



# Aberdeen City Council

Standing Orders



# Aberdeen City Council

## Standing Orders

The Council will exercise all its powers and duties in accordance with the law and the Council's constitutional documents.

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

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# COUNCIL

## FIRST COUNCIL MEETING FOLLOWING AN ELECTION – THE STATUTORY MEETING

### 1. Calling Of Statutory Meeting

- 1.1 In a local government election year, the Council will hold its first meeting within 21 days of the election, on a date set by the Head of Legal and Democratic Services.

### 2. Items Of Business

- 2.1 The Returning Officer will chair the meeting until the Lord Provost is elected.
- 2.2 The agenda will include the following business:-
  - 2.2.1 Receipt of notice of election of Councillors
  - 2.2.2 Election of Lord Provost, Depute Provost, Leader of the Council and Depute Leader of the Council
  - 2.2.3 Appointment of a Convener for each Committee of the Council, and a Vice Convener where applicable
  - 2.2.4 Appointment of Members to Committees
  - 2.2.5 Nomination or appointment as the case may be of representatives to Boards, Joint Committees and Outside Bodies
  - 2.2.6 Approval of Senior Councillor allowances

### 3. Nomination Or Appointment Of Members To Office

- 3.1 When nominating or appointing Members to any office or position where there are a greater number of candidates than vacancies, the decision will be taken by a vote.
- 3.2 In addition to the nominator and seconder, Members may speak in support of their own candidacy for a maximum of 5 minutes.
- 3.3 Where only one vacancy requires to be filled and one candidate has an absolute majority of votes cast, that candidate will be declared elected, nominated or appointed, as the case may be.

- 3.4** Where there are more than two candidates and the first vote does not produce an absolute majority in favour of any candidate, the candidate with fewest votes will be removed, and a fresh vote will take place between the remaining candidates.
- 3.5** This process will continue until one candidate has a majority of votes cast.
- 3.6** Where there is an equal number of votes for the candidates with fewest votes, an extra vote will be taken between those candidates.
- 3.6.1** The name of the candidate with the fewest votes will be removed from the process.
- 3.6.2** If an equal number of votes remains, the candidate to be removed will be determined by lot using a method decided upon by the Clerk.
- 3.7** Where there is more than one vacancy and the number of candidates exceeds the number of vacancies, then the “first past the post” method of voting shall apply, subject to the following provisions:-
- 3.7.1** The number of candidates matching the number of vacancies that receive the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.
- 3.7.2** Where there is an equal number of votes between two or more candidates, an extra vote will be taken between those candidates. The candidate(s) receiving the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.
- 3.7.3** In the event that Standing Order 3.7.2 still produces an equality of votes, the decision will be by lot using a method decided upon by the Clerk.
- 3.7.4** The first named candidate drawn will be elected, nominated or appointed, as the case may be, followed by the second named candidate, should there be more than two candidates with an equality of votes.
- 3.7.5** This process will continue until the number of candidates amounts to the same number of vacancies.

## 4. Duration Of Appointments

- 4.1 Each appointment made under Standing Order 3 will stand until the next Council election, unless a Member resigns from that appointment or is removed by the Council.

## 5. Removal From Office

- 5.1 Any motion to remove from office the Lord Provost, Depute Provost, Leader, Depute Leader or a Convener or Vice Convener will, if proposed and seconded, be referred without discussion to the next Council meeting.
- 5.2 Any motion in terms of Standing Order 5.1 above will form the first item of business at the next applicable meeting.
- 5.3 Following debate, a decision as to whether to remove from office the Lord Provost, Depute Provost, Leader of the Council, Depute Leader of the Council or a Convener or Vice Convener will be voted on by way of a secret ballot and decided by simple majority.

# COUNCIL AND COMMITTEE MEETINGS

## 6. Ordinary Meetings

- 6.1 Meetings of the Council, its Committees and Sub Committees will be held in line with the Council meeting timetable.
- 6.2 No meetings will be held on a Saturday or Sunday or on public holidays observed by the Council.

## 7. Special Meetings

- 7.1 A special meeting of the Council, a Committee or Sub Committee may be called at any time by its Convener, or by at least a quarter of the Members of the Council, Committee or Sub Committee.
- 7.2 In such instances a special meeting will be held within fourteen days of a written request being received by the Head of Legal and Democratic Services.
- 7.3 The written request must set out the business of the meeting and be signed by the relevant Convener or by least a quarter of the members of the Council, Committee or Sub-Committee.

## 8. Place Of Meetings

- 8.1 All meetings of the Council, its Committees and Sub Committees will, unless otherwise determined by the Head of Legal and Democratic Services in consultation with the Convener, take place in the Town House.

