraph 3.4 of the Terms and Conditions to consider matters delegated to it by the Joint Committee;

“Joint Committee” means the Scotland Excel Joint Committee formed under Section 57 of the Local Government (Scotland) Act, 1973 (“the Joint Committee”) for the purpose of regulating the joint discharge of the functions by the Constituent Authorities.

Any reference to the “Joint Committee” shall unless the context otherwise requires, include a reference to the Executive Sub-Committee of the Joint Committee;

“Local Member” means a member elected to serve as a councillor for an electoral ward of a Constituent Authority;

“Member” means a person appointed by any of the Constituent Authorities from their own number to be a member of the Joint Committee in terms of clauses 3.3 and 3.4 of the Terms and Conditions;

“Terms and Conditions” means the document, a copy of which is signed by each Constituent Authority setting out the terms and conditions of membership of Scotland Excel and any alterations thereof;

“Treasurer” means the Director of Finance and I.T. Services of Renfrewshire Council;

“Vice Convener” means the Vice Convener of the Joint Committee, duly appointed under these Standing Orders and the person presiding at meetings in the absence of the Convener.

APPLYING THE INTERPRETATION ACT

2. The Interpretation Act 1978 applies to these Standing Orders in the same way as it applies to an Act of Parliament.

START

3. The Standing Orders apply from the date approved by the Joint Committee. The Joint Committee may make changes from time to time under Standing Order 35.

JOINT COMMITTEE MEETINGS

4. FIRST MEETING AFTER APPOINTMENT OF MEMBERS

- (a) The first meeting of the Joint Committee shall take place on or as soon as reasonably practicable after 1 April 2008.
- (b) In a year in which an ordinary election of Councillors for the local government election area of each Constituent Authority is held, the Joint Committee shall hold a meeting on the date and at the time and place previously decided by the Joint Committee.
- (c) The Convener and Vice Convener will be appointed at the first meeting of the Joint Committee.

ORDINARY MEETINGS

5. The Joint Committee shall meet not less than 2 times in each calendar year. The dates, times and places for ordinary meetings of the Joint Committee shall be decided by the Joint Committee.

SPECIAL MEETINGS

6. A special meeting of the Joint Committee may be called at any time:
- (a) by the Convener or Vice-Convener; or
 - (b) if at least one quarter of the total number of Members demand a meeting in writing specifying the business to be transacted.

Any special meeting shall be held within 14 days from the date when the Clerk receives a written request and at the time and place specified by the Clerk in consultation with the Convener.

NOTICE OF MEETINGS

7. (a) All meetings shall be called by (i) a notice published at least 7 clear days before the meeting of the Joint Committee by the Clerk at the Constituent Authorities' offices giving the time and the place of the intended meeting and, where the meeting is called by Members of the Joint Committee, the notice shall be signed by those Members and shall specify the business proposed to be transacted; and (ii) a notice to attend the meeting specifying the business to be transacted and signed by the Clerk which shall be at least 7 clear days before the meeting of the Joint Committee be left at, or sent by post to the usual place of residence of every Member of the Joint Committee or to such other address as any Member may notify.
- (b) Any notice issued under Paragraph 7(a) must give a note of the order for dealing with the business at the meeting. No other business may be dealt with unless it is required by statute or it is brought before the Joint Committee by the Convener as a matter of urgency under Paragraph 7(c). However, if a meeting is called because of a request from Members, only business listed in the request may be dealt with.
- (c) In the event that 7 clear days notice is not given for an item, it may be considered at the meeting if the Convener rules that there are special reasons why it is a matter of urgency. The Convener must give those reasons. The item must be made known at the start of the meeting.
- (d) If a summons is not served on any Member the meeting shall still be valid.

QUORUM

8. (a) The quorum of the Joint Committee shall be at least one third of the total Members. If 10 minutes after the time stated in the summons to attend a meeting a quorum is not present the meeting shall stand adjourned until such time and date as may be determined by the Clerk in consultation with the Convener. The Clerk shall minute the reason for the adjournment of the meeting.
- (b) If less than a quorum of the Joint Committee is entitled to vote on an item because of the terms of Section 38 of the 1973 Act, that item cannot be dealt with at the meeting.

