

Standing Orders For Council, Committee and Sub Committee Meetings

Approved by Council 24 March 202019



Aberdeen City Council Standing Orders For Council, Committee and Sub Committee Meetings

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

In the event of any conflict or inconsistency between these Standing Orders and legislation, the legislation shall prevail.

Version	2.0
Effective From	6 March 2019 March 2020
To be Reviewed	March 2021
Application of Policy	Council-wide
Policy Author	Stephanie Dunsmuir Lynsey McBain , Committee Services Officer

DRAFT

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Commented [AS1]: The Contents page will be updated following the Council meeting. Standing Order 15 (Petitions) needs to be added which is on page 14, however due to the format of the contents page it cannot be added at this stage.

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FIRST COUNCIL MEETING FOLLOWING AN ELECTION THE STATUTORY MEETING

1. Calling of Statutory Meeting

- 1.1 In a local government election year, the Council will hold its first meeting within 21 days of the election, on a date set by the Chief Officer - Governance.

2. Terms of Business

- 2.1 The Returning Officer, whom failing such Councillor as the meeting may select, will chair the meeting until the Lord Provost is elected.
- 2.2 The agenda will include the following business:
- 2.2.1 Receipt of notice of election of Councillors;
 - 2.2.2 Election of Lord Provost, Depute Provost, Leader or Co-Leaders, and Depute Leader of the Council;
 - 2.2.3 Appointment of a Business Manager and Depute Business Manager;
 - 2.2.4 Appointment of a Convener and Vice Convener(s) for Committees of the Council;
 - 2.2.5 Appointment of Members to Committees;
 - 2.2.6 Nomination or appointment as the case may be of representatives to Boards, Joint Committees and Outside Bodies; and
 - 2.2.7 Approval of Senior Councillor allowances.
- 2.3 Where Standing Orders refer to the Leader of the Council, this will include reference at all times to Co-Leaders, if appointed.
- 2.4 Where any function in terms of the Standing Orders is attributed to the Leader of the Council, the Co-Leaders will determine who will undertake it and notify the Chief Executive on request.
- 2.5 In the absence of the Business Manager, the Depute Business Manager will fulfil the duties of the Business Manager.
- 2.6 There will be no more than one appointment made to the roles of:
- Lord Provost;
 - Depute Provost;
 - Depute Leader (if appointed);
 - Business Manager;
 - Depute Business Manager; and
 - Convener.

- 2.7 The Convener and Vice Convener of the Audit, Risk and Scrutiny Committee must be a member of the opposition.
- 2.8 Any External Member appointed by Council to any Committee or Sub Committee will have full voting rights on all matters considered relevant by the Council, Committee or Sub Committee, unless otherwise agreed by Council.
- 2.9 An External Member will remain as a member of the Committee or Sub Committee until the next ordinary election of Councillors, subject to their right to resign or their removal by the nominating body.
- 2.10 An External Member will be expected to comply with the Councillors' Code of Conduct.

3. Nominations and Appointments

3.1 General Procedures

- 3.1.1 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.
- 3.1.2 A Member will be entitled to vote for as many candidates as there are vacancies.
- 3.1.3 A Member must not vote more than once for any one candidate in any ballot.
- 3.1.4 In addition to the nominator and seconder, Members may speak in support of their own candidacy for a maximum of 5 minutes.

3.2 Voting in the Case of One Vacancy

- 3.2.1 Where only one vacancy requires to be filled and one candidate has an absolute majority of votes cast, that candidate will be declared elected, nominated or appointed, as the case may be.
- 3.2.2 Where only one vacancy requires to be filled and there are only two candidates and the vote results in a tie, the candidate to be removed will be determined by lot, using a method decided upon by the Clerk.
- 3.2.3 Where there are more than two candidates and the first vote does not produce an absolute majority in favour of any candidate, the candidate with fewest votes will be removed, and a fresh vote will take place between the remaining candidates.
- 3.2.4 This process will continue until one candidate has a majority of votes cast.
- 3.2.5 Where there is an equal number of votes for the candidates with fewest votes, an extra vote will be taken between those candidates.
 - 3.2.5.1 The name of the candidate with the fewest votes will be removed from the process.
 - 3.2.5.2 If an equal number of votes remains, the candidate to be removed will be determined by lot using a method decided upon by the Clerk.

3.3 Voting in the Case of Two or More Vacancies

- 3.3.1 Where there is more than one vacancy and the number of candidates exceeds the number of vacancies, the following method of voting shall apply:-

3.3.1.1 The number of candidates matching the number of vacancies that receive the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.

3.3.1.2 Where there is an equal number of votes between two or more candidates, and where their respective proportion of the votes cast does not allow them to automatically take up a vacancy, an extra vote will be taken between those candidates. The candidate(s) receiving the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.

3.3.2 In the event that Standing Order 3.3.1.2 still produces an equality of votes, the decision will be by lot using a method decided upon by the Clerk.

3.3.2.1 The first named candidate drawn will be elected, nominated or appointed, as the case may be, followed by the second named candidate, should there be more than two candidates with an equality of votes.

3.3.2.2 This process will continue until the number of candidates amounts to the same number of vacancies.

4. Duration of Appointments

4.1 Each appointment made under Standing Order 3 will stand until the next local government election, unless and until:

4.1.1 a Member resigns from that appointment; or

4.1.2 is removed by the Council as set out in Standing Order 5; or

4.1.3 in the case of a Leader, the Council agrees to that Member being a Co-Leader with another Member.

5. Removal from Office

5.1 Any Member elected or appointed as Lord Provost, Depute Provost, Leader or Co_Leaders of the Council, Depute Leader of the Council, Business Manager or Depute Business Manager, or as Convener or Vice Convener can only be removed from office by a resolution by Full Council following a Notice of Motion submitted at least three weeks prior to the Council meeting in accordance with Standing Order 12.

5.2 Any such Notice of Motion will form the first item of business at the next Full Council meeting.

5.3 Any such Notice of Motion can only be heard by Full Council and, for the avoidance of doubt, not by the Urgent Business Committee.

5.4 Following debate, a proposal as to whether to remove from office the office bearers detailed at Standing Order 5.1 will be voted on and decided by simple majority.

5.5 For the avoidance of doubt, there will be a casting vote in the event of there being no overall majority.

5.6 Where the Council agrees to remove a Co-Leader from their role, the removal from office will only apply to the named Member.

- 5.6.1 The remaining Co-Leader will be determined to be the Leader of the Council, unless Council appoints a replacement Co-Leader.

6. Appointment and Employment of Chief Officers

- 6.1 The processes which apply to the appointment and employment of Chief Officers are set out at Appendix 3 to this document.