## 9. Notice Of Meetings

- 9.1 At least five Clear Days before a meeting of the Council, Committee or Sub Committee, a notice of the time and place of the meeting will be published at the Council's offices.
- 9.2 A Summons to attend the meeting with an agenda will be delivered:-
  - 9.2.1 by post to their normal place of residence;
  - 9.2.2 to such other address as a Member may specify; or
  - 9.2.3 by email to address provided by the council
- 9.3 If a summons is not sent to or received by any Member, the meeting will still be valid.



## 10. Order Of Business

### 10.1 Council Meetings

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

- 10.1.1.1 Admission of Burgesses
- 10.1.1.2 Determination of Urgent Business
- 10.1.1.3 Determination of Exempt Business
- 10.1.1.4 Declarations of Interest
- 10.1.1.5 Requests for Deputation
- 10.1.1.6 Minutes of Previous Meeting(s) of Council
- 10.1.1.7 Referrals from Committees
- 10.1.1.8 Committee Business Statement and Motions List
- 10.1.1.9 General Business
- 10.1.1.10 Notices of Motion
- 10.1.1.11 Exempt / Confidential Business

### 10.2 Committee Meetings

10.2.1 At an ordinary Committee meeting, the business shown on the agenda will (unless otherwise determined by the Convener) proceed in the following order (if applicable):-

- 10.2.1.1 Determination of Urgent Business
- 10.2.1.2 Determination of Exempt Business
- 10.2.1.3 Declarations of Interest
- 10.2.1.4 Requests for Deputation
- 10.2.1.5 Minutes of Previous Meeting
- 10.2.1.6 Committee Business Statement and Motions List
- 10.2.1.7 Notices of Motion
- 10.2.1.8 Referrals from Council, Committees and Sub Committees
- 10.2.1.9 Finance, Performance, Risk and Service Wide Issues
- 10.2.1.10 General Business
- 10.2.1.11 Exempt / Confidential Business

# OPERATION OF COUNCIL AND COMMITTEE MEETINGS

## 11. Notices Of Motion

- 11.1 A Member can submit a Notice of Motion to a Council, Committee or Sub Committee.
- 11.2 Notices of Motion should be submitted to the Clerk at least three weeks prior to the meeting.
  - 11.2.1 The Clerk will then be responsible for collating the views of the relevant Director(s), Head of Legal and Democratic Services, the Head of Finance and any other relevant Chief Officer(s) and presenting these to the Member.
- 11.3 Following the conclusion of the consultation set out in Standing Orders 11.1 and 11.2, the final written motion must be submitted by the Member to the Clerk by 12 noon two weeks prior to the meeting, along with any relevant correspondence.
- 11.4 Precise deadlines for all Council and Committee meetings will be made available to Members on the internal website.
- 11.5 A Notice of Motion submitted to the Clerk outwith the deadlines referred to above, can only be accepted onto the agenda at the discretion of the Convener.
- 11.6 When submitting a Notice of Motion, outwith the deadlines referred to above the Member will be required to specify why the motion should be considered as a matter of urgency.
- 11.7 Prior to a Notice of Motion appearing on an agenda, the Convener will determine competency following advice from officers.
- 11.8 A Notice of Motion will be determined incompetent if :-
  - 11.8.1 The judgement of the relevant Director(s) is that the matter is already being pursued. In such circumstances, the Member may only resubmit the motion after a period of six months.

- 11.8.2 The terms of the motion could result in a breach of the Council's statutory duty.
- 11.8.3 The motion proposes expenditure and does not identify a source of funding; or
- 11.8.4 A motion in similar terms has already been submitted for the same meeting by another Member.
- 11.9 If the Convener rules the motion incompetent, it will not appear on the agenda for the meeting.
- 11.10 If the motion is ruled incompetent, the Member may submit a revised version, subject to adhering to the process outlined in Standing Orders 11.1, 11.2 and 11.3 above.
- 11.11 If a Member who has submitted a Notice of Motion is absent from the meeting when the motion is due to be considered, the motion will not be considered at that meeting but will be put on the agenda for the next meeting.
- 11.12 If the Member is absent on the second occasion, the motion will fall.
- 11.13 If a Member is not a member of the Committee or Sub Committee where their motion is to be considered, they will be invited to the meeting to move or speak to the motion and sum up; however they will **not** be entitled to vote on the matter.
- 11.14 Members are permitted to submit joint notices of motion, however the 10 minute time limit for moving the motion will remain unchanged, which can be split between any or all of the Members who submit the joint motion.
- 11.15 A Member can make minor alterations to their motion prior to speaking to it with the consent of the Convener.
- 11.16 Any motion proposing a nomination for Freedom of the City must be signed by at least two thirds of the Members of the Council (see Glossary for calculation).