SEDERUNT AND APOLOGIES

9. The names of the Members present at a meeting of the Joint Committee shall be recorded. Members who intimate their apologies for non-attendance at a Joint Committee meeting to the Clerk before the meeting shall have their apologies recorded in the Minute.

MINUTES OF MEETINGS

10. The Clerk shall minute all Joint Committee meetings. The Minutes shall record the names of the Members who attended the meeting. They shall then be printed and, as far as possible, circulated among Members at least 3 clear days before the next ordinary meeting of the Joint Committee. They shall be presented and corrected if necessary. If they are held to be a true record of the proceedings of the meeting they relate to, the person chairing the meeting to which they are presented shall sign them.

ACCESS FOR THE PUBLIC AND PRESS

11. (a) Except where the Standing Orders say otherwise, every meeting of the Joint Committee, and its Sub-Committees will be open to the public (including the press).
- (b) The Joint Committee may keep any members of the public out of a meeting or cause them to leave, if they are hindering or are likely to hinder the work of the Joint Committee. If a member of the public interrupts any meeting, the Convener may warn that person. If they continue the interruption, the Convener may order the person to be removed from the Joint Committee's meeting room. If there is general disturbance in any part of the meeting room that is open to the public, the Convener may order that part to be cleared.

- (c) The public shall be kept out of a Joint Committee meeting when an item of business is being considered if it is likely that they would hear confidential information. Nothing in the Standing Orders authorises or requires confidential information to be disclosed in breach of the obligation of confidence as defined in the 1973 Act as amended by the Local Government (Access to Information) Act 1985.
- (d) The Joint Committee may decide to keep the public out of a meeting when an item of business is being considered if it is likely that they would hear information that was defined as 'exempt' in schedule 7A of the 1973 Act;
- (e) This Standing Order does not require the Joint Committee to allow the taking of photographs or access for radio or television broadcasting which will require the Joint Committee's prior approval.

ORDER OF BUSINESS

12. The business of the Joint Committee at ordinary meetings shall take place in the following order:-
- (a) Minutes of the previous meeting, of any special meeting and of any sub-committee held since then;
 - (b) Business required by statute, statutory instrument or order;
 - (c) Business remaining from the last meeting;
 - (d) Motions of which notice has been given (Standing Order 14);
 - (e) Special business (relating to annual estimates or budget);
 - (f) Ordinary business, including correspondence, communications and reports by officials;
 - (g) Deputations;
 - (h) Setting the date and place of the next meeting.

The Convener may alter the order of business to facilitate the conduct of the meeting.

CONVENER - POWER AND DUTIES

13. (a) The Convener shall chair any Joint Committee meeting if he or she is present.
- (b) In the event that the Convener is absent from a Joint Committee meeting the Vice Convener shall chair the meeting.
- (c) In the event that the Convener and Vice Convener are absent, another Member (chosen by the Members present) shall chair the meeting. The Vice Convener or chair shall have the same powers and duties as the Convener in relation to a meeting and its business.

- (d) Deference shall at all times be paid to the authority of the Convener.
- (e) The Convener must keep order and make sure that Members have a fair hearing.
- (f) The Convener shall decide all matters of order, competency and relevancy and the Chair's ruling shall be final and shall not be open for discussion.
- (g) In the event that two or more Members want to speak, the Convener shall decide which Member shall be first.
- (h) The Convener shall be entitled, in the event of disorder arising at any meeting, to adjourn the meeting to any other time or day that he/she may fix at the time or afterwards. In these circumstances, by simply leaving, the Convener shall adjourn the meeting.

