



ABERDEEN
CITY COUNCIL

STANDING ORDERS

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**Proposed deletions in grey, proposed additions
in *italics***

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ABERDEEN CITY COUNCIL

STANDING ORDERS OF THE COUNCIL

In these Standing Orders, those marked + in the margin shall apply (with the necessary changes) to Committees and Sub Committees; those marked * shall apply (with the necessary changes) to Committees and Sub Committees only in relation to delegated functions.

PART I - MEETINGS OF THE COUNCIL

1. First Meeting of the Council

- (1) The statutory meeting of the Council shall take place on such date within 21 clear days of the date of the election, as the Council may have determined previously. For the purposes of these Standing Orders, clear days includes weekends and public holidays observed by the Council.
- (2) The first item of business to be transacted at such meeting shall be the election of the Convener of the Council who shall in terms of Section 4 of the Local Government Etc. (Scotland) Act 1994 have, during the term of his/her office, the title of Lord Provost. Until such election has been completed, the Returning officer shall preside.
- (3) The Council shall next appoint:-
 - (i) a Depute Provost who shall be deemed to be the Depute Convener of the Council elected in terms of Section 4(2) of the 1994 Act;
 - (ii) a Leader and Depute Leader of the Council;
 - (iii) a Convener of each of the Committees of the Council; and
 - (iv) if the Council so resolves, a Vice-Convener of any or all of the Committees.
- (4) In the event of an equality of votes in the election of the Lord Provost or Depute Provost or the Convener or Vice Convener of any Committee, the appointment shall be determined by lot.
- (5) The only other business to be conducted at such meeting shall be:
 - (i) the review of (a) the order of reference of Committees and (b) Orders;
 - (ii) the appointment of the members of Standing Committees;
 - (iii) the appointment of members to represent the Council on Joint Boards, Joint Committees of the Council and other local authorities and outside bodies on which the Council is entitled to be represented and in respect of which the Council has not delegated the power of appointment to any Committee;
 - (iv) the adoption of a timetable of meetings of the Council; and
 - (v) the approving of salaries to members.

2. Term of office of Lord Provost, Depute Provost & Conveners

- (1) The terms of office of the Lord Provost, Depute Provost, Leader of the Council, Depute Leader of the Council and Convener and Vice-Convener of a Committee shall be the term of office of the Council, or, in the case of anyone elected to fill a casual vacancy, the remainder of that term, or, also in the case of a Convener or Vice-Convener, as long as they are a member of the Committee or Sub Committee in question.
- (2) The holders of the offices mentioned in (1) above shall cease to hold office immediately on ceasing to be a Councillor and shall be entitled to resign at any time during their term of office. At the conclusion of their term of office they shall be eligible for re-election provided they are re-elected as Councillors and are not disqualified by reason of membership of any other Committee.
- (3) If a casual vacancy arises in any of these offices, an election shall be held as soon as practicable at a meeting of the Council, the agenda for which specifies the filling of the vacancy as an item of business, in accordance with Standing Order 1(4).

3. Ordinary Meetings of the Council

- (1) All meetings of the Council shall, unless otherwise determined by the Lord Provost of the Council, take place in the Town House.
- (2) The ordinary meetings of the Council shall be held in accordance with the timetable approved by the Council, except that the Lord Provost shall have the power, where in his/her sole discretion special circumstances so require, to alter the date or time of any meeting.
- + (3) Where a special meeting has been called to consider a referral from a Committee which is to meet earlier in the day, it shall be notified as commencing five minutes after the conclusion of the meeting of such Committee.
- + (4) (a) No meeting of the Council shall be held:
 - (i) on a Saturday or Sunday or on public holidays observed by the staff employed in the Town House; or
 - (ii) on such other days as the Council may determine;
- (b) A special meeting of the Council called by requisition of members in terms of Standing Order 4(2) shall, if required, be held on any day, including any day referred to in Standing Order 3(4)(a). The Lord Provost shall also have the power, in his/her sole discretion and where special circumstances so require, to instruct that a meeting of the Council be held on any date whatsoever.
- (5) Where a meeting of a Committee or Sub Committee takes place under the terms of Standing Orders 3(4)(b), 31(4) and 37(7) during the summer recess, which for the purposes of these Standing Orders is defined as the period of school summer holidays in force in the Council area, such Committee or Sub Committee shall, unless precluded by Statute, have

delegated power to deal with any matter within its Order of Reference and such delegation shall not be subject to Standing Order 36(3).

- (6) The provisions of this Standing Order shall not prevent the Licensing Committee and Planning Development Management Committee meeting when necessary to deal with matters within their remits and such meetings shall be subject to the provisions of the Standing Orders, without exception.

4. Special Meetings of the Council

- (1) Special meetings of the Council for the consideration of the annual budget shall take place in accordance with the timetable fixed from time to time by the Council.
- (2) A special meeting of the Council may be called at any time by the Lord Provost or if required by at least a quarter of the members of the Council and in the latter case shall be held within fourteen clear days of receipt of the requisition by the Head of Legal and Democratic Services. For the avoidance of doubt the calculation of one quarter in these Standing Orders shall be rounded down if it results in a figure ending in less than point 5, and rounded up if the figure is point 5 or above. In the case of a meeting called in terms of this Standing Order the notice required to be published in terms of Standing Order 6 shall have attached the letter signed by the members requisitioning the meeting and shall specify the business proposed to be transacted at the meeting.

5. Precedence of Council Meetings

A meeting of the Council shall, unless the Lord Provost otherwise decides, take precedence over meetings of all Committees or Sub Committees, subject to the provisions of Standing Order 3(3) and except in the case of a special meeting of the Council called to consider a referral from a Committee or Sub Committee which is still meeting at the time appointed for the start of the meeting of the Council.

+6. Calling of Meetings

Subject to the provisions of Standing Order 9(2) and in accordance with the Local Government (Scotland) Act 1973:-

- (1) Not less than five clear days before a meeting of the Council:
- (i) Notice of the time and place of the meeting shall be published at the Town House; and
 - (ii) A summons to attend the meeting with an agenda specifying the business to be transacted and signed by the Head of Legal and Democratic Services shall be delivered or sent by post to the usual place of residence of every member of the Council or such other place as a member may have specified by notice in writing to the Head of Legal and Democratic Services.

- (2) The validity of any meeting of the Council shall not be affected by the failure of any member to receive notice of a meeting.

+7. Convener

- (1) At any meeting of the Council, the chair shall be taken by the Lord Provost, whom failing, the Depute Provost. In the absence of both the Lord Provost and the Depute Provost, the members present shall choose one of their own number.
- (2) In these Standing Orders the term "Convener" shall include any other person presiding at a particular meeting and the terms "Lord Provost" or "Convener of the (Sub) Committee" shall mean the holder of the respective office or whom failing, the Depute Provost or Vice Convener as appropriate.
- (3) Nothing in this Standing Order shall prevent any Committee determining that in respect of its meetings of a particular type or in respect of meetings of a Sub Committee or other associated body, some other member shall preside.

8. Quorum

- (1) Subject to any statutory provision, a quarter of the membership of the Council shall constitute a quorum at all meetings of the Council.
- + (2) If, five minutes after the time specified for the start of a meeting of the Council, a quorum is not present, the division bell shall be rung and, if after a further two minutes, a quorum is still not present, no business shall be transacted and the meeting shall be adjourned until such date and time as the Lord Provost shall determine.
- + (3) If, during any meeting of the Council, the Convener finds that a quorum is not present, he/she shall instruct that the division bell shall be rung and after a lapse of two minutes the roll shall be called and if a quorum is not present, the meeting shall be adjourned until such other date and time as the Lord Provost shall determine.

+9. Order of Business

- (1) At an ordinary meeting of the Council, the business shown on the agenda shall (unless otherwise agreed by the Council at the meeting) proceed in the following order:-
- (i) Admission of Burgesses;
 - (ii) Determination of Exempt Business and Urgent Business
 - (iii) Requests for deputations;
 - (iv) Minutes of the previous meeting or meetings of the Council shall be circulated for approval.
 - (v) Referrals from Committees in terms of Standing Order 36(3);

- (vi) General Business;
 - (vii) Questions of which due notice has been given in terms of Standing Order 20(2) in the order in which they have been received by the Head of Legal and Democratic Services;
 - (viii) Motions of which due notice has been given in terms of Standing Order 21(1) in the order in which they have been received by the Head of Legal and Democratic Services;
 - (ix) Items of business which are confidential or exempt information in terms of Schedule 7(A) of the Local Government (Scotland) Act 1973.
- + (2) Except as otherwise prescribed by statute, no item of business shall be considered at a meeting of the Council unless either:
- (i) a copy of the agenda including the item and any associated report has been open in advance to inspection by members of the public in terms of the Local Government (Scotland) Act 1973; or
 - (ii) by reason of special circumstances which shall be recorded in the minutes of the meeting, the Convener is of the opinion that the item should be considered at the meeting as a matter of urgency and that such items of business be considered by the Council at an appropriate stage in the meeting as determined by the Convener.

