

Appendix: Standing Orders 21 - 23, 26 and 31

"Standing Orders Relating to Meetings and Proceedings of the Council and Committees" were approved by Council on 16th December 2020. The following are excerpts as they relate to the application before the Committee.

"21. Suspension of Standing Orders

21.1 Any one or more of the Standing Orders in any case of urgency as determined by the Provost upon a motion made, may be suspended at any meeting provided that two thirds of the Members of the Council present and voting shall so decide. It shall not be competent for the Council to suspend any Standing Order which gives effect to any provision of Schedule 7 to the Local Government (Scotland) Act 1973 or any other statutory provision. (This covers the arrangements for meetings and proceedings of Local Authorities).

21.2 Any Member competently moving the suspension of Standing Orders shall be entitled to speak for a period of not more than five minutes and shall confine his/her remarks to the reasons for the proposed suspension. The seconder of any such motion shall not speak other than to formally second the motion (no other Member shall be entitled to speak to the motion or to the amendment).

21.3 If any amendment is made against suspension of Standing Orders the mover of any such amendment shall again be entitled to speak for not more than five minutes and shall similarly confine his/her remarks to the reasons against suspension. The seconder of an amendment shall not speak other than to formally second the amendment.

22. Variation and Revocation of Standing Orders

22.1 It shall not be competent at any meeting of the Council to revoke or vary any of the Standing Orders except:

- i. Upon a resolution to that effect at an Ordinary meeting of Council following a notice given at a previous Ordinary Meeting of the Council; or
- ii. Upon the Chief Executive submitting to any meeting of the Council a report on any new Standing Order or alteration of any existing Standing Order which appears to be required in consequence of any decision regarding the conduct of business which has been taken by the Council or which is otherwise required for the good governance of the Council.

22.2 Any motion to revoke or vary these Standing Orders will, when voted on, be approved by a majority of the Members present and voting.

22.3 In the case of a pandemic or other public health emergency where Council is unable to meet, and in consultation with the Leader of the Council, and the Leader of all Groups, an Independent Member nominated by the Independent Members, and the Monitoring Officer, and if required to enable effective decision making or otherwise in relation to the emergency, the Chief Executive has power to amend these Standing Orders.

23. Rescinding/Revocation of Previous Decision/Resolution

23.1 Except where required by statute, no Decision of Council may be reconsidered and no item of business reconsidered which is the same or substantially the same as one previously determined by the Council within six months of the date of the making of the previous decision or determination, except where:

- i. Two thirds of the Members for the time being present and voting agree to suspend Standing Orders in accordance with Standing Order 21 above; or
- ii. In the opinion of the Solicitor to the Council not doing so would, result in a decision which is likely to give rise to a contravention by the Council of any enactment or rule of law or of any code of practice made by or approved by or under any enactment.
- iii. The original Council Decision cannot be implemented due to reasons outwith the control of the Council; or
- iv. Where, as a matter of urgency, having regard to the potential loss of life, risk of substantial economic loss to the Council or any third party, (including potential loss or material underutilisation of funds or resources not available at the time of the Decision of Council), it is deemed by the Chief Executive that the matter ought to be reconsidered by the Council.

For the avoidance of doubt this Standing Order does not apply to Questions raised under Standing Order 12. No such Question shall require the suspension of Standing Orders in order to be considered or reconsidered.

This Standing Order does not limit the discretionary power of the Council as planning authority to decline to determine repeat planning applications.

26. Proceedings of Committees and Sub-Committees

26.1 The business of Committees or Sub-Committees will be conducted as follows:-

i. The business of the Committee or Sub-Committee will be conducted in accordance with the provisions of Standing Orders and any statutory or regulatory provisions in respect of such business;

ii. ...

31. Definitions

31.1 In these Standing Orders the following words and phrases will have the following meanings respectively ascribed to them:-

i. "Provost" or "Chair" will mean the person appointed to Chair the Council, Committee or Sub-Committee;

ii. "Vice-Provost" or "Vice- Chair" will mean the person appointed to Chair the Council, Committee or Sub-Committee in the absence of the Provost or Convener;

..."