FORM OF NOTICE OF MOTION

14. Every notice of motion shall be in writing, signed by the Member of the Joint Committee giving the notice and counter-signed by one other Member. A notice of motion which has not been received by the Clerk at least 14 days prior to the date of any meeting of the Joint Committee shall not be specified in, or transmitted with, the notice calling such meeting.

FAILURE TO MOVE MOTION AFTER NOTICE HAS BEEN GIVEN

15. If a motion which is specified in the notice calling the meeting is not moved by the Member who has given the notice or by some other Member on his/her behalf when it comes to be considered, it shall, unless postponed by leave of the Joint Committee, be considered as withdrawn and shall not be moved without further notice.

MOTIONS CONTRARY TO PREVIOUS DECISION

16. A motion or amendment contrary to a decision of the Joint Committee shall not be competent within six months from the date of the decision.

MOTION OR AMENDMENT TO BE MOVED AND SECONDED

17. Every motion or amendment shall be moved and seconded and shall, when required by the Convener, be reduced to writing, handed to the Convener and read before it is put to the meeting. No Member shall move or second more than one motion or amendment upon a particular issue.

MOTION OR AMENDMENT NOT TO BE WITHDRAWN

18. A motion or an amendment once moved and seconded shall not be altered or withdrawn without the consent of the mover and the seconder.

MEMBER ALLOWED TO SPEAK ONLY ONCE ON A MOTION

19. A Member shall not address the Joint Committee more than once on any subject under discussion, except with the consent of the Convener. However, the mover of a motion shall have the right to reply.

PROCEDURE ON POINT OF ORDER

20. A Member who is addressing the meeting when a point of order is raised shall resume his/her seat until the point of order has been decided by the Convener.

RIGHT TO REPLY

21. The mover of a motion shall, in their reply, strictly confine themselves to answering the previous speakers and shall not introduce any new matter.

CLOSURE OF DISCUSSION

22. After the reply is concluded, the discussion shall be held to be closed after which no Member shall be permitted to offer an opinion or to ask a question or otherwise interrupt the proceedings or to speak, except with regard to the manner of taking a vote, and the questions under discussion shall thereupon be put by the Convener.

TIME LIMIT ON SPEECHES

23. The mover of a motion or amendment shall not speak for more than 5 minutes. Any succeeding speaker shall not speak for more than 5 minutes. The mover of the original motion shall have the right to speak for 5 minutes in reply. The foregoing limits of time maybe exceeded with the consent of the majority of the Members present and it shall be competent for the Convener to determine - without the necessity of taking a division - whether the consent of the Members present had been obtained to the foregoing limits of time being exceeded.

MEMBERS MAY STAND WHEN SPEAKING

24. A Member of the Joint Committee may stand when speaking and shall address the Convener. He/she shall limit his/her speech strictly to the question under discussion.

OBSTRUCTIVE OR OFFENSIVE CONDUCT

25. If any Member at any meeting disregards the authority of the Convener, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the Member for the rest of the meeting. The motion shall be put without discussion. Should the motion be carried, the Convener shall order the Member to leave the meeting and the Member concerned shall immediately withdraw from the meeting room. The officials shall act on the instructions of the Convener to ensure that any such order is carried out.

CLOSURE OF DEBATE

26. At the close of any speech, any Member who has not spoken on the question before the meeting may move "That the question be now put". If this is seconded, the Convener, if he/she is of the opinion that the subject has been sufficiently discussed, shall without any debate, take a vote. No speeches shall be made on the motion. If it is carried, the mover of the original motion shall have the right to reply.

MOTION FOR ADJOURNMENT OF MEETING

27. The motion for the adjournment of the meeting may be put at the conclusion of any speech and shall have precedence over all other motions. It must be moved and seconded without a speech and shall at once be put by the Convener in the form of "adjourn" or "not adjourn". If the motion to "adjourn" is carried, then unless times for adjournment and resumption are specified in the motion, adjournment shall take effect immediately and the meeting shall stand adjourned until such time as is decided by the Convener.