***10. Reception of Deputations**

- (1) Every application for the reception of a deputation must be in writing, duly signed and delivered, faxed or e-mailed to the Head of Legal and Democratic Services as early as necessary to ensure that at least one working day (Monday to Friday) is available between receipt of the application and its submission to Council or Committee. The application must state the subject on which the deputation wish to be heard and the action (if any) which it is proposed that the Council should take. The application must relate to a substantive report on the agenda and no application shall be accepted which relates to the annual budget, a petition before the Petitions Committee, a planning application or a process where formal representations may be made to an independent arbiter, except where required by statute.
- (2) The application shall be submitted to the appropriate Committee and the Committee may, if it so resolves, hear the deputation. If, having heard the deputation, the Committee defers consideration of the report to which the application related, no further application to be heard shall be accepted from the same body or individuals unless a report containing substantial new information is submitted to the meeting at which the matter is next considered.
- (3) If, as a result of a referral by any means from a Committee, the matter is one upon which a final decision requires to be taken by the Council, the Council may determine whether it shall be competent for any body or individuals heard by the Committee to be heard by the Council.

- (4) If the application relates to a substantive report submitted to Council directly, the Council may, if it so resolves, hear the deputation. If Council defers a decision the procedure in (2) above shall apply.
- (5) No deputation shall consist of more than three persons.
- (6) The members of a deputation or a deputation comprising a single person shall be permitted to address the Council, and they may speak in total for no more than ten minutes.
- (7) Any member of the Council may put any relevant question to the deputation. The time available for such questions shall not exceed ten minutes (over and above the maximum period of ten minutes allowed to receive the deputation). No questions shall be put to officers by members, and no debate or discussion on the subject matter shall take place, until the relevant report is considered in terms of the order of business, or, alternatively until the deputation retires and consideration of the matter resumes in line with Standing Orders.

+11. Order of Debate

- (1) Any member of the Council wishing to speak at any meeting of the Council shall rise in his/her place and when called upon shall address the Convener and restrict his/her remarks:-
 - (i) to the matter before the meeting by moving, seconding or supporting a motion or any relative amendment;
 - (ii) to moving or seconding a procedural motion;
 - (iii) to asking a question or supplementary question; or
 - (iv) to a point of order (ie the correct application of procedure).
- (2) No member shall speak in support of a motion or amendment until it has been seconded;
- (3) No member shall speak more than once (except on a point of order, by asking a question or a supplementary question or by making a procedural motion) in a debate on any one motion and amendment except that the movers of a substantive motion (or an amendment which has become the substantive motion) and amendments in any debate shall have a right of reply but, in so replying, shall not introduce any new matter.
- (4) After the mover of the substantive motion has commenced his/her reply no member shall speak in the debate except on a point of order or procedural motion.

+12. Motions and Amendments

- (1) When called to move any motion or amendment, a member shall state the exact terms of the motion or amendment before speaking in support of it and, except in the case of (a) motions or amendments to approve or disapprove without further qualification; (b) motions or amendments to remit for further consideration; and (c) motions or amendments the terms of which have been fully set out in a minute of a Committee, the mover shall deliver written notice of these terms to the Head of Legal and Democratic Services before any vote is taken.
- (2) All amendments must be relevant to the motion and must differ from it and from each other substantially.
- (3) The Convener may rule a motion or amendment incompetent if it would require the incurring of expenditure and the source of such funding is not identified.
- (4) Where a motion has been duly seconded and any amendment moved and seconded, neither the motion nor the amendment may be altered in any substance or withdrawn except with the consent of the majority of the members present. If a motion or amendment is withdrawn, the mover and seconder of it can move or second and speak in support of a further motion or amendment.
- (5) The Convener of a Committee or Sub Committee shall have the prior right to the motion in all cases. The Leader of the Council shall have the prior right to propose a Council budget.
- (6) A motion or amendment moved but not seconded or which has been ruled by the Convener to be incompetent shall be recorded in the Minute.
- (7) When there is only one amendment to the motion, the vote shall be taken between the motion and the amendment. Whichever is carried shall become the resolution of the meeting and, accordingly, of the Council. *Any resolution which, in the opinion of the Chief Executive or senior officer of the relevant service present, requires to be subjected to an Equalities and Human Rights Impact Assessment or Privacy Impact Assessment shall insofar as possible be held deferred until the results of such assessment are available and the Chief Executive shall determine any action thereafter if it shall be other than the implementation of the resolution.*
- (8) Where there are more than one amendments to the motion, the last amendment shall be put against that immediately preceding and then the amendment which is carried shall be put against the next preceding, and so on until only one amendment remains. A vote shall then be taken between it and the motion and whichever is carried shall become the resolution of the meeting and, accordingly, of the Council.
- (9) If, however, one of a number of amendments proposes or implies that no decision be taken on any matter before the Council the first division shall be taken between it and the motion. If the amendment is carried, the Council shall proceed to the next business. If the amendment is not

carried, it shall be eliminated from the amendments, which, with the motion, shall be voted on in the usual way.

- (10) This Standing Order shall not apply to an Appointment Panel established under Standing Order 47 unless the Panel so resolves.

+13. Time Allowed for Speaking

- (1) In moving any motion or amendment (other than a motion for the adoption of annual reports, accounts or budget) a member shall not speak for more than ten minutes; each other member and the mover in exercising a right of reply shall not speak for more than five minutes (other than a member seconding a Council budget in which case ten minutes will be allowed).
- (2) These time limits may be exceeded with the consent of the majority of the members present and the Convener shall be entitled to gauge such consent in relation to any speech without taking a vote.

+14. Closure of Debate

- (1) At any meeting of the Council it shall be competent after eight or more members (including the movers and seconders of motion and amendment) have spoken in a debate on any one motion and amendment, for any member who has not spoken in such debate to move "that the question be now put".
- (2) Such motion, if seconded, shall, without any discussion or amendment, be put to the vote and if a majority of the members present vote for it, the debate on the substantive motion shall cease except for the right of reply for the movers of the motion and amendment and the substantive motion and amendments shall immediately be put to the vote. If the motion for closure is not carried, the debate shall be resumed. Subsequent motions for closure may be made after a further three members have spoken.
- (3) No motion for closure may be made during the course of a speech.

+15. Method of Voting

- (1) (a) Every vote shall be taken by roll call, except:-
 - (i) where prior to the vote on any particular matter, the members present agree unanimously that it be taken by show of hands; or
 - (ii) where prior to the vote on any particular matter, a majority of members present resolve (in the event of a division, by roll call vote) that it be taken by ballot;
- (b) A vote taken by means of the electronic vote counting system shall be deemed to be a vote by roll call and such equipment shall, if available and operational be used in preference to any other form of roll call.
- (2) The names of the proposer and seconder of every motion and amendment shall be recorded in the minutes and, in the case of a roll call vote, the names of those voting and the manner in which they voted together with the names of those abstaining from voting, shall be recorded in the minutes, except in the case of any matter relating to the appointment of a particular member of staff or relating to disciplinary or

grievance proceedings affecting a particular member of staff where only the decision shall be recorded.

- (3) Immediately prior to any vote being taken, the division bell shall be rung and the Head of Legal and Democratic Services shall read out the question on which the vote is to be taken. Thereafter, no one shall interrupt the proceedings (except to draw attention to an omission in the calling of a member's name) until the result of the vote has been announced.
- (4) Except in cases where the Council is required to act in a quasi-judicial manner, a member who is absent when his/her name is called in a roll call vote shall be entitled to record a vote if he/she enters the meeting before the result of the vote is announced.
- (5) The Convener shall in the case of an equality of votes, have a second or casting vote except in any vote relating to the appointment of a member of the Council to any office or Committee, or to represent the Council on any other body, where, in the case of equality of votes the matter shall be determined by lot.
- (6) Notwithstanding the provisions of this Standing Order, it shall be competent for any member to record his/her dissent from any decision reached after a division by rising in his/her place immediately after the result of the decision has been announced and requesting that such dissent be recorded in the minutes.
- (7) Except as otherwise required by statute a majority shall be determined upon by those Members present and voting.

+16. Voting in the Case of Vacancies and Appointments

- (1) Where only one vacancy requires to be filled and two candidates are proposed and seconded for appointment, a vote shall be taken as between these candidates and the candidate who receives the majority of votes shall be declared appointed. Where more than two candidates are proposed and seconded for appointment, a vote shall first be taken among all candidates with each member being entitled to vote for one candidate only. If any candidate receives an absolute majority of the votes of the members of the Council present and voting, he/she shall be declared appointed. If no candidate received a majority, the name of the candidate receiving the smallest number of votes shall be deleted, provided that, if two or more candidates tie in receiving the smallest number of votes, a vote or votes shall be taken between or among these candidates and the candidate who receives the smaller or smallest number of votes shall be dropped. This process shall continue until one of the candidates receives an absolute majority of votes, when he/she shall be declared appointed.
- (2) Where more than one vacancy requires to be filled, a vote shall first be taken among all the candidates proposed and seconded for appointment where these exceed the number of vacancies, each member being entitled to vote for candidates up to the number of vacancies to be filled.