COUNCIL AND COMMITTEE MEETINGS

7. Ordinary Meetings

- 7.1 Meetings of the Council, its Committees and Sub Committees will be held in line with the meeting timetable as approved by the Council.
- 7.2 No meetings will be held on a Saturday or Sunday or on public holidays observed by the Council.
- 7.3 It will be within the discretion of the Convener of the Council, a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting to another date if in his/her opinion, acting reasonably; there is a good reason for so doing.

8. Special Meetings

- 8.1 A special meeting of the Council, a Committee or Sub Committee may be called at any time by its Convener.
- 8.2 A special meeting may also be called by at least a quarter of the Members of the Council, Committee or Sub Committee.
- 8.2.1 In such instances a special meeting will be held within fourteen days of a written request being received by the Chief Officer - Governance.
- 8.2.2 The written request must set out the business of the meeting and be signed by at least a quarter of the Members of the Council, Committee or Sub Committee.

9. Place of Meetings

- 9.1 All meetings of the Council, its Committees and Sub Committees will, unless otherwise determined by the Chief Officer - Governance in consultation with the Convener, take place in the Town House.

10. Notice of Meetings

- 10.1 At least five Clear Days before a meeting of the Council, Committee or Sub Committee, the time and place of the meeting will be published at the Council's offices.
- 10.1.1 Standing Order 10.1 does not apply to the Urgent Business Committee nor the Licensing Sub Committee.
- 10.2 A Summons to attend the meeting including the list of business to be transacted at the meeting will be delivered:-
- 10.2.1 by post to a Member's normal place of residence;
- 10.2.2 to such other address as a Member may specify; or
- 10.2.3 by email to an address provided by the Council.

- 10.3 If a Summons is not sent to or received by any Member, the meeting will still be valid.

11. Order of Business

11.1 Council Meetings

- 11.1.1 At an ordinary meeting of Council, the business shown on the agenda will (unless otherwise determined by the Convener) proceed in the following

order:-

- 11.1.1.1 Admission of Burgesses
- 11.1.1.2 Notification of Urgent Business
- 11.1.1.3 Determination of Exempt Business
- 11.1.1.4 Declarations of Interest
- 11.1.1.5 Deputations
- 11.1.1.6 Minutes of Previous Meeting(s) of Council
- 11.1.1.7 Referrals from Committees
- 11.1.1.8 Committee Planner
- 11.1.1.9 Council Business
- 11.1.1.10 Notices of Motion
- 11.1.1.11 Exempt / Confidential Business

11.2 Committee and Sub Committee Meetings

- 11.2.1 At an ordinary Committee or Sub Committee meeting, the business shown on the agenda will usually (unless otherwise determined by the Convener) proceed in the following order:

- 11.2.1.1 Notification of Urgent Business
- 11.2.1.2 Determination of Exempt Business
- 11.2.1.3 Declarations of Interest
- 11.2.1.4 Deputations
- 11.2.1.5 Minutes of Previous Meeting
- 11.2.1.6 Committee Planner
- 11.2.1.7 Notices of Motion
- 11.2.1.8 Referrals from Council, Committees and Sub Committees
- 11.2.1.9 Committee Business (to be set out as per Committee Terms of Reference)
- 11.2.1.10 Exempt / Confidential Business

OPERATION OF COUNCIL, COMMITTEE AND SUB COMMITTEE MEETINGS

12. Notices of Motion

- 12.1 A Member can submit a Notice of Motion to Council, a Committee or Sub Committee.
- 12.2 Notices of Motion should be submitted to the Clerk in writing at least three weeks prior to the meeting.
 - 12.2.1 The Clerk will then be responsible for collating the views of the relevant Director(s), Chief Officer - Governance, Chief Officer - Finance and any other relevant Chief Officer(s) and presenting these to the Member.
- 12.3 Following the conclusion of the consultation set out in Standing Orders 12.1 and 12.2, the final written motion must be submitted by the Member to the Clerk by 12 noon two weeks prior to the meeting, along with any relevant correspondence.
- 12.4 Precise deadlines for all Council, Committee and Sub Committee meetings will be made available to Members on the internal website.
- 12.5 Prior to a Notice of Motion appearing on an agenda, the Convener will determine competency.
- 12.6 A Notice of Motion will be determined incompetent if:-
 - 12.6.1 The judgement of the relevant Director(s) or Chief Officer(s) is that 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;
 - 12.6.2 The terms of the motion could result in a breach in law;
 - 12.6.3 The motion proposes expenditure and does not identify a source of funding; or
 - 12.6.4 A motion in similar terms has already been submitted for the same meeting by another Member.
- 12.7 If the Convener rules the motion incompetent, it will not appear on the agenda for the meeting.
- 12.8 If the motion is ruled incompetent, the Member may submit a revised version, subject to adhering to the process outlined in Standing Orders 12.1, 12.2 and 12.3 above.
- 12.9 A Notice of Motion submitted to the Clerk outwith the deadlines referred to above, can only be accepted onto the agenda at the discretion of the Convener, prior to, or at the meeting of the Council, Committee or Sub Committee.
- 12.10 Standing Order 12.9 does not apply to any Notice of Motion submitted under Standing Order 5.1 (Removal of Office of Lord Provost, Depute Provost, Leader or Co Leaders, Depute Leader of the Council or Convener or Vice Convener).

- 12.11 When submitting a Notice of Motion, outwith the deadlines referred to above, the Member will be required to specify why the motion should be considered as a matter of urgency.
- 12.12 If a Member who has submitted a Notice of Motion is absent from the meeting when the motion is due to be considered, the motion will not be considered at that meeting but will be put on the agenda for the next meeting.
- 12.13 If the Member is absent on the second occasion, the motion will fall.
- 12.14 If a Member is not a member of the Committee or Sub Committee where their motion is to be considered, they will be invited to the meeting to move or speak to the motion and sum up; however they will not be entitled to vote on the matter.
- 12.15 Members are permitted to submit joint notices of motion, however the 10 minute time limit for moving the motion will remain unchanged, which can be split between any or all of the Members who submit the joint motion.
- 12.16 A Member can make minor alterations to their motion, with the consent of the Convener.
- 12.17 Any motion proposing a nomination for Freedom of the City must be signed by at least 23 Members of the Council.

13. Reports by Officers

- 13.1 Reports to the Council, Committees or Sub Committees will be in the name of the Chief Executive, Directors, Statutory and Chief Officers or by the Council's Internal or External Auditors; or by a representative of Police Scotland or the Scottish Fire and Rescue Service.
- 13.2** Reports must be provided in draft to the following for consultation in accordance with the published timetable:
- 13.2.1 Chief Officer - Finance
 - 13.2.2 Chief Officer - Governance
 - 13.2.3 Chief Executive
 - 13.2.4 Clerk
 - 13.2.5 Administration Leaders
 - 13.2.6 Convener of the City Growth and Resources Committee
 - 13.2.7 Convener and Vice Convener of Council or the relevant Committee or Sub Committee
 - 13.2.8 Business Manager
 - 13.2.9 Executive lead for their respective committee
- 13.3 Reports must also be provided in draft to the following officers for consultation, in cases where the report contains matters within their professional remit:-
- 13.3.1 Chief Officer – Integrated Children's and Family Services
 - 13.3.2 Chief Officer – People and Organisational Development

Commented [AS2]: This addition ensures the Executive Lead receives all draft reports.