## 12. Reports By Officers

- 12.1 Reports to the Council, Committees or Sub Committees will be in the name of the Chief Executive, Directors, Statutory Officers or by the Council's Internal or External Auditors.
- 12.2 Reports must be provided in draft to the following officers for consultation in accordance with the published timetable:-
  - 12.2.1 Head of Finance
  - 12.2.2 Head of Legal and Democratic Services
  - 12.2.3 Head of Service – Office of Chief Executive
  - 12.2.4 Clerk
  - 12.2.5 Council Leader
  - 12.2.6 Convener of the Finance, Policy and Resources Committee
  - 12.2.7 Convener and Vice Convener
- 12.3 Reports must also be provided in draft to the following officers for consultation, in cases where the report contains matters within their professional remit:-
  - 12.3.1 Chief Social Work Officer
  - 12.3.2 Head of Human Resources and Customer Service
  - 12.3.3 Head of IT and Transformation
  - 12.3.4 Head of Commercial and Procurement Services
  - 12.3.5 Head of Land and Property Assets
  - 12.3.6 City Centre Director
- 12.4 A report author must consult the local Members of a ward where the report contains proposals which will have an impact on that particular ward.
- 12.5 Where a Notice of Motion has been considered and an initial report is prepared, the report author must consult the Member(s) who has submitted the Notice of Motion.
- 12.6 A report will only be submitted for consideration by the Council, Committee or Sub Committee where the Clerk, Head of Finance and the Head of Legal and Democratic Services have responded to the consultation on that report.

- 12.7 Subject to Standing Order 12.8 below, final reports to be included on an agenda for a meeting of the Council, Committee or Sub Committee must be submitted to the Clerk by 10am on the day specified in the timetable published by the Head of Legal and Democratic Services.
- 12.8 If the agenda circulation is missed, the relevant Director must submit a Late Docquet to the Clerk explaining why the report is late and why it should be considered.
- 12.9 The Head of Legal and Democratic Services may refuse to allow any item of business on to the agenda or may withdraw any item of business from an agenda, following consultation with the Convener and Vice Convener.

### 13. Deputations

- 13.1 Every request for a deputation must be in writing and received by the Clerk at least two full working days (Monday to Friday) before the meeting to which it relates.
  - 13.1.1 For example, for a meeting on a Thursday, requests must be received by the end of the Monday; and for a meeting on a Tuesday, requests must be received by the end of the previous Thursday
- 13.2 In the event that a report has not been published to enable a deputation request to comply with the deadline set out in Standing Order 13.1, deputation requests may still be submitted and put on to the agenda.
  - 13.2.1 In such instances, Standing Order 13.1 would require to be suspended at the meeting for the deputation to be heard.
- 13.3 The request must relate to a report on an agenda.
- 13.4 The request must state the report on which the deputation wants to be heard and the action (if any) the deputation would like the Council, Committee or Sub Committee to take in relation to the report.

- 13.5** The following deputation requests are not competent:-
- 13.5.1** Deputations which fail to comply with Standing Order 13.1
  - 13.5.2** Deputations which relate to reports containing confidential information (see Standing Order 20)
  - 13.5.3** Deputations which relate to the annual budget
  - 13.5.4** Deputations which relate to a petition before the Petitions Committee
  - 13.5.5** Deputations which relate to a planning or licensing application
  - 13.5.6** Deputations which relate to matters that have alternative procedures for representation
- 13.6** Competency in respect of Standing Order 13.5 will be determined by the Convener following consultation with the Head of Legal and Democratic Services.
- 13.7** Subject to Standing Order 13.2, if any of the criteria at Standing Order 13.5 apply, the deputation request will not be put on the agenda for consideration.
- 13.8** Deputations cannot consist of more than three people.
- 13.9** No individual may form part of more than one deputation on the same matter.
- 13.10** A deputation request will be submitted to the relevant meeting of the Council, Committee or Sub Committee.
- 13.10.1** At the start of the meeting, the Members will decide whether or not to hear the deputation.
- 13.11** If, having heard the deputation, the Council, Committee or Sub Committee defer consideration of the report, no further request will be accepted from the same body or individuals in relation to the matter unless a new report containing substantially different information is submitted to a future meeting.
- 13.12** Competency in respect of Standing Order 13.11 will be determined by the Convener following consultation with the Head of Legal and Democratic Services.