The result shall be decided by the first vote except in the case where two or more candidates tie as having received an equal number of votes for the vacancy or vacancies. In such cases an additional vote or votes shall be taken between or amongst these candidates with the candidate having least votes being eliminated until the number of candidates equals the number of vacancies.

- (3) Where, in any vote between two candidates or, after such additional vote as maybe required by (1) and (2) above, there is an equality of votes, the Convener of the meeting shall have a casting vote, unless the matter which is the subject of the vote relates to the appointment of a member of the Council to any particular office or Committee in which case the decision shall be by lot.

+17. Adjournment

- (1) During any meeting of the Council, it shall be competent for a member, at any time, except during a speech by another member, to move that the meeting be adjourned, but no motion for adjournment may be made within thirty minutes of a motion for adjournment having previously been rejected if the Council is still considering the same item of business.
- (2) A motion for adjournment shall have precedence over all other motions and, if moved and seconded, shall be put to the meeting without discussion.
- (3) If the motion is carried, the meeting shall be adjourned until the time specified in the motion, or such other time as the Council may then fix, being on the same day or any other day within a period of four weeks.
- (4) Where a meeting has been adjourned without a time for its resumption having been fixed, it shall be resumed at such time as may be fixed by the Lord Provost.
- (5) When an adjourned meeting is resumed, the proceedings shall commence at the point at which they were interrupted by the adjournment.
- (6) Meetings of the Council and of Committees shall only continue five hours from commencement (or after 2100 hours, whichever is the later) if a decision to that effect is taken by the Council or Committee. If necessary, this will be dealt with as a procedural motion. In calculating five hours, only the time taken for meal breaks will be deducted.
- (7) If the meeting has continued, or in the judgement of the Lord Provost is likely to continue, for more than three hours, the Lord Provost may call a break in the proceedings for such a period as he/she may decide.
- (8) The Convener may adjourn any meeting of the Council if he/she is of the opinion that the business of the meeting cannot properly be conducted because of disorder. Such adjournment shall be signified by the Convener rising and quitting the Chair and shall be for one hour or such shorter period as may be specified by the Convener at that time.

+18. Powers and Duties of Convener

- (1) It shall be the duty of the Convener:-
 - (i) to preserve order and ensure that any member wishing to speak is given due opportunity to do so and a fair hearing;
 - (ii) to call members to speak according to the order in which they caught his/her eye;
 - (iii) to decide all matters of order, competency and relevancy;
 - (iv) to ensure that the sense of the meeting is duly determined.
- (2) Any member wishing to raise a point of order may do so (but only immediately after it has arisen) by rising and stating that he/she is raising a point of order.
- (3) Any member then speaking shall resume his/her seat and the Convener shall call upon the member raising the point of order to state its substance. No other member shall be entitled to speak to the point of order except with the consent of the Convener.
- (4) The Convener shall give a ruling on the point of order, either immediately or after such adjournment as he/she considers necessary. Thereafter the member who was previously speaking shall (if permitted by the ruling) resume his/her speech giving effect to the Convener's ruling.
- (5) The decision of the Convener on all matters referred to in this Standing Order shall be final and shall not be open to question or discussion in any meeting of the Council.
- (6) Deference shall at all times be paid to the authority of the Convener. When the Convener rises to speak, any member then standing shall resume his/her seat, no further member shall rise and the Convener shall be heard without interruption.

+19. Suspension of Members

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

+20. Questions

- (1) At any meeting of the Council, a member may put any question to the Convener relating to the matter then under discussion. The Convener may call upon any appropriate officer to provide factual information.
- (2) At any meeting of the Council, a member may put a question to the Lord Provost or to any Senior Councillor relating to the functions for which they have a responsibility, or to the Chief Executive irrespective of whether the subject matter of the question relates to business which would otherwise fall to be discussed at that meeting. This is provided:-
 - (i) that questions are submitted to the Head of Legal and Democratic Services not later than 12 noon on the twenty-first clear day before the meeting (deadlines shall be adjusted where necessary by the Head of Legal and Democratic Services to ensure that they do not fall on days when Council offices are closed) to allow that officer, in consultation with the Chief Executive and the lead member of whom the question would be asked, to identify an officer to whom the question should be submitted for the preparation of a draft answer and that, if the question can be answered satisfactorily by that officer, it would thereby fall unless the member asking the question was unhappy with the response and explained why when requesting that the question continued to be placed on the agenda by no later than 12 noon on the tenth clear day before the meeting; and
 - (ii) that, where there has been insufficient time to undertake the research required to answer the question, the written answer can be submitted to the questioner within one week of the Council Meeting, unless the Lord Provost agrees either (a) to set a longer period, or (b) determines that no answer be provided as the work required would be too time consuming
- (3) Where no response to the question has been received in terms of the timescale set out at (2) above, the question shall be placed on the agenda. Deadlines for the submission of questions shall be issued to members by the Head of Legal and Democratic Services.
- (4) All questions accepted by the Head of Legal and Democratic Services shall be set out on the agenda for the meeting, including, where appropriate, the reasons why any member who has submitted a question is unhappy with an officer's response. All questions to the same individual shall be grouped together and, where there is a similarity between questions, one answer may be provided answering them all. Subject to (2) above, answers will be issued in advance of the meeting.
- (5) Questions will only be allowed so far as the Lord Provost deems them relevant and competent; the Lord Provost shall also rule on whether the answer provided by an officer is satisfactory.
- (6) One supplementary question, limited to clarifying any answer given, may be asked by the original questioner and one further supplementary question may be asked by one other member.

- (7) No discussion shall be permitted on any question or answer which does not relate to an item of business otherwise falling to be considered at that meeting.
- (8) Only questions of which notice has been given in terms of Paragraph 2 above, and the answers to them, shall be recorded in the minutes of the meeting.
- (9) In the event of the member submitting the question being absent from a Council Meeting, the question shall fall to the following agenda and, should the member again be absent, the question shall fall and require to be resubmitted.
- (10) No question submitted outwith the deadline specified in Standing Order 20(2), that is, one identified as an urgent question, shall be accepted.

+21. Notices of Motion

- (1) No member shall propose any motion which does not directly relate to the item of business then under consideration unless prior notice in writing of such motion has been given, to the Head of Legal and Democratic Services, not later than 12 noon on the fourteenth clear day prior to an ordinary meeting of the Council. Prior to this, the member shall have contacted the appropriate Director seven clear days before this deadline to allow the Director to respond to the terms of the proposed motion *and to determine if an Equalities and Human Rights Impact Assessment or Privacy Impact Assessment of the proposal is required*. Correspondence between the member and the Director shall be appended to the motion form, whether submitted in writing or by email. Deadlines for the submission of motions shall be issued to members by the Head of Legal and Democratic Services. The deadlines referred to in this Standing Order shall be adjusted where necessary by the Head of Legal and Democratic Services to ensure that they do not fall on days when Council offices are closed.
- (2) The terms of motions of which notice has been given shall appear as items of business for consideration at the next ordinary meeting of the Council, except that the Lord Provost (or, subsequent to referral a Convener of a Committee or Sub Committee) may rule a motion incompetent if the Director consulted is of the opinion that the matter is being pursued at the time of submission. If no action is taken on the subject matter of the motion within six months, the motion may be re-submitted. In instances where the Lord Provost has ruled a motion incompetent, it shall not be printed on the agenda. The Lord Provost may also rule a motion incompetent if it would require the incurring of expenditure and the source of such funding is not identified.
- (3) A motion submitted in terms of this Standing Order shall not be deemed competent to be debated until the Convener so rules and calls upon the member who has given notice to move it.
- (4) If a member who has given notice of a motion is absent from the meeting when the motion falls to be considered, the motion shall not be considered at that meeting but will be put on the agenda at the next

meeting. If the member is absent on the second occasion, the motion shall fall.

- (5) All motions shall normally be directed to the appropriate Committee at the discretion of the Council.
- (6) Where a motion is remitted to a Committee (or Sub Committee) by the Council (or Committee) *or submitted directly* the mover of the motion shall in respect of that item only, where they are not a member of the Committee or Sub Committee, become a member of the Committee (or Sub Committee) considering the subject matter of the motion until it is discharged, and shall be entitled to move or second any motion or amendment relating to it and vote thereon. A member shall be permitted to make minor alterations to their motion prior to moving it, with the consent of the Convener. The provisions of Standing Order 45(8) shall apply to any motion so remitted.
- (7) Members are permitted to submit joint notices of motion on a joint and several basis, and in so doing the time allowed for speaking at Council meeting shall be limited to a total of ten minutes between all members who submitted the motion, although nothing shall prevent the Members moving the motion from deciding that one of them only should speak to the motion and in so doing enable the remaining Members to speak for five minutes during the debate as permitted by Standing Order 13(1).
- (8) In the event that a joint motion is *remitted or* submitted to Committee (or Sub Committee) the time allowed for speaking shall be that permitted by the Convener in terms of their powers under Standing Order 18(1) but the first-named person on the joint motion shall be the Member entitled to move or second any motion or amendment and vote thereon, *unless the first named person is a committee member or substitute in which case the second named shall be entitled to move and vote.*
- (9) A motion submitted outwith the deadline specified in this Standing Order, that is, one identified as an urgent motion, shall be accepted onto the agenda at the discretion of the Lord Provost.
- (10) Any motion proposing a nomination for Freedom of the City must be signed by at least two thirds of the members of the Council. For the avoidance of doubt the calculation of two thirds in this Standing Order shall be rounded down if it results in a figure ending in less than point 5, and rounded up if the figure is point 5 or above.