Commented [SD3]: Updated to reflect title changes

13.3.3 Chief Officer – Organisational Development**13.3.34 Head of Commercial and Procurement Services****13.3.45 Chief Officer – Corporate Landlord****13.3.56 Chief Officer – City Growth**

- 13.4 Standing Orders 13.2 and 13.3 do not apply to planning or licensing applications where there are no draft reports and separate statutory consultation procedures apply.
- 13.5 A report author must consult the local Members of a ward where the report contains proposals which, if implemented, would will have a significant local impact on that particular ward.
- 13.6 Where an initial report is prepared as a result of a Notice of Motion having been considered, the report author must consult the Member(s) who submitted the Notice of Motion.
- 13.7 A report will only be submitted for consideration by the Council, Committee or Sub Committee where the Clerk, Chief Officer – Finance and the Chief Officer – Governance have responded to the consultation on that report.
- 13.8 Subject to Standing Orders 13.9 to 13.12 below, final reports to be included on an agenda for a meeting of the Council, Committee or Sub Committee must be submitted to the Clerk as specified in the timetable published by the Chief Officer - Governance.
- 13.9 If a report not listed on the agenda is submitted after the agenda for the meeting of the Council, Committee or Sub Committee has been published; the Convener must give authority for the report to be added to the agenda.
- 13.10 If a report listed on the agenda is submitted after the agenda has been published but more than three Clear Days before the meeting, no Late Docquet will be required.
- 13.11 If a report is submitted after the agenda has been published but less than three Clear Days before the meeting, the relevant Director or Chief Officer must submit a Late Docquet to the Clerk explaining why the report is late and the special circumstances which require the item to be considered as a matter of urgency.
- 13.11.1 In terms of Standing Order 365.3, the Docquet must also be signed by the Convener who will specify why the item should be considered at the meeting as a matter of urgency.
- 13.11.2 Standing Order 13.11 does not apply to the Licensing Committee, Urgent Business Committee or Licensing Sub Committee.
- 13.12 Any officer listed under Standing Order 13.1 will have the authority to withdraw his/her report from the agenda, following consultation with the Business Manager.

Commented [AS4]: Reviewed to clarify when a local member should be consulted

14. Deputations

- 14.1 Every request for a deputation must be in writing and received by the Clerk at least two working days before the meeting to which it relates. Any documentation that a deputation may wish to circulate to the Committee must be submitted along with the deputation request. Should such documentation not be submitted with the request, it will be for the Convener to determine if the document is circulated.

Commented [AS5]: Reviewed in line with recent documents submitted with a deputation request.

- 14.1.1 For example, for a meeting on a Thursday, requests must be received by the end of the Monday; and for a meeting on a Tuesday, requests must be received by the end of the previous Thursday.
- 14.2 In the event that a report has not been published to enable a deputation request to comply with the deadline set out in Standing Order 14.1, deputation requests may still be submitted and put on to the agenda.
 - 14.2.1 In such instances, Standing Order 14.1 would require to be suspended at the meeting for the deputation to be heard.
- 14.3 The request must relate to a report on an agenda.
- 14.4 The request must state the report on which the deputation wants to be heard and the action (if any) the deputation would like the Council, Committee or Sub Committee to take in relation to the report.
- 14.5 The following deputation requests are not competent:-
 - 14.5.1 Deputations which fail to comply with Standing Order 14.1
 - 14.5.2 Deputations which relate to reports containing confidential information (see Standing Order [224](#))
 - 14.5.3 Deputations which relate to the annual budget
 - 14.5.4 Deputations which relate to a petition
 - 14.5.5 Deputations which relate to a planning or licensing application
 - 14.5.6 Deputations which relate to matters that have alternative procedures for representation (which may include, but are not restricted to, the Council's proposed sale or let of a property which has been subject to a closing date and the Council's proposed tendering of goods, services or works).
 - 14.5.7 Deputations which relate to a Notice of Motion which has not yet been moved.
- 14.6 Subject to Standing Order 14.2 (late publication of reports), if a deputation request is determined to be incompetent, it will not be put on the agenda.
- 14.7 Deputations cannot consist of more than three people.
- 14.8 No individual may form part of more than one deputation on the same matter.
- 14.9 A competent deputation request will be placed on the agenda for the relevant meeting of the Council, Committee or Sub Committee.
 - 14.9.1 If a deputation is deemed to be competent, it will be heard at the meeting, unless a Member moves a procedural motion to determine otherwise.
- 14.10 If, having heard the deputation, the Council, Committee or Sub Committee defer consideration of the report, no further request will be accepted from the same body or individuals in relation to the matter unless a new report containing substantially different information is submitted to a future meeting.
- 14.11 Competency in respect of Standing Orders 14.3, 14.5 and 14.10 will be determined by the Convener.

- 14.12 If a report on which a deputation has been heard is referred to another meeting of the Council, a Committee or Sub Committee, in order for the same body or individuals to be heard, a fresh request for a deputation must be submitted.
- 14.13 Deputations will be given a maximum of ten minutes to present their case, irrespective of the number of speakers.
- 14.14 Following the conclusion of the deputation, Members will be given the opportunity to ask questions of the deputation for a maximum of ten minutes.
 - 14.14.1 No questions can be asked of officers during this time period, and no debate or discussion will take place until the report is considered as part of the agenda.

15. Petitions

- 15.1 A petition complying with the agreed criteria and having received at least 100 valid signatures will be placed on the agenda for consideration at the relevant committee.
- 15.2 The petitioner will be invited to explain their petition at the relevant committee and will have a maximum of ~~10~~ten minutes to present their case, following which Members will be given the opportunity to ask questions of the petitioner for a maximum of ten minutes.
- 15.3 The petitioner can be supported by up to two other individuals but the ten minute limit will be the same.
- 15.4 A Council officer will then have the opportunity to present their case for a maximum of ten minutes, following which Members will be given the opportunity to ask questions of the officer for a maximum of ten minutes.
- 15.5 There are three options for the committee to consider.
 - 15.5.1 Take no action and advise the lead petitioner of the Committee's reasoning.
 - 15.5.2 Agree that the matter be the subject of a report to the relevant Committee(s).
 - 15.5.3 Refer the matter to a relevant organisation with or without a recommendation.