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

## 14. Rights Of Members To Attend Meetings

- 14.1 Subject to Standing Orders 11.13 and 14.2, any Member will be entitled to attend any Committee or Sub Committee meeting of which they are not a member and will, with the consent of the Convener, be entitled to ask questions or address the meeting.
  - 14.1.1 The Member may not propose or second any motion or amendment or vote.
- 14.2 A Member cannot be present at a meeting of a Committee or Sub Committee for which they are not a member when:-
  - 14.2.1 The press and public have been excluded from the meeting; and
  - 14.2.2 The meeting is likely to involve the taking of a decision which may affect the interests of any person or body following a hearing; and
  - 14.2.3 The person or body has a right in terms of the law, Standing Orders or other administrative procedure, to be heard at that meeting in person or through a representative.

## 15. Substitute Members

- 15.1 Members or Groups will be entitled to nominate substitutes to attend meetings of Committees and Sub Committees on their behalf, providing those substitutes have received relevant training as determined by the Council.
- 15.2 Bodies appointing External Members shall be permitted to appoint a substitute for their substantive member.

## 16. Failure To Attend Meetings

- 16.1 If a Member does not attend any meeting of the Council within a period of six consecutive months, the Chief Executive must report this to Council, unless leave of absence has been granted to the Member.
- 16.2 If the Council is not satisfied as to the cause of the failure to attend, the Member will cease to be a Member of the Council.
- 16.3 The Member will not cease to be a Member of the Council if the absence is due to the Member having been suspended by the Standards Commission.
  - 16.3.1 No report from the Chief Executive is required in these circumstances.

## 17. Chairing Of Meetings

- 17.1 At any meeting of the Council, its Committees or Sub Committees, the chair will be taken by the Convener, or where the Convener is absent, the Vice Convener.
  - 17.1.1 In the absence of both, the Members present will appoint a Convener.

## 18. Quorum

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

## 19. Attendance At Meetings By Chief Officers

- 19.1 All meetings will normally have advice available from the Head of Finance and Head of Legal and Democratic Services.
- 19.2 The attendance of all other officers is at the discretion of the appropriate Head of Service, taking into account the business of the meeting and the Working Time Regulations 1998.

## 20. Exempt And Confidential Information

- 20.1 Agendas and reports containing Exempt Information (exempt items) will contain a declaration that the report is 'Not for Publication' because it contains Exempt Information as defined in Schedule 7A of the Local Government (Scotland) Act 1973.



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

## 21. Declarations Of Interest

- 21.1 Any Member making a declaration of interest should:-
- 21.1.1 indicate whether it is a financial or non-financial interest;
  - 21.1.2 include some information on the nature of the interest; and
  - 21.1.3 confirm whether or not they intend to withdraw from the meeting room.
- 21.2 A Member must withdraw from the meeting room, including from the public gallery, where they have declared an interest that prevents them from participating in the discussion of, and voting on, the item.

## 22. Introducing Reports

- 22.1 The Convener may identify that a report requires introduction from an officer, following which, Members will be given the opportunity to ask questions of officers.
- 22.2 To promote the effective management of the meeting, Members should seek clarification or advice on any points from officers in advance of the meeting.
- 22.3 When, in the opinion of the Convener, Members have had a reasonable opportunity to ask questions, the Convener will move to determination of the matter.

## 23. Order Of Debate

- 23.1 If consensus cannot be reached on an item, the order of debate will be as follows:-
- 23.1.1 Motion moved and seconded
  - 23.1.2 Amendment(s) moved and seconded
  - 23.1.3 Debate
  - 23.1.4 Summing up for the amendment(s)
  - 23.1.5 Summing up for the motion
  - 23.1.6 Vote
- 23.2 Any Member wishing to speak at any meeting will address the Convener and restrict their remarks to the item of business before the meeting through:-
- 23.2.1 Asking questions
  - 23.2.2 Moving, seconding or supporting a motion or any relative amendment
  - 23.2.3 Moving or seconding a Procedural Motion; and
  - 23.2.4 Raising a Point of Order

## 24. Points Of Order

- 24.1 A Point of Order is a verbal objection made to the Convener that a statement or proposed procedure or action at the meeting may be in breach of the law or Standing Orders.
- 24.2 Any Member may raise a Point of Order at any point in the meeting, and must specify which Standing Order or law will be, or has been, breached.
- 24.3 The Convener will decide how the Point of Order will be dealt with.

## 25. Procedural Motions

- 25.1** A Procedural Motion is a motion on the procedure being proposed or undertaken at the meeting, including, but not restricted to:-
- 25.1.1** Moving exempt business to the public section of the agenda
  - 25.1.2** Proposing a change to the minute
  - 25.1.3** Proposing that an item be deferred to a later date
  - 25.1.4** Proposing that an item be referred to another Committee or directly to full Council
  - 25.1.5** Proposing that no further debate take place
  - 25.1.6** Proposing the suspension of a Standing Order;
  - 25.1.7** Determining whether or not a deputation should be heard: and
  - 25.1.8** Proposing an alternative method of voting
- 25.2** A Procedural Motion has to be moved and seconded, and Members will then vote on whether to support or oppose it.
- 25.3** When a Procedural Motion has been moved and seconded, it will be put immediately to the vote, without any debate.
- 25.4** If a Procedural Motion is not seconded, it will fall and this will be recorded in the minute.
- 25.5** Subject to Standing Order 38, for a Procedural Motion to be successful, it requires a simple majority of the vote.