***22. Alteration or Revocation of Previous Decision**

- (1) A decision of the Council shall only be altered or revoked within six months of it having been taken by:
 - (i) a motion to that effect of which prior notice has been given in terms of Standing Order 21; or
 - (ii) a recommendation to that effect approved by the relevant Committee or Sub Committee.

- (2) A decision of the Council may only be altered or revoked within six months by the Council, decisions of Committees can be altered or revoked within six months by the Committee or the Council and decisions of a Sub Committee by the Sub Committee, or its parent Committee or the Council, provided the terms of Standing Order 22(1) are complied with.
- (3) The alteration or revocation of any decision shall have no retrospective effect.
- (4) This Standing Order shall apply with the necessary alterations only in relation to decisions which have been taken by a Committee or Sub Committee under delegated powers.
- (5) This Standing Order shall not apply to the ongoing negotiations between the Council and any other party in respect of the disposal, purchase, development or management of the Council's property portfolio.

+23. Suspension of Standing Orders

Unless prohibited by Statute, it shall be competent for a member at any time during a meeting to move suspension of the whole or any specified part of the Standing Orders and such a motion, if duly seconded, shall be put to the vote immediately without discussion.

+24. Admission of Public and Press

- (1) Except where otherwise required by statute, every meeting of the Council shall be open to the public and press.
- (2) The Council may, however, by resolution exclude the public and press while considering any matter which falls within the categories of "exempt information" specified in Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973, enacted by the Local Government (Access to Information) Act 1985.
- (3) The terms of any such resolution specifying the part of the proceedings to which it relates and the categories of exempt information involved shall be specified in the minutes.

+25. Exclusion from Meeting of Persons Interested in Contracts etc

- (1) A member or officer shall not be present at a meeting of the Council while any contract or other matter in which he/she has a pecuniary interest, direct or indirect, is under consideration unless, in the case of members, the statutory disability from participating in the discussion of such matter has been removed by the Standards Commission for Scotland.
- (2) A member who has made a declaration in terms of Section 112 of the Local Government Finance Act 1992 (by reason of being in arrears with Community Charge or Council Tax) shall be entitled to be present during the discussion of and to speak in relation to any matter to which that section applies but not to propose or second any motion relative thereto or to vote on the matter.

- (3) This standing order shall apply to persons other than members of the Council who are members of any Committee or Sub Committee in the same way as if they were members of the Council.

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PART II - COMMITTEES AND SUB COMMITTEES

27. Committees of the Council

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

28. Committees of the Council

- (1) The Committees of the Council shall be:-

Core Committees

Finance, Policy and Resources
Communities, Housing and Environment Infrastructure
 Education, Culture and Sport *and Children's Services*
 Enterprise, Strategic Planning and Infrastructure
 Social Care, Wellbeing and Safety
 Audit, and Risk *and Scrutiny*
 Petitions Committee
Health and Care Integrated Joint Board (from 1 April, 2015)

Regulatory Committees

Planning Development Management
 Licensing
 Appeals
 Pensions Panel

- (2) *The Convener of the Audit, Risk and Scrutiny Committee shall be a member of the largest Opposition group.*
- (2)(3) Each Committee shall consist of the number of members approved by the Council having regard to the political balance of the Council except that insofar as permitted by statute:
 - (i) The Education, Culture and Sport *and Children's Services* Committee shall, in addition, include seven persons with voting rights *who are members for education items of business only*, who are not members of the Council, *and* who shall be appointed by the Council at its statutory meeting and in terms of 29(4) below, as follows:
 - (a) three persons representing religious bodies in accordance with the requirements of Section 124 (4) of the Local Government (Scotland) Act 1973, being:-

- (i) one representative of the Church of Scotland nominated in such manner as may be determined by the General Assembly of that church;
 - (ii) one representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of that church; and
 - (iii) one other person appointed by the Council having regard (a) to the comparative strength within the City of Aberdeen of all the churches and denominational bodies having duly constituted charges or regularly appointed places of worship there and (b) the representation provided for in (i) and (ii) above;
- (b) in accordance with the discretion conferred by Section 124 (3) of the Local Government (Scotland) Act 1973:-
- (i) two teachers employed in educational establishments managed by the Council nominated in such manner as may be determined by the Education, Culture and Sport and Children's Services Committee; and
 - (ii) two parent representatives, selected by Aberdeen City Parent Council Forum from within its own membership, comprising one representative from primary and special needs, including nursery, and one representative from secondary.
- (ii) The Shareholder Scrutiny Group shall, in addition, include two representatives, with voting rights, approved by trade unions.
- (3)(4) All external members shall be provided with training on conduct by the Director of Corporate Governance.
- (4)(5) (i) The Appeals Committee shall consist of a membership conforming to the appropriate National Agreements.
- (ii) Members on the Appeals Committee shall be entitled to nominate substitutes, with full voting rights, to attend meetings of the Committee in their absence. Members appointed to the Appeals Committee, and any substitutes shall be drawn from the membership of the Committee with the Human Resources function and such members shall have completed the necessary training.
- (iii) The Convener of any Committee which is responsible for the decision or failure to come to a decision which is the subject of an appeal shall not be entitled to attend any hearing of the Appeals Committee which considers that Appeal.
- (iv) Any Councillor sitting in a particular hearing of the Appeals Committee shall not be substituted for after the commencement of that hearing, nor shall any Councillor join a hearing of the Appeals Committee after it has commenced.

- (v) No Councillor shall be entitled to attend a meeting of the Appeals Committee except as a member of that Committee or as a substitute attending in that capacity.
- (5)(6) (i) The Council shall appoint an Urgent Business Committee consisting of the number of Members appointed by the Council having regard to the political balance of the Council as set out in terms of Standing Order 29(1) to deal with items of business of an urgent nature.
- (ii) The Urgent Business Committee shall have full powers, subject to the provision of any relevant enactment, to exercise all functions of the Council, Committee or Sub Committee which would otherwise have dealt with the matter.
- (iii) In appointing the Urgent Business Committee, the Council shall appoint a Convener of the Committee. The Convener of the Committee which would otherwise deal with any item to be considered by the Urgent Business Committee shall be entitled to attend but without voting powers.
- (iv) A Chief officer in submitting any item of business to be considered by the Urgent Business Committee shall approach the Chief Executive firstly, must state the reason for the matter requiring urgent consideration and the consequences of delay. If satisfied that the matter is urgent, the Chief Executive or his/ her representative shall contact the Convener of the Committee.
- (v) The Convener of the Committee, if satisfied that the matter requires to be considered prior to the next scheduled meeting appropriate for its consideration, shall instruct the calling of a meeting of the Committee.
- (vi) The Committee shall, before considering any item of business, determine (on a division if necessary) whether (a) it is appropriate that the Committee consider the matter; and (b) the urgency is such that the Committee should take a final decision on the matter.
- (vii) If the Committee resolves not to consider the matter, the item of business should be placed on the agenda for the next scheduled meeting of the Council, Committee or Sub Committee as appropriate. In the event that the Committee resolves to consider the matter but not take a final decision thereon, the recommendation of the Committee shall be placed on the agenda of the next scheduled meeting of the Council, Committee or Sub Committee.

29. Membership of Committees and Sub Committees

- (1) In appointing Committees and Sub Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the Local Government and Housing Act 1989 and which would be mandatory in the event of those provisions of the 1989 Act being brought into force.