Commented [AS6]: Added to be consistent with deputations and to ensure the same procedure adopted across all committees. Reflects the process agreed by Council.

15.16. Rights of Members to Attend Meetings

- 15.16.1 Subject to Standing Orders 12.14 and 16.2 and 16.3, any Member will be entitled to attend any Committee or Sub Committee meeting of which they are not a member and will, with the consent of the Convener, be entitled to ask questions or address the meeting.
 - 15.1.16.1.1 The Member may not propose or second any motion or amendment or vote.
- 15.2.16.2 A Member cannot be present at a meeting of a Committee or Sub Committee for which they are not a member when all of the following three conditions apply:-
 - 15.2.16.2.1 The press and public have been excluded from the meeting; **and**
 - 15.2.16.2.2 The meeting is likely to involve the taking of a decision which may affect the interests of any person or body following a hearing; **and**

16.2.3 The person or body has a right in terms of the law, Standing Orders or other administrative procedure, to be heard at that meeting in person or through a representative, for example the Appeals Sub Committee or Licensing Committee.

16.3 In respect of the following, Members will only be entitled to make representations through, as applicable, the formal statutory process or other procedure agreed by Council Committee or Sub Committee:
16.3.1 quasi-judicial matters;
16.3.2 individual housing allocation decisions; or
16.3.3 reviews to be undertaken by the Community Asset Transfer Review Sub Committee.

16.4 Prior to sitting as a member or a substitute of the Pensions Committee and the Appeals Sub Committee, a Councillor must have undertaken the required training.

Commented [AS7]: Added to clarify the right of members to attend and speak at committee meetings when a quasi judicial applications are being considered to ensure all parties are getting an equal opportunity; to clarify the right of members to attend and speak at committee meetings when an individual housing allocation is being determined to ensure fairness as the housing applicant does not get an opportunity to address the Committee; and to clarify the right of members to attend and speak at meetings of the CATSC

Commented [AS8]: Clarifies requirements of Members to undertake training. Anyone that sits on the Pensions Committee or Board have to have the knowledge and skills to execute their fiduciary duty and be able to challenge the advice they may be given. This is in line with the Knowledge and Skills Framework developed by CIPFA in 2010 which has been adopted by the Fund, the Training Policy which applies to Committee & Board members and The Local Government Pension Scheme (Scotland) Regulations 2018

Appeals Sub Committee procedure requires members to have undertaken training prior to hearing an appeal.

16.17 Substitute Members

17.1 Members or Groups will be entitled to nominate substitutes to attend meetings of Committees and Sub Committees on their behalf, providing those substitutes have received relevant training as determined by the Council.

17.2 Bodies appointing External Members shall be permitted to appoint a named substitute for their substantive Member, providing those substitutes have received relevant training as determined by the Council.

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17.18 Failure to Attend Meetings

17.4.18.1 If a Member does not attend any meeting of the authority within a period of six consecutive months, the Chief Executive must report this to Council, unless leave of absence has been granted to the Member.

17.5.18.2 If the Council is not satisfied as to the cause of the failure to attend, the Member will cease to be a Member of the Council.

17.6.18.3 The Member will not cease to be a Member of the Council if the absence is due to the Member having been suspended by the Standards Commission.

17.6.18.3.1 No report from the Chief Executive is required in these circumstances.

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18.19 Chairing of Meetings

18.4.19.1 At any meeting of the Council, its Committees or Sub Committees, the chair will be taken by the Convener, or where the Convener is absent, the Vice Convener, who will be addressed in accordance with Standing Order 25.2.

18.4.19.1.1 In the event that there is more than one Vice Convener, it will be for those Members to determine which of them will chair the meeting.

18.4.19.1.2 In the event that no agreement is reached between those Members, the decision will be taken by means of a procedural motion.

18.4.19.1.3 In the absence of both Convener and Vice Convener(s), the Members present will appoint a Convener.

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Commented [AS9]: Reviewed to provide clarification as to how the Vice Convener should be addressed when acting as Convener.

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1920 Quorum

20.1 The quorum of Council, Committees and Sub Committees will be one quarter of the total number of members of the Council, Committee or Sub Committee, or three members, whichever is the higher.

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2021 Attendance at Meetings by Chief Officers

20.421.1 All meetings will normally have advice available from the Chief Officer – Finance and the Chief Officer - Governance.

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20.521.2 The attendance of all other officers is at the discretion of the appropriate Chief Officer, taking into account the business of the meeting and the Working Time Regulations 1998.

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2122 Exempt and Confidential Information

21.422.1 Agendas and reports containing Confidential Information will contain a declaration that the report is 'Not for Publication' because it contains Confidential Information as described in Appendix 1 to the Standing Orders.

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21.522.2 Agendas and reports containing Exempt Information (exempt items) will contain a declaration that the report is 'Not for Publication' because it contains Exempt Information as described in Appendix 2 to the Standing Orders.

21.622.3 The public **may** be excluded from a meeting when an item of business is being considered, if it is likely that, if the public were present, Exempt Information would be disclosed.

21.722.4 The public **must** be excluded from a meeting when an item of business is being considered and it is likely that, if the public were present, Confidential Information would be disclosed to them in breach of an obligation of confidence.

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2223 Declarations of Interest

22.423.1 Any Member making a declaration of interest should:-

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22.4.23.1.1 indicate whether it is a financial or non-financial interest;

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22.4.23.1.2 include some information on the nature of the interest; and

22.4.23.1.3 confirm whether or not they intend to withdraw from the meeting room.

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22.523.2 A Member must withdraw from the meeting room, including from the public gallery, where they have declared an interest that prevents them from participating in the discussion of, and voting on, the item.

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2324 Introducing Reports

23.424.1 The Convener may identify that a report requires introduction from an officer, ~~following which, Members will be given the opportunity to ask questions of officers.~~ Or a representative of an external organisation, following which, Members will be given the opportunity to ask questions of officers or an external representative. Any introduction and questions for an external representative should be undertaken prior to asking questions of officers.

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Commented [AS10]: Reviewed to take account of external representatives such as ALEOs speaking to officer reports regarding their performance etc.

23.524.2 To promote the effective management of the meeting, Members should seek clarification or advice on any points from officers in advance of the meeting.

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~~23.6~~24.3 When, in the opinion of the Convener, Members have had a reasonable opportunity to ask questions, the Convener will move to determination of the matter.

1725 Speaking at Meetings

~~23.7~~25.1 When addressing Members, Trade Union Advisers, officers, deputations or representatives of external partners at meetings, no Member or officer should use the first name of the person being addressed.

25.2 When referring to or addressing the Convener, Members, Trade Union Advisers and officers should address the Convener as 'Lord Provost', 'Convener' or 'Chair' as appropriate.

~~23.8~~25.3 When referring to or addressing a Member, Members, Trade Union Advisers and officers should address the Member as Councillor.