## 26. Motions And Amendments

- 26.1** Where a motion and amendments are proposed prior to a Council, Committee or Sub Committee meeting, Members should provide a copy of the proposed wording to the Clerk.
- 26.2** The Clerk will then be responsible for collating the views of the relevant Director(s), Head of Legal and Democratic Services, the Head of Finance and any other relevant Chief Officer(s) and presenting these to the Member.

- 26.3** The Convener will have the prior right to the motion, except:-
- 26.3.1** where he/she waives this right and allows another Member to have the prior right to the Motion.
  - 26.3.2** where a written Notice of Motion submitted by a Member is moved; or
  - 26.3.3** the Council is meeting to consider its annual budget, in which case the Leader of the Council will have the prior right to the Motion, following which the spokesperson of the biggest political Group will have the right to propose an amendment.
- 26.4** When moving any motion or amendment, a Member will provide its terms in full, which will then require to be seconded by another Member.
- 26.4.1** No Member will speak in support of a motion or amendment until it has been seconded
- 26.5** All amendments must be relevant to the motion and must differ from it and from each other substantially.
- 26.6** The Convener will offer any relevant officer an opportunity to address the meeting on the competency or implications of any motion or amendment.
- 26.7** A motion or amendment is incompetent if it would require the incurring of expenditure and the source of funding is not identified.
- 26.8** A motion or amendment which identifies the source of funding as the Council's reserves will not be competent without advice being provided to the meeting by the Head of Finance.
- 26.9** The Convener will determine whether a motion or amendment is competent, and may seek advice from officers in this regard.
- 26.10** A motion or amendment moved but not seconded, or which has been ruled by the Convener to be incompetent will not be put to the vote but will be recorded in the minute.
- 26.11** If a motion or amendment is withdrawn, the mover and seconder can move or second and speak in support of a further motion or amendment.

- 26.12** No Member will speak more than once (except on a Point of Order, by asking a question or by moving a Procedural Motion) in a debate, except for the Members who moved the motion / amendment(s), who will have the right to sum up.
- 26.13** When there is only one amendment to the motion, the vote will be taken between the motion and the amendment.
- 26.13.1** Whichever is carried will be the resolution of the meeting.
- 26.14** Where there is more than one amendment to the motion, a vote will be taken between the last two amendments, and this process will be repeated until only one amendment remains.
- 26.14.1** A vote will then be taken between the motion and the remaining amendment
- 26.14.2** Whichever is carried by majority will become the resolution of the meeting
- 26.15** If an amendment proposes that no decision be taken, the first vote will be between it and the motion.
- 26.15.1** If the amendment is carried, the meeting will proceed to the next item of business.
- 26.15.2** If the amendment is not carried, it will be eliminated from the amendments which, with the motion, will be voted on in the usual way.

## 27. Time Allowed For Speaking

- |             |                                   |               |
|-------------|-----------------------------------|---------------|
| <b>27.1</b> | Moving a motion or amendment –    | 10 minute     |
| <b>27.2</b> | Seconding a motion or amendment – | 5 minutes     |
| <b>27.3</b> | Speaking in debate –              | 5 minutes     |
| <b>27.4</b> | Summing up –                      | 5 minutes     |
| <b>27.5</b> | Moving a Council budget –         | no time limit |
| <b>27.6</b> | Seconding a Council budget –      | 10 minutes    |

## 28. Closure Of Debate

- 28.1 After eight or more Members have spoken (including the movers and seconders of motions and amendments), any Member who has not spoken can move as a Procedural Motion that no further debate take place.
- 28.2 If the Procedural Motion is agreed, the movers of the original motion and amendment(s) will have the right to sum up and the matter will thereafter be put to the vote.
- 28.3 If the Procedural Motion is defeated, the debate will continue.
- 28.4 Subsequent Procedural Motions that no further debate take place can be made after a further three Members have spoken.