- (2) The membership of Committees and Sub Committees shall be reviewed in accordance with those principles at the first meeting of the Council after each election or by-election and any necessary alteration made thereafter.
- (3) Members shall be appointed to Committees *and Sub Committees* at the first meeting of the Council after the ordinary election of Councillors and to Sub Committees at the first meeting thereafter of the appropriate Committees. It shall, however, be competent for the Council (in the case of Committees) and each Committee (in the case of Sub Committees) to vary the membership at any time provided that the political balance as set out above is maintained and that each member of the Council is afforded proper opportunity to serve on the Committees and Sub Committees.
- (4) Subject to any statutory provision, where the Council has appointed anyone other than a member of the Council to any Committee or Sub Committee that person shall, subject to his/her right to resign or to any disqualification, remain a member of that Committee from the date of his/her appointment until the next ordinary election of Councillors.
- (5) Members of the Committee shall be entitled to nominate substitutes to attend meetings of any Committee of the Council in the absence of a member of their group. The Lord Provost shall be entitled to appoint a substitute to attend meetings of Committees in the event that he/she is unable to attend. Substitute Members shall have full voting powers, shall intimate at the commencement of the meeting the member in whose place, he or she is attending and shall at all times defer to the right of that member to attend the meeting. *No external member shall be able to be a substitute unless they have completed training provided by the Head of Legal and Democratic Services.*

30. Appointment of Sub Committees

- (1) Subject to the provisions of paragraph (2) each Committee *The Council* shall be entitled to appoint Sub Committees consisting of members of the Council, subject to any legal or constitutional restriction. Any Sub Committee of the Education, Culture and Sport *and Children's Services* Committee established to consider educational matters shall, however, consist of members of the Council as specified above together with one of the church representatives, one of the teacher representatives and one of the parent representatives. A Member of a Sub Committee shall be entitled to nominate substitute members to attend meetings of the Sub Committee in the event that he/she is unable to attend, *subject to the application of paragraph 29(5) above in the case of external members.* A substitute member shall have full voting powers and at the commencement of the meeting shall indicate the member in whose place he/she is attending and shall at all times defer to the right of that member to attend the meeting.
- (2) Subject to the provisions of these Standing Orders, each Committee shall have power to *the Council shall* appoint special Sub Committees or Working Parties *Groups* for such of their functions as they *it* deems

necessary. Each Committee shall have power to *The Council shall* appoint such advisory/consultative groups without delegated powers consisting of such of its own members and such other persons as it thinks fit.

- (3) Subject to any statutory requirement, any two or more Committees *the Council* may appoint a joint Sub Committee to discharge such functions of mutual interest as the Committees concerned *as it* may determine. and each Committee may delegate to such joint Sub Committees any of its own delegated functions.
- (4) Any two or more Committees *The Council* may establish such joint working, advisory and/or consultative groups without delegated powers consisting wholly of members of these Committees or otherwise as they *it* think fit.
- (5) (i) In appointing any Sub Committee, a Committee *the Council* shall appoint a Convener who shall hold office for such period as the Committee shall specify *shall be specified* at the time of appointment (or if no period is fixed, for the life of the Council) subject, however, to the right of the individual to resign at any time and to vacation of office in the event that the individual ceases to be a Councillor or as long as they are a member of the *parent* Committee or Sub Committee in question.
- (ii) Where by statute or otherwise (or by resolution of the *Committee Council concerned*) the right to appoint the Convener of a Sub Committee is reserved to the Sub Committee itself, this paragraph shall apply with the necessary modifications.

31. Days and Times of Meetings

- (1) The ordinary meetings of the Committees and Sub Committees shall be held in accordance with a timetable drawn up and approved by the Council.
- (2) Other meetings of Committees and Sub Committees shall be held on such dates and times (not precluded by Standing Orders) as the Committee or Sub Committee itself or the respective Conveners of those Committees or Sub Committees and the Convener of the Finance, Policy and Resources Committee shall determine.
- (3) It shall be within the discretion of the Convener of a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting if in his/her opinion there is a good reason for doing so.
- (4) One quarter or more members of a Committee or Sub Committee, may, by notice in writing, require a special meeting of that Committee or Sub Committee to be called to consider the business specified in the notice. Such a meeting shall be held within fourteen clear days of receipt of the notice by the Head of Legal and Democratic Services, but no such meeting shall take place on any date precluded by Standing Orders except that such a meeting may be held within the summer recess if it

would not otherwise be possible to hold the meeting within fourteen clear days of the date of the notice.

- (5) One quarter of Members of the Urgent Business Committee appointed in terms of Standing Order 40, may by notice in writing, request a special meeting of that Committee to be called to consider the business specified in the notice. Such a meeting shall be held within fourteen clear days of receipt of the notice by the Head of Legal and Democratic Services but only if (i) the business proposed is of such a nature that delay, until the next scheduled meeting of the Council, Committee or Sub Committee within whose remit the business would normally fall, would prejudice its proper discharge and (ii) the Convener of the Committee has declined to call a meeting in terms of Standing Order 40. Where a meeting is requisitioned but not held in terms of this Standing Order, the business shall be included on the agenda of the next meeting of the Council, Committee or Sub Committee as appropriate.

32. Right of Members to Attend Meetings

- (1) Any member of the Council shall be entitled to attend any meeting of any Committee or Sub Committee without being called to the meeting and shall, with the consent of the Committee or Sub Committee concerned be entitled to ask questions or address the meeting but not propose or second any motion or vote. The local members for any particular item will be entitled to attend any meeting of any Committee or Sub Committee and will be entitled to ask questions or address the meeting but not to propose or second any motion, or vote.
- (2) The right conferred by paragraph (1) shall include the right to be present even when press and public have been excluded but shall not apply where the Committee or Sub Committee concerned having heard the advice of the Head of Legal and Democratic Services determine that it would be prejudicial to the interests of the Council as a whole to allow non members of the Committee or Sub Committee to be present.

33. Notices and Order of Business of Meetings

- (1) Except in cases of urgency, every notice calling a meeting of a Committee or Sub Committee shall be given in writing at least *5 five* clear days before the date of the meeting detailing the business as then known.
- (2) The agenda issued for each meeting of a Committee or Sub Committee shall specify the business to be transacted and the order in which it will be brought before the meeting. The business shall proceed in that order unless otherwise resolved by the Committee or Sub Committee at the meeting.
- (3) Except as mentioned below every member of the Council shall be entitled to receive a copy of every notice calling a meeting of any Committee or Sub Committee and of the agenda thereof and shall on request receive a copy of any report issued in connection with the agenda.
- (4) The preceding paragraph shall not apply to any report where the Committee or Sub Committee concerned having heard the advice of the Head of Legal and Democratic Services, determines that it would be prejudicial to the interests of the Council as a whole to make the report available.

34. Quorum

The quorum of Committees and Sub Committees shall be one quarter of the total number of members of the Committee or Sub Committee, or two members thereof whichever shall be the greater unless some other figure has been fixed at the time of the appointment of the Committee or Sub Committee.

35. Minutes of Meetings of Committees and Sub Committees

- (1) The Minute of each meeting of a Committee or Sub Committee shall be submitted as soon as is practicable to the next meeting of that Committee or Sub Committee for approval.
- (2) A report on the deliberations of any Working Group or its minutes shall be submitted to the Council or Committee which appointed it as frequently as appropriate.

36. Delegation to Committee and Sub Committee

- (1) The Committees and Sub Committees of the Council shall have the terms of reference and delegated authority specified in the respective Orders of Reference appended to these Standing Orders.
- (2) Subject to any specific restrictions contained in Standing Orders or its Order of Reference, each Committee or Sub Committee shall have delegated authority to determine any matter within its Order of Reference as set by the Council in the case of Committees and by the parent Committee in the case of Sub Committees.
- (3) Subject to the provisions of Standing Orders 37 and 38 the delegation conferred by the previous paragraph shall not apply where following a division in Committee, one third of the membership of the Committee immediately indicate that they wish the matter to be referred to the Council for decision. If one third of the membership resulted in a division of less than point 5 *five* the number of members required to refer a decision is rounded down, whereas if one third resulted in a division of point 5 *five* or over the number of members required would be rounded up, subject to a minimum of two members being required.
- (4) Any matter referred in terms of the preceding paragraphs, together with those excluded from delegation under the provisions of any other Standing Order shall be specially identified in the minutes submitted to each meeting of the Council.
- (5) Paragraphs (3) and (4) above shall, with the necessary changes, apply where following a division in a Sub Committee, one third of the membership of the Sub Committee indicate that they wish the matter referred to the parent Committee for decision.
- (6) The provisions of paragraphs (3) and (5) shall not apply where, in the view of the Convener of the Committee or Sub Committee acting upon advice from the Head of Legal and Democratic Services and the Head of Service responsible for the area of service under consideration, such a reference would have the effect of depriving the Council of the opportunity to make any meaningful or effective determination on the subject matter of the Committee's decision.
- (7) The provisions of paragraphs (3) and (5) shall not apply to any proceedings relating to:
 - (a) the appointment of or retirement of staff
 - (b) grievance or disciplinary appeals by staff

- (c) school attendance
 - (d) bursaries
 - (e) admission of any particular child to school
 - (f) provision of school transport for any particular child
 - (g) the granting of any licence, registration or certificate
 - (h) assumption of parental rights or adoption in the case of any individual
 - (i) any statutory review procedure
 - (j) aids and adaptations to premises for the benefit of social work clients
 - (k) a meeting of a Committee or Sub Committee during the summer recess in terms of Standing Order 3(5).
- (8) The Committees and Sub Committees shall conduct their business within their terms of reference and shall in exercising the authority delegated to them do so always in accordance with the following provisions. It shall, however, be competent, in relation to any matter not specifically referred to in the Order of Reference or in Standing Order 37 for the Committee, whose remit the matter most closely resembles, to consider such matters and to make any appropriate recommendation to the Council.
- (9) Committees and Sub Committees shall exercise the authority delegated to them having regard to and in accordance with the policy of the Council. In particular Committees and Sub Committees shall ensure that the work of the Services under their control contributes to the corporate policy of the Council.
- (10) The Committees and Sub Committees shall conduct their business always in accordance with the Standing Orders relating to contracts and procurement, financial regulations and administrative procedures adopted by the Council.
- (11) The Committees and Sub Committees shall conduct their business having regard where appropriate to the constituency interests of local members in the matters under consideration. Each Committee and Sub Committee shall consider how best this may be done in relation to matters within their remit.
- (12) The Council may if it so resolves, deal with any matter falling within the Order of Reference of any Committee or Sub Committee without the requirement of receiving a report or minute of that Committee or Sub Committee referring to that matter.
- (13) Subject to any statutory requirement the Council may at any time vary, add to, restrict or recall any reference or delegation to any Committee or Sub Committee and any specific direction by the Council in relation to the remit of a Committee or Sub Committee shall take precedence over the terms of any provision in the Order of Reference.
- (14) A Committee may at any time deal with any matter falling within the Order of Reference of any of its Sub Committees without the requirement of the submission of a report or minute of that Sub Committee referring to that matter.