2426 Order of Debate

24.4~~26.1~~ If consensus cannot be reached on an item, the order of debate will be as follows:-

24.4.1~~26.1.1~~ Motion moved and seconded

24.4.2~~26.1.2~~ Amendment(s) moved and seconded

265.1.3 Debate

265.1.4 Summing up for the amendment(s)

265.1.5 Summing up for the motion

265.1.6 Vote

265.2 Any Member wishing to speak at any meeting will address the Convener and restrict their remarks to the item of business before the meeting through:-

265.2.1 Asking questions

265.2.2 Moving, seconding or supporting a motion or any relative amendment

265.2.3 Moving or seconding a Procedural Motion; and

265.2.4 Raising a Point of Order

265.3 Advisers to the Staff Governance Committee will be entitled to raise a Point of Order, ask questions and participate in any debate, but will not be entitled to move a motion or amendment, nor participate in any vote.

276. Points of Order

276.1 A Point of Order is a verbal objection made to the Convener that a statement or proposed procedure or action at the meeting may be in breach of the law, Standing Orders or Councillors' Code of Conduct.

276.2 Any Member may raise a Point of Order at any point in the meeting, and must specify which Standing Order, law or section of the Councillors' Code of Conduct will be, or has been, breached.

276.3 The Convener will decide how the Point of Order will be dealt with.

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Commented [AS11]: Added to reflect how Councillors should be addressed during a meeting. This is already covered in the Member Officer Relations Protocol but should be included in Standing Orders for completeness.

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Commented [AS12]: Added to allow Advisers to raise a Point of Order

287. Procedural Motions

- 287.1** A Procedural Motion is a motion on the procedure being proposed or undertaken at the meeting, including, but not restricted to:-
- 287.1.1** Moving exempt business to the public section of the agenda;
 - 287.1.2** Proposing a change to the minute;
 - 287.1.3** Proposing that an item be deferred to a later date;
 - 287.1.4** Proposing that an item be referred to another Committee or directly to full Council;
 - 287.1.5** Proposing that no further debate or questioning take place;
 - 287.1.6** Proposing the suspension of a Standing Order;
 - 287.1.7** Proposing an alternative method of voting; and
 - 287.1.8** Proposing that a planning site visit be undertaken.
- 287.2** A Procedural Motion has to be moved and seconded, and Members will then vote on whether to support or oppose it.
- 287.3** When a Procedural Motion has been moved and seconded, it will be put immediately to the vote, without any debate.
- 287.4** If a Procedural Motion is not seconded, it will fall and this will be recorded in the minute.
- 287.5** Except where the Procedural Motion is to suspend Standing Orders in terms of Standing Order 410, for a Procedural Motion to be successful, it requires a simple majority of the vote.

298. Motions and Amendments

- 298.1** Where a motion and amendments are proposed prior to a Council, Committee or Sub Committee meeting, Members should provide a copy of the proposed wording to the Clerk as soon as reasonably practicable and, if possible, before the meeting commences.
- 29.21** ~~Any motion or amendment proposed at a Council, Committee or Sub Committee meeting should be submitted to the Clerk by 10am on the working day before the meeting takes place to enable competency of the motion/amendment to be considered prior to the commencement of the meeting. If a motion or amendment is submitted outwith this time, an adjournment at the meeting may be required to allow for advice to be given to the relevant member.~~
- 29.23** Any motion or amendment in respect of the budget should be submitted to the Chief Officer – Finance, by 10am on the third last Working Day before the meeting takes place to enable the Chief Officer – Finance to consider any financial implications. For example, if the budget meeting is on Tuesday then any amendment should be submitted to the Chief Officer – Finance, by 10am the Thursday before. Such motion or amendment should detail the cost of the proposal(s) being advanced or the savings proposed to be achieved and the consequential impact of that cost or those savings on the annual budget and any associated commissioning intentions and service standards.

Commented [AS13]: ADMIN proposal to retain current SO 28.1 and to not accept proposed SO 29.1

Commented [AS14]: ADMIN proposal to not accept this proposal

Commented [AS15]: Added to ensure the effective operation of the meeting and to provide officers with sufficient time to consider the competency of the proposals.

- 298.42** The Clerk will then be responsible for collating the views of the following officers and presenting these to the Member:
- 298.42.1** the relevant Director(s);
- 298.42.2** Chief Officer – Governance;
- 298.42.3** Chief Officer – Finance; and
- 298.42.4** other relevant Chief Officer(s).
- 298.53** The Convener will have the prior right to the motion, except:-
- 298.53.1** where he/she waives this right and allows another Member to have the prior right to the motion;
- 298.53.2** where a written Notice of Motion submitted by a Member is moved; or
- 298.53.3** the Council is meeting to consider its annual revenue budget, in which case the Convener of the City Growth and Resources Committee will have the prior right to the motion. Following the moving of each budget, the spokesperson of the biggest Opposition Group will have the right to propose an amendment.
- 298.64** When moving any motion or amendment, a Member will provide its terms in full, which will then require to be seconded by another Member.
- 298.64.1** No Member will speak in support of a motion or amendment until it has been seconded.
- 298.64.2** Any Member who has moved or seconded a motion or amendment will not be entitled to enter the debate.
- 298.75** All motions and amendments must be relevant to the report.
- 298.86** All amendments must differ from the motion and from each other substantially.
- 298.97** The Convener will offer any relevant officer an opportunity to address the meeting on the competency, relevancy or implications of any motion or amendment.
- 29.108.8** A motion or amendment is incompetent if it would require the incurring of expenditure and the source of funding is not identified.
- 298.119** A motion or amendment which identifies the source of funding as the Council's reserves will not be competent without advice being provided to the meeting by the Chief Officer - Finance.
- 298.1210** The Convener will determine whether a motion or amendment is competent and relevant, and may seek advice from officers in this regard.
- 298.131** A motion or amendment moved but not seconded, or which has been ruled by the Convener to be incompetent will not be put to the vote but will be recorded in the minute.
- 298.142** If a motion or amendment is withdrawn, the mover and seconder can move or second and speak in support of a further motion or amendment.
- 298.153** No Member will speak more than once (except on a Point of Order, by asking a question or by moving a Procedural Motion) in a debate, except for the Members who moved the motion / amendment(s), who will have the right to sum up.

~~298.153~~.1 In respect of the motion which proposes any element of the Council annual budget, the Council Leader will have the right to sum up.

~~298.164~~ A Member can make minor alterations to their motion or amendment, with the consent of the Convener.

~~298.175~~ When there is only one amendment to the motion, the vote will be taken between the motion and the amendment.

~~298.175~~.1 Whichever is carried will be the resolution of the meeting.

~~298.186~~ Where there is more than one amendment to the motion, a vote will be taken between the last two amendments, and this process will be repeated until only one amendment remains.