## 29. Method Of Voting

- 29.1 Votes will be taken by means of the electronic voting system at Council, and by roll call at Committees or Sub Committees, subject to Standing Order 5.3 and 29.2.
- 29.2 A Member can move that an alternative method of voting is used, such as secret ballot or show of hands, by means of a Procedural Motion.
- 29.3 The Clerk will conduct the vote.
  - 29.3.1 No one will interrupt the proceedings (except to draw attention to an omission in the calling of a Member's name or to a Point of Order) until the result of the vote has been announced.
- 29.4 With the exception of Standing Order 38.1, a simple majority of those present and voting will decide the result of any vote between motions and amendments.
- 29.5 Subject to Standing Order 30.1, a Member who is absent when their name is called will be entitled to vote if they enter the meeting before the result of the vote is announced.
- 29.6 In the event of a tied vote, the Convener will have the casting vote, subject to the provisions of Standing Order 3.
  - 29.6.1 If the Convener chooses not to exercise their casting vote, lots will be drawn using a method decided upon by the Clerk.

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

## **30. Quasi-Judicial Items Of Business**

- 30.1** Where the Council, Committee or Sub Committee is required to determine an item of business which is of a Quasi-Judicial nature, a Member must be present in the meeting room for the duration of the item.
- 30.2** If a Member has left the room at any point during discussion of the item, they will not be permitted to participate in the determination of the item, nor any vote.

## **31. Referrals**

- 31.1** Immediately following a vote at Committee or Sub Committee, one third of the membership of the Committee or Sub Committee may state that they wish the matter to be referred to the Council or Committee for a decision (see Glossary for calculation).
- 31.2** Subject to Standing Orders 31.3 and 31.5, the Clerk will then arrange for the item to be referred to the next meeting of Council or Committee for determination.
- 31.3** Standing Order 31.2 will not apply where, in the view of the Convener, following advice from the Head of Legal and Democratic Services and the relevant Head of Service, this would result in the Council or relevant Committee considering the item after any relevant deadline for determination of the matter has passed.
- 31.4** Standing Orders 31.1 and 31.2 will not apply to any proceedings relating to:-
- 31.4.1** The appointment of or retirement of staff
  - 31.4.2** Grievance or disciplinary appeals by staff
  - 31.4.3** School attendance
  - 31.4.4** Bursaries
  - 31.4.5** Admission of any particular child to school
  - 31.4.6** Provision of school transport for any particular child
  - 31.4.7** The granting of any licence, registration or certificate
  - 31.4.8** Assumption of parental rights or adoption in the case of any individual
  - 31.4.9** Aids and adaptations to premises for the benefit of social work clients

- 31.5 Where an item is referred to a meeting of the Council, Committee or Sub Committee, and it is not possible for the item to be open to the public for inspection at least three Clear Days before the meeting, the referring Committee or Sub Committee must specify why the item should be considered as a matter of urgency.
- 31.6 The Convener of the Council, Committee or Sub Committee to which the matter is referred will then determine whether the item is added to the agenda.

## 32. Minutes

- 32.1 The Clerk will prepare the minutes of meetings of the Council, its Committees and Sub Committees and any other meetings at which Members are represented, as may be determined by the Head of Legal and Democratic Services.
- 32.2 The minutes will record the names of the Members who attended the meeting and will contain a summary of the business of the meeting as determined by the Clerk.
- 32.3 The Convener and Vice Convener will normally propose and second the minute as a true record unless either were not present, in which case any Member present at the meeting can either propose or second the minute as a true record.
- 32.4 At the meeting, if any Member challenges the accuracy of the minute, they can move a Procedural Motion that a correction is made.
- 32.5 Any corrections to the minute will be outlined in the subsequent minute

## 33. Powers Of Convener

- 33.1 To preserve order and ensure that Standing Orders are followed.
- 33.2 To decide on the order of business and matters of competency and relevancy, unless otherwise specified.
- 33.3 To accept urgent business onto the agenda in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973.
  - 33.3.1 The reason(s) why the matter must be considered urgently will be recorded in the minute of the meeting.



- 33.4 To ensure that all Members are given the opportunity to speak and to decide on the order in which they speak.
- 33.5 To rule on all Points of Order.
- 33.6 To adjourn the meeting at any time for any reason, and to determine the length of the adjournment.
- 33.7 When the Convener begins to speak, all other Members must stop speaking.
- 33.8 The decision of the Convener on all matters in Standing Order 33 will be final.

## 34. Behaviour

- 34.1 All Members must behave respectfully at any meeting and should not behave in a manner that is improper, offensive or deliberately obstructs the business of the meeting.
- 34.2 All Members are bound by the **Councillors' Code of Conduct** and are responsible for complying with it at all times.
- 34.3 If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance or may order them to leave the meeting.
- 34.4 If there is general disturbance during any part of the meeting, the Convener may order that the public leave the meeting.

