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## NORTH AYRSHIRE COUNCIL

3 June 2020

### Emergency Governance Decisions (Covid-19 Outbreak)

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**Title:** Governance Arrangements to Facilitate Remote/Hybrid Committee Meetings

**Purpose:** To recommend the exercise of emergency delegated authority to vary the Council's Standing Orders and further amend the Council's committee timetable in order to facilitate remote access to committee meetings in light of the COVID-19 pandemic.

**Recommendation:** That the Chief Executive, following appropriate consultation, agrees on behalf of the Council that:

- (a) the Standing Orders relating to Meetings and Proceedings of the Council and Committees are varied as set out in the report and Appendix 1, in order to accommodate such remote access to committee meetings as may be necessary during the immediate COVID-19 pandemic, subject to Council approval, in the longer term; and
  - (b) the Council's committee timetable for the remainder of 2020 be subject to change as may be required in light of the COVID-19 pandemic.
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## 1. Executive Summary

- 1.1 As a result of the current COVID-19 pandemic, the decision was taken to suspend all meetings of the Council and its committees until 30 June 2020. There is now an opportunity to begin the process of reintroducing meetings on a wholly remote and when permitted, on a hybrid basis. This will, however, require changes to be made to the Council's Standing Orders and committee timetable.

## 2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder.

Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.

- 2.2 Officers have been exploring practical solutions to allow some committee meetings to take place, initially on a wholly remote basis and, when Guidance permits, on a 'hybrid' basis (with some Members attending remotely and others in person).

### **Amendments to Standing Orders**

- 2.3 In order to facilitate wholly remote/hybrid meetings, a number of changes will require to be made to Standing Orders. These are referred to below and illustrated in red font in Appendix 1.

#### *Venue*

- 2.4 Standing Order 2.1 requires meetings to take place in the Council Chambers unless otherwise agreed by Council. However, Standing Order 3.2 does allow for Special Meetings to be held in a venue determined by the Chief Executive (Standing Order 26.1(iv) also refers) and this could be interpreted to accommodate a 'remote' location. Given that the committee timetable is currently suspended, any meetings arranged during this period would be Special Meetings. However, circumstances may mean that meetings require to take place remotely on an ongoing basis beyond the current period of suspension.

#### *Use of Electronic Communication*

- 2.5 Standing Order 2.2 requires that Members should not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Council meeting. This might be interpreted as extending to exchanges over a remote meeting platform. While the meeting could agree to suspend Standing Orders, it would be better to amend this Standing Order to avoid a possible scenario whereby Members physically present could, at least in theory, use this to disbar other Members from remote participation.

#### *Interpretation of 'Present'*

- 2.6 Standing Order 8.1 refers to a quorum of Members requiring to be 'present' for the meeting to proceed. The notion of 'present' might arguably be interpreted as attendance by remote means. It is worth noting that the Standing Orders of the Integration Joint Board do specifically provide for remote attendance. While it may be argued that presence at a meeting impliedly includes remote presence, in regulatory decisions, this uncertainty is a potential ground for legal challenge. Therefore, an amendment to standing Orders is recommended.

#### *Leaving the Meeting*

- 2.7 Standing Order 6 makes provision for Members to be suspended from some or all of the meeting, and Standing Orders 10.1 and 10.2 refer to Members leaving the meeting following a declaration of interest. Not all remote meeting solutions provide a means of enforcing these provisions. It is not envisaged that this will be an issue in the short term given the type of business it is proposed to conduct at meetings to be held. The main anticipated issue will be dealing with declarations of interest and the requirement for

Members to leave proceedings. In that circumstance, the Member will be asked to leave the meeting and upon conclusion of business will be contacted to re-join.

### *Voting*

- 2.8 Standing Order 17.7 states that voting shall normally be by a show of hands. Remote meeting solutions do not currently allow for this beyond a certain number of participants. Therefore, it would be useful to vary this provision to roll call votes as the default position. Standing Order 17.8, which refers to voting by ballot, would also be amended to reflect this.
- 2.9 Standing Order 18.1 refers to any equality of votes in the case of the appointments being determined by the cutting of cards. It is not recommended that any change is made to Standing Orders in this regard to account for remote meetings, on the basis that the clerk would be in a position to facilitate this even remotely.

### *Cabinet Call In*

- 2.10 Standing Orders 24.1-24.8 make provisions for decisions by the Cabinet to be called in for further consideration by the Audit and Scrutiny Committee, for the latter to refer the decision back to Cabinet for further consideration and, this failing, for the matter to be directed to the next meeting of the Council for determination. Given that it may not be feasible for some time to hold a meeting of the full Council, unless Standing Orders are altered to remove the opportunity for call-in (or at least to remove the final stage of referral to Council), there is potential for this to be used as a means of halting the implementation of decisions.

The options would be:

- Leave Standing Orders unchanged in this regard and accept the risk of delay in some decision-making. Assuming there would only be one meeting of Cabinet before recess, and a meeting of the full Council is possible in some format before the end of September, this may be acceptable
  - Change Standing Orders to remove the call-in process for the time being. This is arguably unsatisfactory in that it removes a key component of the Cabinet/Scrutiny model. Given that the Cabinet comprises only members of the Administration and it may not even prove practical for other Members to observe the Cabinet meeting, this may not be acceptable
  - Amend Standing Orders to halt the call-in process prior to the stage of referral to Council. This would mean that, although the ultimate decision of the Cabinet would lie with the Cabinet, the Audit and Scrutiny Committee would at least have an opportunity to seek to amend/influence the decision, which may be an acceptable compromise
- 2.11 On balance it is recommended that no change is made to Standing Orders. Ultimately if there was an urgent Cabinet decision which could not wait until conclusion of the call-in process (e.g a consultation response or other deadline), the Chief Executive could, as a last resort, make the decision under his delegated 'urgency' power.