~~298.186~~.1 A vote will then be taken between the motion and the remaining amendment.

~~298.186~~.21 Whichever is carried by majority will become the resolution of the meeting.

~~298.197~~ If an amendment proposes that no decision be taken, the first vote will be between it and the motion.

~~298.197~~.1 If the amendment is carried, the meeting will proceed to the next item of business.

~~28.19.28-17-1~~ If the amendment is not carried, it will be eliminated from the amendments which, with the motion, will be voted on in the usual way.

~~298.2018~~ The processes outlined above will not apply to the Appointment Panel, unless this is agreed by Members of the Panel.

3029. Time Allowed for Speaking

~~3029~~.1 Moving a motion or amendment – 10 minutes

~~3029~~.2 Seconding a motion or amendment – 5 minutes

~~3029~~.3 Speaking in debate – 5 minutes

~~3029~~.4 Summing up – 5 minutes

~~3029~~.5 Moving a Council budget – no time limit

~~3029~~.6 Seconding a Council budget – 10 minutes

~~3028~~.7 Summing up a Council budget – 10 minutes

310. Closure of Debate

~~310~~.1 After eight or more Members have spoken (including the movers and seconders of motions and amendments), any Member who has not spoken can move as a Procedural Motion that no further debate take place.

~~310~~.2 If the Procedural Motion is agreed, the movers of the original motion and amendment(s) will have the right to sum up and the matter will thereafter be put to the vote.

~~310~~.2.1 In respect of the motion which proposes any element of the Council annual budget, the Council Leader will have the right to sum up.

~~310~~.3 If the Procedural Motion is defeated, the debate will continue.

- 310.4** Subsequent Procedural Motions that no further debate take place can be made after a further three Members have spoken.

321. Method of Voting

- 321.1** Votes will be taken by means of the electronic voting system at Council, and by roll call at Committees or Sub Committees, subject to Standing Orders:

321.1.1 (Votes in Respect of Two or More Vacancies); and

321.21.22 (Motion by a Member for an Alternative Method of Voting).

31.1.132.1.13 Votes in respect of two or more vacancies may be taken by roll call.

- 321.2** A Member can move that an alternative method of voting is used, such as roll call or show of hands, by means of a Procedural Motion.

- 321.3** The Clerk will conduct the vote.

321.3.1 No one will interrupt the proceedings (except to draw attention to an omission in the calling of a Member's name or to a Point of Order) until the result of the vote has been announced.

- 321.4** With the exception of Standing Order **419.1** (Suspending Standing Orders), a simple majority of those present and voting will decide the result of any vote between motions and amendments.

- 321.5** Subject to Standing Order **332.1** (Quasi-Judicial Items of Business), a Member who is absent when their name is called will be entitled to vote if they enter the meeting before the result of the vote is announced.

- 321.6** In the event of a tied vote, the Convener will have the casting vote, except where the vote relates to the appointment of a Member to any particular office.

321.6.1 If the Convener chooses not to exercise their casting vote, lots will be drawn using a method decided upon by the Clerk.

- 321.7** Any Member wishing to record their dissent against the decision after a vote should do so immediately after the result has been announced, and this will be recorded in the minute.

332. Quasi-Judicial Items of Business

- 332.1** 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 for the duration of the item.

- 332.2** If a Member has left the room at any point during discussion of the item, they will not be permitted to participate in the determination of the item, nor any vote.

343. Referrals

- 343.1** Immediately following a vote at Committee or Sub Committee, one third of the membership of the Committee or Sub Committee may refer the matter to the Council, a Committee or Sub Committee for a decision, unless the Convener determines otherwise (see Glossary for calculation).

- 343.2** Subject to Standing Orders **343.3** and **343.4**, should the matter be referred in terms of Standing Order **343.1**, the Clerk will then arrange for the matter to be referred to the next meeting of Council, relevant Committee or Sub Committee for determination.

343.3 Standing Orders 343.1 and 343.2 will not apply to any proceedings relating to:-

343.3.1 The appointment of or retirement of staff;

343.3.2 Grievance or disciplinary appeals by staff;

343.3.3 School attendance;

343.3.4 Bursaries;

343.3.5 Admission of any particular child to school;

343.3.6 Provision of school transport for any particular child;

343.3.7 The granting of any licence, registration or certificate;

343.3.8 Assumption of parental rights or adoption in the case of any individual; or

343.3.9 Aids and adaptations to premises for the benefit of social work clients.

343.4 Where an item is referred to a meeting of the Council, Committee or Sub Committee, and it is not possible for the item to be open to the public for inspection at least three Clear Days before the meeting, the referring Committee or Sub Committee must specify why the item should be considered as a matter of urgency.

343.4.1 The Convener of the Council, Committee or Sub Committee to which the item is referred will then determine whether it is added to the agenda.

345. Minutes

354.1 The Clerk will prepare the minutes of meetings of the Council, its Committees and Sub Committees and any other meetings at which Members are represented, as may be determined by the Chief Officer - Governance.

354.2 The minutes will record the names of the Members who attended the meeting and will contain a summary of the business of the meeting as determined by the Clerk.

354.3 The Convener and Vice Convener will normally propose and second the minute as a true record unless either were not present, in which case any Member present at the meeting can either propose or second the minute as a true record.

354.4 At the meeting, if any Member challenges the accuracy of the minute, they can move a Procedural Motion that a correction is made.

354.5 Any corrections to the minute will be outlined in the subsequent minute.

354.6 Any discussion around the approval of the minute cannot extend to opening up discussion of the substantive issues detailed in the minute.

365. Powers of Convener

365.1 To preserve order and ensure that Standing Orders are followed.

365.2 To decide on the order of business and matters of competency and relevancy, unless otherwise specified.

365.3 To accept urgent business onto the agenda in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973.

365.3.1 The reason(s) why the matter must be considered urgently will be recorded in the minute of the meeting.

365.4 To ensure that all Members are given the opportunity to speak and to decide on the order in which they speak.

365.5 To rule on all Points of Order.

365.6 To adjourn the meeting at any time for any reason, and to determine the length of the adjournment.

365.7 When the Convener begins to speak, all other Members must stop speaking.

365.8 It will be within the discretion of the Convener of the Council, a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting to another date if in his/her opinion, acting reasonably; there is a good reason for so doing.

365.9 The decision of the Convener on all matters in Standing Order 365 will be final.

376. Behaviour

376.1 All Members must behave respectfully at any meeting and should not behave in a manner that is improper, offensive or deliberately obstructs the business of the meeting.

376.2 All Members are bound by the Councillors' Code of Conduct and are responsible for complying with it at all times.

376.3 If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance or may order them to leave the meeting.

376.4 If there is general disturbance during any part of the meeting, the Convener may order that the public leave the meeting.