## 35. Suspension Of Members

- 35.1 If any Member disregards the authority of the Convener, obstructs the meeting or, in the opinion of the Convener, acts in an offensive or disruptive manner at a meeting, the Convener may move, as a Procedural Motion, that the Member be suspended for the remainder of the meeting.
- 35.2 If seconded, the motion will be put to the vote immediately.
- 35.3 If the Procedural Motion is carried, the suspended Member will leave the meeting room immediately.
- 35.4 If the Procedural Motion is not carried, the Convener may call for an adjournment in the meeting.

## **36. Filming, Photographing And Recording Of Meetings**

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

## **37. Length Of Meetings**

- 37.1** The Convener can call a break in proceedings at any time.
- 37.2** Meetings will last no longer than four hours.
- 37.3** If the meeting is adjourned to another date, the Convener, in consultation with the Clerk, will determine the time and date that the meeting will resume.

## **38. Suspending Standing Orders**

- 38.1** Any Standing Orders may be suspended at any meeting with the agreement of two thirds of the Members present and entitled to vote (see Glossary for calculation).
- 38.1.1** This will be done by means of a Procedural Motion.
- 38.2** The Member must specify which Standing Order they are proposing to suspend.

## **39. Altering Previous Decisions**

- 39.1** It will not be competent for the Council, Committee or Sub Committee to alter or reverse a previous decision within a period of six months.
- 39.2** Standing Order 39.1 does not apply:-
- 39.2.1** Where a Notice of Motion to that effect has been submitted, of which prior notice has been given in terms of Standing Order 11;
- 39.2.2** Where the Council, Committee or Sub Committee approves a recommendation contained in a report to alter or reverse a previous decision; or
- 39.2.3** To ongoing negotiations between the Council and any other party.

## 40. Amendments To Standing Orders

40.1 Non-material amendments can be made to the Standing Orders by the Head of Legal and Democratic Services, following consultation with the Lord Provost, without the requirement to report to Council.

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

40.2 Material amendments to the Standing Orders, including the removal or addition of Standing Orders, may only be approved after consideration of a report to the Council by the Head of Legal and Democratic Services.

## 41. Review Of Standing Orders

41.1 The Standing Orders will be subject to annual review by the Head of Legal and Democratic Services.

## 42. Monitoring Officer

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

# COMMITTEES AND SUB COMMITTEES

## 43. Delegation And Appointment To Committees And Sub Committees

- 43.1 The Council may appoint Committees and Sub Committees for any purpose at any time.
- 43.2 The Council will delegate or refer to these Committees and Sub Committees any matter it thinks fit and these matters will be set out in the Terms of Reference.
- 43.3 The Council may alter the Terms of Reference of any Committee or Sub Committee at any time.
- 43.4 Where a matter for consideration is not specifically referred to in the Terms of Reference, it will be competent for it to be considered by the Committee or Sub Committee with the most relevant Terms of Reference, as determined by the Head of Legal and Democratic Services.
- 43.5 The Council may, at any time, deal with any matter falling within the Terms of Reference of any Committee or Sub Committee.
- 43.6 Similarly, a Committee may, at any time, deal with any matter falling within the Terms of Reference of any of its Sub Committees.
- 43.7 The Council will set the membership for each Committee and must reflect the political composition of the Council.
- 43.8 The Council may establish Working Groups with no delegated powers for such functions as it deems necessary, consisting wholly of Councillors or otherwise.
- 43.9 Any External Member appointed by Council to any Committee or Sub Committee will have full voting rights on all matters considered relevant by the Council, Committee or Sub Committee, unless otherwise agreed by Council.
- 43.10 An External Member will remain as a member of the Committee or Sub Committee until the next ordinary election of Councillors, subject to their right to resign or their removal by the nominating body.

# GLOSSARY

<b>Agenda</b>	A list of business to be considered at Council, Committee and Sub Committee Meetings.
<b>Amendment</b>	Where a motion has been put forward in respect of an item on the agenda, a Member may move an alternative proposal. The motion and amendment will then be debated and a vote taken between the two.
<b>Calculation of Quarter or Two Thirds of Members</b>	If the figure is not a whole number it will be rounded up. This is to ensure that a quarter or two thirds will always be met.
<b>Clear Days</b>	This applies to notice of Meetings.  For example if a letter is posted on Monday advising of a meeting on Friday, it gives 3 clear days notice (i.e. Tuesday, Wednesday, Thursday)  Saturday, Sunday and public holidays are included within the definition of Clear Days
<b>Clerk</b>	The Committee Officer with responsibility for the administration of the Council, Committee or Sub Committee.
<b>Committee</b>	A Committee of the Council appointed in accordance with Standing Orders.
<b>Confidential Information</b>	See Appendix 1 to this document.
<b>Convener</b>	The Chair of the Committee. Where 'Convener' is referred to in this document, this will also include the Lord Provost.
<b>Council</b>	Where 'Council' is referred to in this document, it refers to meetings of the Full Council.
<b>Deputation</b>	A request submitted by a member of the public to address a Council, Committee or Sub Committee meeting in respect of a report on a published agenda.