- (15) Subject to any statutory requirement, a Committee may at any time vary, add to, restrict or recall any reference or delegation to any of its Sub Committees or any specific direction by a Committee shall take precedence over the terms of any provision in the Order of Reference.
- (16) A Committee may at any time refer any item of business to a Sub Committee for consideration and report and may, if the Committee considers it appropriate to do so, delegate to the Sub Committee such additional powers to dispose of the business as the Committee thinks fit.
- (17) If the matter is of common interest to the Committee to which the matter is referred or delegated and to any other Committee or Committees, any of the Committees concerned shall be entitled (in the case of a matter referred but not delegated, without the necessity of the prior approval of the Council) to submit a proposal or recommendation relative to the matter to the other Committee or Committees and any such proposal or recommendation shall appear as an item of business on the agenda of the next convenient meeting of such Committee or Committees. However, no action shall follow on the submission of any such proposal or recommendation without the approval of the Committee within whose remit the matter falls.
- (18) In the event of disagreement between the Committees in respect of any such proposal or recommendations which falls within the delegated authority of one Committee, the decision of that Committee shall prevail. If the matter is not delegated to any Committee, a report summarising the views of the various Committees shall be prepared by the Head of Legal and Democratic Services and shall appear as an item of business on the agenda of the next meeting of the Finance, Policy and Resources Committee.

37. General Delegations to Committees

Except where Standing Orders or the Order of Reference of a particular Committee or Sub Committee expressly provides to the contrary, all Committees shall have the following delegated powers:-

- (1) Each Committee responsible for overseeing the provision of the services specified in its Orders of Reference shall be responsible for the supervision and management of staff within the staffing establishment set by the Council.
- (2) Each Committee responsible for overseeing the provision of the services specified in its Orders of Reference shall, insofar as permitted by the Standing Orders on contracts and procurement, have the power:
 - (i) to accept offers for the purchase of goods, materials or services (including the employment of outside consultants or practitioners providing professional or specialised services) required for the purposes of that service and to approve, reject, or vary lists of tenderers. This provision shall not, however, entitle any Committee in relation to goods, materials or services in respect of which the Council maintains a central contract, to accept a tender for the

- supply of those goods, materials or services outwith that contract except with the express approval of the Council;
- (ii) to accept offers for the disposal of goods or materials surplus to the requirements of Services. This provision shall not however entitle any Committee to accept an offer in relation to any goods or materials, in respect of which the Council maintains a central contract, outwith that contract except with the express approval of the Council.
 - (iii) The power referred to in (i) above to award contracts shall include power to deal with any incidental matters relating to that contract and to vary or determine the contract.
- (3) Each Committee responsible for overseeing the provision of the services specified in its Orders of Reference shall be responsible for:
- (i) the operational management of all land and the buildings occupied for the purpose of those services;
 - (ii) the approval of proposals for the development of these where such development can be contained within the approved budget of the service and does not require the acquisition of any additional land or interest; and
 - (iii) the consideration of proposals for the development of land and buildings required for the function of the Committee where such proposals would require the acquisition of land or buildings, to the stage of recommending to the Finance, Policy and Resources Committee the development of a particular site.
- (4) Each Committee shall have power to settle claims against the Council arising out of the functions supervised by the Committee irrespective of value so long as such amount can be contained within the approved budget in respect of that function.
- (5) Each Committee and Sub Committee shall have power to determine all applications for loans, grants, donations and subscriptions (other than those relating to the day to day operational requirements of the service which are delegated to the Chief officer) in respect of services which are linked to or associated with the functions of that Committee or Sub Committee, so long as such amount can be contained within the approved budget for that function.
- (6) Each Committee and Sub Committee shall be entitled to appoint on behalf of the Council representatives to outside bodies which provide services linked to or associated with the function of that Committee or Sub Committee and attendance at any ordinary meeting of such a body and the annual conference thereof shall be deemed to be an approved duty by the member or members concerned.
- (7) Without prejudice to the powers conferred on Conveners by Standing Order 3(3) and 31(3) each Committee and Sub Committee shall have power to fix dates and times of its own meetings (including the power to vary the date of any meeting included in the annual time-table of meetings approved by the Council but not to any date precluded by Standing

Orders (except where in the opinion of the Convener of the Committee or Sub Committee, the urgency of the business requires it) or to a time precluded by Standing Orders).

- (8) Each Committee and Sub Committee shall have power to delegate any of its delegated functions to an officer but shall have power at any time to itself deal with any matter so delegated.
- (9) Each Committee, subject to any statutory provision, shall have power to appoint a deputation not exceeding five members and consistent with the principles of political balance, to attend any meeting or conference relevant to the interests of the Committee provided that:
 - (i) no deputation exceeding two members shall be appointed to attend a conference outwith the European Union without the approval of the Finance, Policy and Resources Committee; and
 - (ii) in the case of a meeting or conference of interest to more than one Committee, the total deputation from the council shall not exceed a total of six members and officers except with the approval of the Finance, Policy and Resources Committee and, in the event of a disagreement among Committees as to the composition of any such deputation, the matter shall be determined by the Finance, Policy and Resources Committee.
- (10) (i) The Leader of the Council may attend meetings within the UK convened by or with other local authorities, government departments, other statutory bodies or organisations of the European Union at which matters relevant to the interests of the Council are to be considered. The Leader of the Council may be accompanied by any appropriate officer and may authorise such officer and/or any other member of the Council to attend any such meeting in his/her absence.
- (ii) The Convener of any Committee may attend meetings within the UK convened by or with other local authorities, government departments, other statutory bodies or organisations of the European Union at which matters relevant to the interests of that Committee are to be considered.
 Any such Convener may be accompanied by any appropriate officer and may authorise such officer and/or any other member of the Committee to attend any such meeting in his/her absence.
- (iii) The Chief Executive may authorise any Chief officer to attend any meeting, conference or seminar within the UK organised by any appropriate professional or public body.
- (11) (i) Subject to the constitution of the Convention of Scottish Local Authorities, the members appointed by the Council to the Convention shall be entitled to attend all meetings of the Convention or its Committees, including the Annual General Meeting and Annual Conference.
- (ii) The Convener of any Committee of the Council may attend any meeting of the Convention or one of its Committees where he/she

reasonably considers such attendance to be in the interest of the Council.

- (iii) Where a member of the Council has been appointed to any office by the Convention and such appointment has been notified to and approved by the Council, he/she shall be entitled, without further approval by the Council to attend all meetings, conferences, etc. necessarily arising out of such appointment.
- (12) The Convener of the Finance, Policy and Resources Committee or any other member of that Committee nominated by him/her shall be entitled to attend, with the appropriate officers, all meetings of the joint negotiating bodies responsible for the negotiation of conditions of service for the Council's employees.
- (13) (i) The Lord Provost shall be entitled to represent the City on all such occasions (within the United Kingdom) as it is appropriate and customary to be so represented.
- (ii) Where the Lord Provost represents the City whether within the U.K. or elsewhere and it is appropriate that the Lord Provost be accompanied, the attendance of a Town Sergeant may be authorised by the Chief Executive.
- (iii) Where it is necessary because of an infirmity or disability that the Lord Provost be accompanied, the travel and subsistence cost of such companion shall be met by the Council on the same basis as those of the Lord Provost.
- (14) The expenses and allowances payable to any member of the Council in attending any meeting or Conference in terms of these Standing Orders or as otherwise authorised by the Council shall, subject to any enactment, be in accordance with the scheme laid down by the Council from time to time. Where it is necessary because of an infirmity, or disability that any member be accompanied, the travel and subsistence costs of such companion will be met by the Council on the same basis as those of the member.