SECOND MOTION FOR ADJOURNMENT

28. A second motion for the adjournment of the meeting shall not be made within a period of half-an-hour unless it is moved by the Convener when it shall be dealt with as in the immediately preceding Standing Order.

MOTION OR AMENDMENT NOT SECONDED

29. A motion or amendment not seconded or which may be withdrawn or departed from after being seconded shall not be inserted in the Minutes. A Member who has moved a motion or amendment but failed to find a seconder may, if they so request, have their dissent to a decision recorded in the Minutes.

METHOD OF VOTING

30. (a) At a meeting of the Joint Committee or any Sub-Committee a vote on any matter shall be taken by a show of hands, unless at least one third of the Members present require a roll call vote in which case the vote shall be taken by calling the roll.
- (b) Once a vote has been taken and someone immediately challenges the accuracy of the count the Convener shall decide whether to have a recount. If there is a recount, the Convener shall decide whether to take it by a show of hands or by roll call.
- (c) Unless the law or these Standing Orders say otherwise, all questions before the Joint Committee shall be decided by a majority of the Members voting.
- (d) In a case of an equality of votes the Convener shall have a second or casting vote, except where the vote relates to appointing a Member to any particular office or Sub-Committee of the Joint Committee, in which case the decision shall be by lot.

TAKING A VOTE

31. When a motion and 2 or more amendments have been proposed and seconded the vote shall be taken in the first instance between the motion and amendment first proposed. The successful proposition from that vote shall be taken against the amendment second proposed and so forth until there remains only one amendment to be taken against the substantive motion and whichever is carried shall become the decision of the meeting.

QUESTIONS

32. A Member may put a question to the Convener at a Joint Committee meeting about any matter that is on the summons for that meeting. Subject to any ruling by the Convener as to the relevancy and competency of the question, the Convener shall decide whether it shall be answered verbally or in writing at the Joint Committee meeting. If the Convener rules a question out of order, the question shall not be answered.

PECUNIARY INTEREST

33. Any member who, in terms of the councillors' code of conduct has an interest (whether financial or non-financial) in a matter which requires declaration and is present at a meeting of the Joint Committee at which such matter is the subject of consideration, shall declare that interest as soon as practicable at a meeting where that interests arises. The declaration shall begin with the words "I declare an interest". If, in terms of the councillors' code, the nature of the interest has the effect of prohibiting any participation in discussion and voting on the matter, the member shall leave the meeting room until discussion of the item of business is concluded.

VOTING ON APPOINTMENTS

34. (a) In the case of an appointment of a Member to a particular office or sub-committee of the Joint Committee where only one vacancy requires to be filled, and there are only 2 candidates, a vote shall be taken between these candidates and the one receiving the majority of votes shall be declared duly appointed.
- (b) (i) If there are more than 2 candidates, a vote shall be taken among all the candidates, each Member being entitled to vote for only one candidate. If after this vote has been taken, any candidate has an absolute majority of the Members present and voting, such candidate shall be declared duly appointed.
- (ii) If no candidate has such a majority, the name of the candidate having the fewest number of votes shall be struck off the list of candidates. In second and subsequent votes the same course as that prescribed with reference to the first vote shall be followed until one of the candidates obtains the votes of a majority of the Members present and voting when he/she shall be declared duly appointed or until the candidates are reduced to 2, when a final vote shall be taken and the candidate who receives a majority of the votes shall be declared appointed. If on any vote, 2 or more candidates at the bottom of the list have an equal number of votes, the meeting shall decide which of these candidates shall be struck off the list.
- (c) In the case of an appointment of a Member to a particular office or sub-committee of the Joint Committee, where more than one vacancy requires to be filled and there are more candidates than vacancies, each vacancy shall be filled separately following the voting procedure prescribed at (b) above.
- (d) In the case of an appointment of an officer, the Joint Committee shall follow the procedures prescribed at (a) and (b) above or such other procedures as are agreed by the Joint Committee prior to the appointment.