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<b>Depute Provost</b>	<p>The Vice Convener of the Council.</p> <p>The Depute Provost will act as Chair in the absence of the Lord Provost.</p>
<b>Exempt Information</b>	<p>See Appendix 2 to this document.</p>
<b>External Member</b>	<p>A representative appointed to any Committee or Sub Committee from outwith Aberdeen City Council who may have full voting rights.</p>
<b>Group</b>	<p>A number of Councillors who form a group. A group cannot be composed of a single member.</p>
<b>Head of Finance</b>	<p>Where this document refers to the Head of Finance, it should be noted that this may also refer to his/her nominated officer.</p>
<b>Head of Legal and Democratic Services</b>	<p>Where this document refers to the Head of Legal and Democratic Services, it should be noted that this may also refer to his/her nominated officer.</p>
<b>Late Docquet</b>	<p>A document which must accompany all reports that miss the agenda circulation.</p> <p>This contains the reason for lateness and is signed by the Director and Convener.</p> <p>The Convener has ultimate discretion as to whether or not the item will be considered.</p>
<b>Lord Provost</b>	<p>The Convener of the Council.</p> <p>The Lord Provost is the civic head of the Council.</p>
<b>Minute</b>	<p>A summary of decisions from any Council, Committee or Sub Committee meeting prepared by the Clerk.</p> <p>This will not be a verbatim record.</p>
<b>Motion</b>	<p>An initial proposal of action submitted by a Member in respect of an item of business on an agenda.</p>

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<b>Non-Material Amendments to Standing Orders</b>	Such amendments may include the change of title for a particular post referred to in the Standing Orders, or an error in the text.
<b>Notice of Motion</b>	A request submitted by a Member in advance of a meeting of Council, a Committee or Sub Committee which may be placed on the agenda for an issue to be discussed and for a decision to be made.
<b>Quasi-Judicial</b>	Where the Council, Committee or Sub Committee has powers and procedures resembling those of a court of law or judge, and is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.
<b>Quorum</b>	The minimum number of Members at a Council, Committee or Sub Committee meeting who must be present for valid transaction of business.
<b>Sub Committee</b>	A Sub Committee of any Council Committee appointed in accordance with Standing Orders.
<b>Summons</b>	A calling notice advising Members of the date, time and location of a Council, Committee or Sub Committee meeting.
<b>Vice Convener</b>	The Vice Chair of the Committee. The Vice Convener will act as Chair in the absence of the Convener.

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# Appendix 1

## LOCAL GOVERNMENT (SCOTLAND) ACT 1973

### SECTION 50(A)

#### DEFINITION OF CONFIDENTIAL INFORMATION

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

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

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



## APPENDIX 2

### LOCAL GOVERNMENT (SCOTLAND) ACT 1973

#### SCHEDULE 7A

### ACCESS TO INFORMATION: EXEMPT INFORMATION

#### DESCRIPTIONS OF EXEMPT INFORMATION

#### (INCLUDING QUALIFICATIONS)

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<b>Employee/Office Holder:</b>	<ol style="list-style-type: none"><li>1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.</li></ol>
<b>Occupier:</b>	<ol style="list-style-type: none"><li>2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.</li></ol>
<b>Recipient Of Council Service:</b>	<ol style="list-style-type: none"><li>3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.</li></ol>
<b>Recipient Of Financial Assistance:</b>	<ol style="list-style-type: none"><li>4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.</li></ol>
<b>Particular Child:</b>	<ol style="list-style-type: none"><li>5. Information relating to the adoption, care, fostering or education of any particular child or where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011) information relating to the order. "Child" means a person under the age of 18 and any person who has attained that age and is in attendance as a pupil at a school.</li></ol>

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**Financial Affairs Of Particular Person:**

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

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**Social Work Relating To A Particular Person:**

7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).

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**Proposed Expenditure On Contracts:**

8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services **if and so long as** disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.

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**Contractual Terms:**

9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services **if and so long as** disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

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**Tender For Contract:**

10. The identity of the authority (as well as of any other person by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
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**Labour Relations:**

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority **if and so long as** disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

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**Legal Proceedings:**

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

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**Statutory Notices Etc:**

13. Information which, if disclosed to the public, would reveal that the authority proposes -
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment **if and so long as** disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

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**Crime:**

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

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**Informant:**

15. The identity of a protected informant.
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**Shaping  
Aberdeen**