38. Exclusion from Delegations

There shall be excluded from any delegation:-

- (i) Incurring of revenue expenditure for which no provision or insufficient provision has been made in the revenue budget except with the express consent of the Finance, Policy and Resources Committee;
- (ii) The acquisition or disposal other than by the Finance, Policy and Resources Committee, of any land or buildings or other interests therein required for the purposes of any service controlled by that Committee;
- (iii) The dismissal of Chief officers;
- (iv) The making of Bye Laws;
- (v) The making of representations to, or the appointment of any deputation or meet with, any Government Minister or Government Department in

relation to the financing of the Council or any of its services except with the approval of the Finance, Policy and Resources Committee.

- (vi) Any proposal which might if adopted give rise to an allegation of illegality or maladministration.

39. Expenditure on Hospitality Etc

- (1) The Finance, Policy and Resources Committee may incur expenditure, within the provision made for that purpose within the appropriate Budget, on hospitality consisting of the reception and entertainment by way of official courtesy, of distinguished persons and persons representative of or connected with local government or other public services whether within or outside the United Kingdom where the occasion giving rise to such hospitality is not the concern mainly of any other Committee.
- (2) Any Committee may, within the sum provided for that purpose in the approved Revenue Budget for the service or function in question incur expenditure:-
 - (i) on the provision of hospitality of the type referred to in the sub-paragraph (1) above where the occasion relates mainly to the function of that Committee;
 - (ii) on the provision of hospitality in connection with any inspection or ceremony affecting any service controlled by that Committee;
 - (iii) on the provision of hospitality to persons who may be interested in the promotion of industrial or commercial development or other activities which may create employment opportunities in the City; or to persons who are assisting or co-operating with the Council or its officers in relation to the functions of the Committee.
- (3) The Convener of any Committee may authorise the provision of hospitality in the circumstances specified in sub-paragraph (2) above and related to the functions of a service under the control of the Committee (or in the case of the Finance, Policy and Resources Committee to the functions of the Council) provided that the expenditure on any one occasion does not exceed £400 500 and that the expenditure can be met out of the sum provided in the appropriate budget for that purpose.
- (4) The Chief Executive or any Chief officer may incur expenditure not exceeding £500 on any one occasion on the provision of appropriate hospitality to members and officers of HM Government, Local Authorities or Public Authorities visiting the City or to consultants or others who are assisting or co-operating with officers of the Council in carrying out any of the Council's functions. Chief officers should advise the Head of Finance in advance if they intend to incur expenditure in excess of £100.

40. Council Recess - Delegation to Committees

- (1)
 - (i) During the summer recess in each year the Convener of the Urgent Business Committee, on the advice of the Chief Executive or his/her representative, shall be entitled to call meetings of the Committee to consider matters of an urgent nature.
 - (ii) The Urgent Business Committee shall have full power subject to the provisions of any relevant enactment to exercise all the functions of the Council during the recess period.
- (2) Nothing in this Standing Order shall prevent the Licensing Committee or the Planning Development Management Committee meeting when necessary to deal with matters within their respective remits.

PART III - OFFICERS OF THE COUNCIL

41. Returning Officer for Elections

- (1) The Chief Executive shall be the Returning Officer for each election of councillors in accordance with Section 41 of the Representation of the People Act 1983 and the Head of Service, Office of Chief Executive shall be Depute Returning Officer.
- (2) The Head of Service, Office of Chief Executive shall be Returning Officer for (i) all elections of Community Councillors in terms of the Council's Scheme for the establishment of Community Councils; and (ii) any election so required by a Parent Council in terms of the Scottish Schools (Parental Involvement) Act 2006.

42. Statutory officers of the Council

- (1) The Council shall, as necessary, in accordance with the relevant statutes, appoint individuals to hold the offices of:-
 Electoral Registration Officer
 Public Analyst and Agricultural Analyst
 Data Protection Officer
 and the officers so appointed (who need not be employed exclusively by the Council) shall in addition to any other powers and duties delegated to them by the Council have all the powers and duties conferred upon them by the respective statutes.
- (2) For the avoidance of doubt the persons occupying for the time being the posts of *Trading Standards Team Leader* *Principal Trading Standards officer*, Chief Social Work officer and Senior Registrar of Births, Deaths and Marriages shall respectively be deemed to be and shall have all the statutory powers of the Chief Inspector of Weights and Measures, Chief Social Work officer and Registrar of Births, Deaths and Marriages.
- (3) The Chief Executive, Head of Legal and Democratic Service and Head of Finance shall be respectively the Head of the Council's Paid Service, Monitoring officer and Proper officer for the administration of the Council's financial affairs in terms respectively of S4 and S5 of the Local Government and Housing Act 1989 and S95 of the Local Government (Scotland) Act 1973 and entitled to discharge all the powers and duties conferred upon such officers by the 1989 Act or other statutory provisions.
- (4) The Head of Planning and Sustainable Development shall be the Proper officer in terms of the Planning Etc. (Scotland) Act 2006.
- (5) Nothing in these Standing Orders shall be deemed to refer to any of these officers so acting.

43. Proper officers of the Council

Where the Council is required in terms of any statute to appoint a Proper officer for any purpose such appointment shall be made by the Committee responsible for overseeing the service concerned and when made shall be recorded in a register kept for that purpose by the Head of Legal and Democratic Services. The register shall be open to public inspection at all reasonable times.

44. Signing of Deeds

All deeds or other document to which the Council is a party shall be signed by the Chief Executive, the Head of Legal and Democratic Services or either Legal Manager before a witness in terms of the Requirements of Writing (Scotland) Act 1995.

45. Reports by Chief officers

- (1) Reports to the Council, Committees and Sub Committee shall be submitted by the appropriate Chief officer when requested by the Council, Committee or Sub Committee or when in the professional opinion of such Chief officer such report is required to enable the Council to comply with any enactment or other rule of law or when the exigencies of the service under his/her control so require.
- (2) Any report to be submitted in terms of this Standing Order shall be provided in draft to the following officers, in accordance with the published timetable:-
 - (i) the Head of Finance who shall either within a period of four clear days from the date of receipt of the report submit to the Chief officer concerned his/her comments on the financial implications for incorporation in the report or (having so advised the Chief officer concerned) prepare his/her own observations in writing on the financial implications which shall be submitted to the meeting at which the report is to be considered;
 - (ii) the Head of Legal and Democratic Services who shall within four clear days from the date of receipt of the report and after such consultation as he/she may deem appropriate advise such Chief officer as to what action should be taken in respect of the report;
 - (iii) the Head of Human Resources and Organisational Development and Head of Asset Management and Operations in cases where the report concerns matters within their professional remit and to the Chief officer whose service or budget may be affected by the proposals contained in the report and those Chief officers shall be entitled within four clear days from the date of receipt of the report to submit to the Chief officer concerned his/her comments on those matters for incorporation in the report or (having so advised the Chief officer concerned) to prepare his/her own observations on such matters which shall be submitted to the meeting at which the report is to be considered; and

- (iv) the provision of these Standing Orders shall not prevent Chief officers agreeing to a lesser period of consultation on a particular report in urgent circumstances or to meet the exigencies of the service.
 - (v) reports and items to be included on an agenda for a meeting of the Council, Committee or Sub Committee must be delivered to the Head of Legal and Democratic Services by 10am on the day specified in the published timetable. If the deadline for submission of reports to Committee Services is missed the report author is responsible for the completion and arranging for the signatures for the late docket which should include the reason why the report has been submitted as a late item and why it should be considered as a matter of urgency.
 - (vi) where any Chief officer, who has been consulted in accordance with the terms of these Standing Orders, is not in agreement with the proposals set out in any report, or any part thereof, the views of the Chief officer should be clearly stated together with the reasons why the writer of the report is taking a different view.
 - (vii) where an Equality and Human Rights Impact Assessment requires to be undertaken, report consultation must include this and the Assessment shall be included in the papers submitted to the Committee.
 - (viii) *where a Privacy Impact Assessment requires to be undertaken, report consultation must include this and the Assessment shall be included in the papers submitted to the Committee.*
- (3) All reports by Council officers shall be sent in draft form to the Council Leader, Convener of the Finance, Policy and Resources Committee and the appropriate Convener and Vice Convener prior to being placed on the relevant agenda.
 - (4) Any report requested by the Council, Committee or Sub Committee shall be submitted within such period as may be specified in the request (or, if not specified, within two cycles) or such longer time as the Council, Committee or Sub Committee may subsequently approve.
 - (5) Where in the opinion of the Head of Legal and Democratic Services consideration of a report submitted in accordance with this Standing Order is required to comply with any enactment or other rule of law or to avoid the Council being guilty of maladministration he/she shall place it on the agenda for a meeting of the Council, or the appropriate Committee or Sub Committee within two cycles of the completion of the procedures referred to in sub-paragraph (2) above.
 - (6) Chief officers shall keep under review the progress of all contracts, works, service provision and other projects concerning the Services under their control and in the event that any Chief officer considers that the circumstances so warrant shall report any significant variation in such progress to the appropriate Committee.