VARIATION AND REVOCATION OF STANDING ORDERS

35. Any motion to vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Joint Committee.

SUSPENSION OF STANDING ORDERS

36. Any of the standing orders, upon a motion made at any time during a meeting, may be suspended (except standing order 7 which is concerned with the notice of meeting, standing order 13 which deals with the role of the Convener, and standing order 20 which is concerned with procedure on point of order) so far as regards any business at such meeting provided that at least two thirds of the Members present and voting shall so decide.

DEPUTATIONS

37. Any written request received by the Clerk that a deputation be received by the Joint Committee on a particular matter shall be referred in the first instance to the Convener. Should the Convener consider that the matter raised by the deputation is one which is competent and relevant for the Joint Committee to determine, the written request shall be placed on the agenda of the first appropriate meeting of the Joint Committee. Thereafter, the Joint Committee may make arrangements for hearing the deputation at a subsequent meeting of the Joint Committee. In the event of the Joint Committee agreeing that arrangements be made to hear a deputation the following provisions shall apply:-

- (a) The deputation shall not exceed 3 in number;
- (b) Representatives of the deputation may speak for a total of no more than 10 minutes, unless the Convener otherwise permits; and
- (c) It shall be competent for Members to put to the deputation only questions relevant to the subject of the deputation.

SUB-COMMITTEES

DELEGATING TO SUB-COMMITTEES

38. (a) The Joint Committee may appoint Sub-Committees in accordance with the provisions of Sections 57 of the 1973 Act.
- (b) The Joint Committee shall appoint the Convener of any Sub-Committee. If the Convener is absent, the Members present shall appoint someone from amongst themselves to Chair the meeting.
- (c) The quorum of any sub-committee other than the Executive Sub-Committee shall be at least four Members.

APPLICATION OF STANDING ORDERS TO SUB-COMMITTEE

39. These standing orders shall apply to any Sub-Committee established under Standing Order 38.

EXECUTIVE SUB-COMMITTEE

MEMBERSHIP/ROLE

- 40(a) The Executive Sub-Committee shall comprise a maximum of 10 Members including the Convener, Vice-Convener with the other Members appointed by the Joint Committee. The Convener and Vice-Convener of the Joint Committee shall be the Convener and Vice-Convener of the Executive Sub-Committee.
- (b) Where possible the membership of the Executive Sub-Committee shall reflect the geographical diversity of the Constituent Authorities.
- (c) The Executive Sub-Committee shall meet not less than six times in every calendar year (not less than five times in 2008). The first meeting shall take place within two calendar months of the first meeting of the Joint Committee at a time, date and venue to be arranged by the Clerk in consultation with the Convener. The time, dates and venues for all subsequent meetings will be approved by the Executive Sub-Committee.

APPLICATION OF STANDING ORDERS TO EXECUTIVE SUB-COMMITTEE

41. These Standing Orders apply to the Executive Sub-Committee.

QUORUM

42. (a) The quorum of Members at any meeting of the Executive Sub-Committee shall be at least four Members of the Executive Sub-Committee to include the Convener, whom failing the Vice-Convener, on all occasions.
- (b) If 10 minutes after the appointed time for the meeting a quorum is not present the meeting shall stand adjourned until such date as may determine by the Clerk in consultation with the Convener.

SCHEME OF DELEGATION TO OFFICERS

DELEGATIONS TO OFFICERS

43. The officers of the Joint Committee are authorised to use the delegated powers granted to them by the Joint Committee or as set out in a Scheme of Delegation from time to time approved by the Joint Committee.

REMOTE PARTICIPATION IN MEETINGS

USE OF VIDEO CONFERENCING

44. (a) At the discretion of the Convener, whom failing the Vice-Convener, Members may attend meetings of the Joint Committee or any sub-committee by using a video conferencing system approved for the purpose by the Joint Committee. Members so attending shall be deemed to be present at the meeting.

- (b) Where it is intended to permit the use of a video conferencing system at any meeting the notice calling that meeting shall state that such a system is to be used.