387. Suspension of Members

387.1 If any Member disregards the authority of the Convener, obstructs the meeting or, in the opinion of the Convener, acts in an offensive or disruptive manner at a meeting, the Convener may move, as a Procedural Motion, that the Member be suspended for the remainder of the meeting.

387.2 If seconded, the motion will be put to the vote immediately.

387.3 If the Procedural Motion is carried, the suspended Member will leave the meeting room immediately.

387.4 If the Procedural Motion is not carried, the Convener may call for an adjournment in the meeting.

398. Filming, Photographing and Recording of Meetings

398.1 Other than the live webcasting of Council, Committee and Sub Committee meetings by Aberdeen City Council, any video or sound recordings or broadcasting of meetings, or the taking of any photographs, will be at the Convener's discretion.

4039. Length of Meetings

4039.1 The Convener can call a break in proceedings at any time.

4039.2 Meetings will last no longer than six hours.

4039.2.1 If a meeting continues beyond six hours, and where there has been no break in proceedings, the Convener must call a twenty minute break in proceedings in line with the Working Time Regulations 1998.

4039.2.2 For the avoidance of doubt, the calculation of six hours will not include any adjournments.

4039.3 If the meeting is adjourned to another date, the Convener, following consultation with the Clerk, will determine the time and date that the meeting will resume.

410. Suspending Standing Orders

410.1 Any Standing Order may be suspended at any meeting with the agreement of two thirds of the Members present and entitled to vote (see Glossary for calculation).

410.1.1 This will be done by means of a Procedural Motion.

410.2 The Member must specify which Standing Order they are proposing to suspend.

421. Altering Previous Decisions

421.1 It will not be competent for the Council, Committee or Sub Committee to alter or reverse a previous decision within a period of six months.

421.2 Standing Order **421.1** does not apply:-

421.2.1 where a Notice of Motion to that effect has been submitted, of which appropriate prior notice has been given in terms of Standing Order 12;

421.2.2 where the Council, Committee or Sub Committee approves a recommendation contained in a report to alter or reverse a previous decision; or

421.2.3 to ongoing negotiations between the Council and any other party.

432. Amendments to Standing Orders

432.1 Non-material amendments can be made to the Standing Orders by the Chief Officer - Governance, following consultation with the Business Manager, without the requirement to report to Council.

432.1.12 Such amendments will be notified to all Members once completed.

432.23 Material amendments to the Standing Orders, including the removal or addition of Standing Orders, may only be approved after consideration of a report to the Council by the Chief Officer - Governance.

44. Review of Standing Orders

44.1 The Standing Orders will be subject to annual review by the Chief Officer - Governance.

45. Monitoring Officer

45.1 A Monitoring Officer's report may be required where any proposal, decision or omission by the Council may breach or has breached the law or any statutory code of practice.

465. Member Access to Documents

- 465.1 The additional rights of access to documents for Members are as set out in Appendix 4 to the Standing Orders.

COMMITTEES AND SUB COMMITTEES

47. Delegation and Appointment to Committees and Sub Committees

- 47.1 The Council may appoint or disband Committees for any purpose at any time, and will delegate or refer to these Committees any matter it thinks fit.
- 47.2 Committees may appoint or disband Sub Committees for any purpose at any time, and will delegate or refer to these Sub Committees any matter they think fit.
- 47.3 Matters referred or delegated to Committees or Sub Committees will be set out in the Terms of Reference.
- 47.4 Committee and Sub Committee remits may be amended only after consideration of a report to Council or the appropriate parent Committee by the Chief Officer – Governance.
- 47.5 Each Committee and Sub Committee can delegate any of its delegated functions to a named officer.
- 47.6 Where a matter for consideration is not specifically referred to in the Terms of Reference, it will be competent for it to be considered by ~~the Full Council or the~~ Committee or Sub Committee with the most relevant Terms of Reference, as determined by the Chief Officer - Governance.
- 47.7 The Council may, at any time, deal with any matter falling within the Terms of Reference of any Committee or Sub Committee.
- 47.8 Similarly, a Committee may, at any time, deal with any matter falling within the Terms of Reference of any of its Sub Committees.
- 47.9 The Council will set the membership for each Committee and ~~must reflect in doing so should have regard to~~ the political composition of the Council.
- 47.10 Committees will set the membership for each Sub Committee and ~~must reflect in doing so should have regard to~~ the political composition of the Council.
- 47.11 Members of Sub Committees who are not Members of the parent Committee will be provided with relevant training where required.
- 47.12 The Council may establish Working Groups with no delegated powers for such functions deemed necessary, consisting wholly of Councillors or otherwise.
- 47.13 On behalf of the Council, each Committee and Sub Committee can appoint representatives to outside bodies which provide services linked to, or associated with, the remit of that Committee or Sub Committee.

Commented [AS16]: Reviewed to cover reports to be considered by Full Council that are not covered by the Terms of Reference.

Commented [AS17]: ADMIN proposed amendment

Commented [AS18]: ADMIN proposed amendment

GLOSSARY

Agenda

A list of business to be considered at Council, Committee and Sub Committee Meetings.

Amendment

Where a motion has been put forward in respect of an item on the agenda, a Member may move an alternative proposal. The motion and amendment will then be **debated** and a vote taken between the two.

Business Manager

A Councillor appointed by Council to liaise with Chief Officers and Members of all parties in respect of Council business and governance matters.

Calculation of Quarter or One Third / Two Thirds of Members

If the figure is not a whole **number** it will be rounded up. This is to ensure that a quarter, one third or two thirds will always be met.

Chief Officer - Finance

Where this document refers to the Chief Officer - Finance, it should be noted that this may also refer to his/her nominated officer.

Chief Officer - Governance

Where this document refers to the Chief Officer - Governance, it should be noted that this may also refer to his/her nominated officer.

Clear Days

For **example** if a letter is posted on Monday advising of a meeting on Friday, it gives 3 clear days' notice (i.e. Tuesday, Wednesday, Thursday). Saturday, Sunday and public holidays are included within the definition of Clear Days.

Clerk

The Committee Officer with responsibility for the administration of the Council, Committee or Sub Committee.

Committee

A Committee of the Council appointed in accordance with Standing Orders.

Committee Planner

A document containing outstanding and pending business that is placed on the agenda for each meeting.

Confidential Information

See Appendix 1 to this document.

Convener

The Chair of the Committee. Where 'Convener' is referred to in this document, this will also include the Lord Provost.

Council

Where 'Council' is referred to in this document, it refers to meetings of Full Council.

Deputation

A request submitted by a member of the public to address a Council, Committee or Sub Committee meeting in respect of a report on a published agenda.

Depute Provost

The Vice Convener of [Full](#)the Council. The Depute Provost will act as Chair in the absence of the Lord Provost.