- (7) Without prejudice to the foregoing sub-paragraph, in the case of all contracts exceeding £100,000 in value and all projects where the aggregate of the separate contracts contained therein exceeds £100,000 where it appears to the Chief officer responsible for monitoring the progress of the contract or project that
- (i) a delay of three months or more in the estimated completion of the contract or project is probable; or
 - (ii) the cost of the contract or project will exceed by more than 10% the estimated cost of the contract (inclusive of any allowance for additional works and remedial costs) stated in the tender report or any subsequent report approved by that Committee;

The Chief officer shall submit a report detailing such circumstances and the reasons therefor to the first convenient meeting of the appropriate Committee.

- (8) (i) where a report contains proposals which will have a particular bearing on a ward, the officer compiling the report must consult with the local Members whose ward will be so affected.
- (ii) where any Member, who has been consulted in accordance with the terms of this Standing Order, is not in agreement with the proposals set out in any report, or any part thereof, the views of the Member should be clearly stated together with the reasons why the writer of the report is taking a different view.
- (9) (i) where a Member has raised a Notice of Motion before the council which has subsequently been referred by the Council to a future meeting of the Council or to a particular Committee or Sub Committee, officers shall where timescales permit prepare a background report setting the context for the motion, containing no recommendations. The Member who raised the Notice of Motion shall be consulted on the background report or any subsequent report to the said Council, Committee or Sub Committee.
- (ii) the basis of the consultation is (1) whether in the Member's view the terms of the Motion have been addressed and (2) the Member's view of the content and recommendations contained in the report.

46. Consolidated Loans Fund - Borrowing and Lending

The Head of Finance shall report as frequently as he/she considers appropriate and not less than twice yearly to the Finance, Policy and Resources Committee on the borrowing and lending operations of the Council's Consolidated Loans Fund.

47. Appointment of officers

- (1) The appointment of all employees of the Council shall be based on merit.

- (2) The Chief Executive, all Directors and Heads of Service and JNC posts graded above Head of Service level shall be appointed by an Appointment Panel, of such composition as the Council may determine, which shall reflect the political balance of the Council. The Panel shall be chaired by the Convener of the Committee with the Human Resources function or such member as may be determined.
- (3) Only those Members who participated in the drawing up of the person specification for the post and the shortlisting of candidates shall participate in the interview and selection process.
- (4) Unless the Committee responsible for supervising the function concerned shall otherwise decide because of the particular nature of the duties to be performed by the postholder, the appointment of all other staff (excluding teaching staff) shall be delegated to the appropriate Chief officer. The Head of Human Resources and Organisational Development and any officer nominated by the Chief Executive shall be entitled to be represented at any interview or meeting relating to the appointment of such staff.
- (5) Unless the Committee shall otherwise direct, all appointments shall where appropriate be made after press advertisement and not less than two weeks shall be allowed between the date on which the advertisement first appears and the closing date for the receipt of applications.
- (6) Except in the event that the number of applications makes such a procedure impractical the Panel or officer responsible for making an appointment shall draw up a short list of suitably qualified applicants who shall be called for interview and after such interviews and such other inquiries as may be considered appropriate the most suitable candidate shall be appointed.
- (7) The list of applications for any appointment shall be treated as confidential and only the name and particulars of successful candidates shall be recorded in the minutes of the Council or otherwise published.
- (8) The appointment of teaching staff shall comply with the arrangements approved by the former Education and Leisure Committee on 24 April, 2007.
- (9) Each meeting of the Panel shall determine the process by which each appointment shall be made, which determinations will not be recorded in the minute. For the avoidance of doubt the Convener shall in the case of equality of votes in any procedure under this Standing Order have a second or casting vote.

48. Employment - Relatives of Members and Certain officers

- (1) Subject to the provisions of any enactment any person who is a relative of a member of the Council (or of a Chief officer or Head of Service or equivalent) seeking employment in any Department of the Council shall disclose the fact of such relationship on the application form.

- (2) The preceding paragraph shall apply equally to a person who is a relative of a member of a Committee or a Sub Committee who is not a member of the Council but only if the post applied for is under the control of that Committee or Sub Committee.
- (3) For the purposes of this Standing Order "relative" means a first cousin or nearer degree of relationship whether by blood or marriage or civil partnership and shall include a person in the same household.
- (4) The Chief Executive shall after consultation with the Head of Human Resources and Organisational Development be advised immediately when an application falling within the terms of this Standing Order is received and shall submit to the Committee, Sub Committee or persons making the appointment such observations as he/ she considers appropriate as to the procedure to be followed in making the appointment including the arrangements for selecting leets and interviewing candidates.
- (5) The procedure adopted shall in any event ensure that the related member or officer
 - (a) has not been and will not be in any way involved in the appointment procedures; and
 - (b) will not be involved in any direct working relationship with the appointee which might give rise to allegations of favouritism or other form of embarrassment with the Council or Service(s) concerned.
- (6) This procedure must be followed in other personnel procedures such as grievance or disciplinary procedures or job evaluation.

49. Disposal of Property to Relatives of Members and officers

- (1) This Standing Order applies where a property transaction (whether purchase, sale, lease, servitude, excambion or of any other description) is proposed between the Council and a member of the Council (including for this purpose a non-elected member of any Committee or Sub Committee) or a Chief officer, or any other remunerated officer or where to the knowledge of such member or officer such a transaction is proposed between the Council and any relative of his/her or person in the same household as him/her.
- (2) The member or officer shall when he/she intimates his/her interest in the proposed transaction or as soon as he/she receives a proposal from the Council or becomes aware of a proposal involving a relative or person in the same household, give notice of the possible transaction to the Chief Executive.
- (3) The Chief Executive shall thereupon submit a report to the Committee or Sub Committee by whom the transaction is to be considered containing such observations as he/she considers to be appropriate or necessary regarding the transaction or the procedure to be applied in formulating or approving its terms including the exclusion of persons from the process.

- (4) When considering a transaction falling within this Standing Order the Committee or Sub Committee concerned shall satisfy themselves after due consultation with the Chief Executive that the person giving the notice required by paragraph (2) has not in any way been involved in the negotiations and has not exercised influence or pressure in relation to the negotiations and that there is no way in which the transaction can give rise to allegations of favouritism.

50. Restriction On Employees Engaging in Other Remunerative Employment

- (1) A person who is in the employment of the Council shall not engage in any activity falling within the scope of the Working Time Regulations 1998 without the sanction of the Head of Human Resources and Organisational Development.
- (2) No person in the employment of the Council shall engage in any work in competition with any Service of the Council.
- (3) Employees are not permitted to use the equipment or resources of the Council in any outside employment, or for the benefit of any voluntary or charitable organisation without the prior approval of their Director, or in the case of chief officers with the approval of the Chief Executive.

51. Employees Not to Retain Fees or Commission

No person employed by the Council shall be entitled to retain any fee, commission or other payment collected or received under colour of his/her office or employment except with the consent of the Council.

52. Employees Accepting Gratuity Etc.

- (1) Except where retention of any fee or commission has been duly authorised under Standing Orders or otherwise, any employee of the Council who in the course of his/her employment accepts any gift (other than minor tokens of an advertising nature) gratuity, bonus or reward shall be subject to the Council's disciplinary procedure.
- (2) This Standing Order shall not apply to any gift (except from a party who is, or may expect to be under contract to the Council for the provision of any works, goods or services) in money or money's worth not exceeding £50 which is recorded within 21 clear days of receipt in the register kept for that purpose by the Head of Legal and Democratic Services and which shall be available for inspection by any member of the Council or Chief officer nor shall it apply to reasonable hospitality received directly in connection with any meeting, function or conference at which the officer is representing the Council or any meeting, function or conference organised by a professional body.

53. Public Notices, Invitations to Tender etc.

Subject to the provisions of any enactment, all public notices, advertisements and invitations to tender whether by press advertisement or otherwise required to be given by or on behalf of the Council or any Committee or Service thereof shall be made by and in the name of the Chief officer of the Service concerned or the Head of Legal and Democratic Services, as may be agreed between those Directors.

54. Annual Return of Attendance by Members

The Head of Finance shall prepare and issue an annual return showing for the previous financial year the expenses (including travelling expenses) and allowances paid to each member of the Council.

55. Access of Members to Documents etc.

Any document in the possession or under the control of the Council which contains material relating to any business to be transacted at or to any proceedings at a meeting of the Council or of any Committee or Sub Committee shall be open to inspection by any member of the Council and in the case of a meeting of a Committee or Sub Committee by any other member of the Committee or Sub Committee provided (a) that if the Head of Legal and Democratic Services after consultation with the Chief officer responsible to the Council for the custody or control of the document certifies that it discloses exempt information of a description falling within any one or more of paras 1-5, 7, 9, 11, 12 and 14 of Appendix III hereto, the document shall not be made available except with the prior consent of the Committee controlling the Service concerned and (b) that no document shall be made available for inspection if to do so would be contrary to law.

56. Custody of Title Deeds

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