Depute Business Manager

A Councillor appointed by Council who acts as Business Manager in the absence of the Business Manager.

Exempt Information

See Appendix 2 to this document.

External Member

A representative appointed to any Committee or Sub Committee from outwith Aberdeen City Council who may have full voting rights.

Group

A number of Councillors who form a group. A group cannot be composed of a single member.

Group Leaders

The leaders of the individual political groups.

Late Docquet

A document which must accompany any reports that are not available for inspection by members of the public at least three clear days before a meeting. This contains the reason for lateness, an explanation of why the Council, Committee or Sub Committee requires to consider the report as a matter of urgency, and is signed by the Director and Convener. The Convener has ultimate discretion as to whether or not the item should be considered.

Lord Provost

The Convener of the Council. The Lord Provost is the civic head of the Council.

Minute

A summary of decisions from any Council, Committee or Sub Committee meeting prepared by the Clerk. This will not be a verbatim record.

Motion

An initial proposal of action submitted by a Member in respect of an item of business on an agenda.

Non-Material Amendments to Standing Orders

Such amendments may include the change of title for a particular post referred to in the Standing Orders, or an error in the text.

Notice of Motion

A request submitted by a Member in advance of a meeting of Council, a Committee or Sub Committee which may be placed on the agenda for an issue to be discussed and for a decision to be made.

Quasi-Judicial

Where the Council, Committee or Sub Committee has powers and procedures resembling those of a court of law or **judge**, and is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.

Quorum

The minimum number of Members at a Council, Committee or Sub Committee meeting who must be present for valid transaction of business.

Significant Local Impact

In relation to a particular ward, this means in the opinion of the relevant Chief Officer, a significant impact on:

- roads or traffic arrangements within that ward;
- buildings or facilities within that ward; or
- the natural environment of that ward.

Sub Committee

A Sub Committee of any Council Committee appointed in accordance with Standing Orders.

Summons

A calling notice advising Members of the date, time and location of a Council, Committee or Sub Committee meeting.

Vice Convener

The Vice Chair of the Committee. The Vice Convener will act as Chair in the absence of the Convener (see Standing Order [198](#)).

Appendix 1

LOCAL GOVERNMENT (SCOTLAND) ACT 1973 SECTION 50(A)

DEFINITION OF CONFIDENTIAL INFORMATION

In accordance with section 50A of the Local Government (Scotland) Act 1973, Confidential Information means:

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

In either case the reference to the obligation of confidence is to be construed accordingly.

DRAFT

Appendix 2

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

SCHEDULE 7A

ACCESS TO INFORMATION: EXEMPT INFORMATION

DESCRIPTIONS OF EXEMPT INFORMATION

(INCLUDING QUALIFICATIONS)

Employee/Office Holder:

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.

Occupier:

2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.

Recipient of Council Service:

3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

Recipient of Financial Assistance:

4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.

Particular Child:

5. Information relating to the adoption, care, fostering or education of any particular child or where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011) information relating to the order. "Child" means a person under the age of 18 and any person who has attained that age and is in attendance as a pupil at a school.

Financial Affairs of Particular Person:

6. Information relating to the financial or business affairs of any particular person (other than the authority). Information is not exempt if it is required to be registered under the Companies Acts (as defined in section 2(1) of the Companies Act 2006) or similar legislation.

Social Work Relating to a Particular Person:

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).

Proposed Expenditure on Contracts:

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 if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.

Contractual Terms:

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 if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

Tender for Contract:

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.

Labour Relations:

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 officeholders under, the authority if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

Legal Proceedings:

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).

Statutory Notices Etc:

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 if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

Crime:

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Informant:

15. The identity of a protected informant.

Appendix 3

PROTOCOL FOR APPOINTMENT OF CHIEF OFFICERS

1. The Chief Executive, all Directors and Chief Officer posts at second tier level or above will be appointed by an Appointment Panel. ~~In setting the membership of the -which must reflect Panel, the Council should have regard to~~ the political composition of the Council
 - 1.1 Meetings of the Appointment Panel will be arranged by the Chief Officer – Governance.
 - 1.2 Group Leaders will provide the Chief Officer – Governance with the names of Members to sit on the Panel
 - 1.3 The Panel will be chaired by the Convener of the City Growth and Resources Committee unless otherwise agreed by the Members on the Appointment Panel.
 - 1.4 Only those Members who participate in the shortlisting of candidates can participate in the interview and selection process.
 - 1.5 The Chief Executive, Chief Officer – [People and Organisational Development](#) and any officer nominated by the Chief Executive will be entitled to be represented at any interview or meeting relating to the appointment of Chief Officers.
2. The above process does not apply to Chief Officer posts in respect of the Integration Joint Board, which will be in line with the process set out in the Aberdeen City Health and Social Care Partnership Integration Scheme.
3. There will be a period of at least seven days between the date a vacancy is advertised and the closing date for the receipt of applications.
4. The Panel responsible for making the appointment will draw up a shortlist of suitably qualified applicants who will then be called for interview.
5. Meetings dates for the Appointment Panel will be set by the Chief Officer – Governance, following consultation with the Chairperson.
 - 5.1 It will be within the discretion of the Chairperson to cancel, advance or postpone an ordinary meeting to another date if in his/her opinion, acting reasonably; there is a good reason for so doing.
6. The quorum for the Appointment Panel will be one quarter of the total number of members of the Panel, or three members, whichever is the higher. ~~The determinations of the Panel will not be recorded in the minute.~~
7. The list of applicants for any appointment will be treated as confidential and only the name of successful candidates will be recorded in the minutes of the Appointment Panel.
8. The determinations of the Panel will not be recorded in the minute.
9. The Convener will have the casting vote in the case of an equality of votes.

Commented [AS19]: ADMIN proposed amendment

Appendix 4

ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF LOCAL AUTHORITIES

1. Any document which is in the possession or under the control of a local authority and contains material which relates to any business to be transacted or proceedings at a meeting of –
 - a. the authority or of a committee or sub-committee of the authority; or
 - b. a statutory committee appointed by the authority, or any sub-committee of that committee, or
 - c. a relevant body, any member of which was appointed by the authority, or of a committee or sub-committee of such a bodyshall, subject to subsection (2) below, be open to inspection by any member of the authority and, in the case of a committee, sub-committee or relevant body, by any other member of the committee, sub-committee or relevant body.
2. Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of Schedule 7A to this Act, subsection (1) above does not require the document to be open to inspection.
3. The Secretary of State may by order amend subsection (2) above –
 - a. by adding to the descriptions of exempt information to which that subsection refers for the time being; or
 - b. by removing any description of exempt information to which it refers for the time being.
3. Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
4. The rights conferred by this section on a member of a local authority are in addition to any other rights he may have apart from this section.