## *Deputations and Petitions*

- 2.12 Appendix B to Standing Orders refers to arrangements for considering petitions and deputations. Participation by members of the public in a remote meeting may not be practical. However, Standing Orders already allows the Chair of Audit and Scrutiny to determine whether a request is dealt with at the next committee. Therefore, no change to standing Orders is required.

## **Committee Timetable**

- 2.13 At the outset of the current COVID-19 crisis, a decision was taken to suspend all meetings of the Council and its committees until 30 June 2020. There is, however, an opportunity to take a phased approach to allow some initial committee meetings to take place on a wholly remote basis prior to the end of June 2020, where such meetings are deemed necessary and feasible.
- 2.14 It is proposed that further, wholly remote meetings are held immediately following the summer recess. Thereafter, subject to government guidance, there is potential for further meetings to take place, including those held on a hybrid basis.
- 2.15 It is recommended that the Chief Executive exercise emergency delegated powers to further vary the Council's committee timetable for the remainder of 2020 as may be required in light of the COVID-19 pandemic.

## **3. Proposals**

- 3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council to:
- (a) agree to vary the Standing Orders relating to Meetings and Proceedings of the Council and Committee varied as set out in the report and Appendix 1, in order to accommodate such remote/hybrid committee meetings as may be necessary/possibly during the immediate COVID-19 pandemic, subject to Council approval, in the longer term; and
  - (b) agree that the Council's committee timetable for the remainder of 2020 be subject to change as may be required in light of the COVID-19 pandemic.

## **4. Implications/Socio-economic Duty**

### **Financial**

- 4.1 There may be financial implications associated with arrangements for remote/hybrid meetings, including IT services/equipment and, where necessary, printing hard-copy agendas. However, there are no financial implications directly arising from the proposals set out in this report.

## **Human Resources**

- 4.2 Remote meetings would be administered by the existing small team of Committee Services Officers, supported by the Council's IT Service. There are no human resource implications directly arising from the proposals set out in this report.

## **Legal**

- 4.3 Part 4 of Schedule 6 of the Coronavirus (Scotland) Act 2020 contains temporary modifications of the Local Government (Scotland) Act 1973 in relation to (a) the grounds for the exclusion of the public from meetings of local authorities and (b) the provision of copies of documents in respect of meetings of local authorities. The former includes a provision for "the public to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus."

The Local Government (Scotland) Act 2003 permits the holding of and participation in remote meetings. The Council's Standing Orders should be varied using the Chief Executive's urgency powers to mirror the terms of the Act and facilitate the holding of remote meetings. (The Standing Orders relating to the Integration Joint Board already allow for remote attendance by its members).

## **Equality/Socio-economic**

- 4.4 In the short term, there are no adverse impacts whilst the terms of the Coronavirus (Scotland) Act permits restriction of public access to meetings. There will be further review in the event that public access to meetings recommences. The introduction of remote meetings attempts to ensure there is no potential age discrimination issues of older Members who are socially isolating being unable to access meetings.

## **Environmental and Sustainability**

- 4.5 Any decision to print hard-copy Agendas to facilitate wholly remote meetings would have a detrimental impact on the environment. However, this would be offset by the positive impact of such meetings in terms of the avoidance of travel to and from meetings."

## **Key Priorities**

- 4.6 None arising from the recommendations set out in this report.

## **Community Wealth Building**

- 4.7 None arising from the recommendations set out in this report.

## **5. Consultation**

- 5.1 None required in the preparation of this report.

5.2 In accordance with the Emergency Governance arrangements in place, the Chief Executive will undertake appropriate Elected Member consultation.

Andrew Fraser  
Head of Democratic Services

For further information please contact Melanie Anderson, Senior Manager (Committee and Member Services), on [melanieanderson@north-ayrshire.gov.uk](mailto:melanieanderson@north-ayrshire.gov.uk).

**Background Papers**

N/A



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

## **Standing Orders Relating to Meetings and Proceedings of the Council and Committees**

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## Contents

	Page
Part I Preliminary	1
Part II Standing Orders	2
1 First Meeting of the Council after Elections	2
2 Ordinary Meetings of the Council	2
3 Special Meetings of the Council	3
4 Notice of Meetings	3
5 Provost and Depute Provost	4
6 Suspension of Members	5
7 Appointment and Removal of Members	5
8 Quorum	5
9 Order of Business	6
10 Declarations of Interest	7
11 Public Access to Meetings	7
12 Questions	8
13 Motions	9
14 Procedure Prior to Debate	10
15 Debate	11
16 Procedural Motions	12
17 Voting	13
18 Voting on Appointment of Members	14
19 Disclosure of Information	14
20 Appointment of Executive Directors	14
21 Suspension of Standing Orders	15
22 Variation and Revocation of Standing Orders	15
23 Rescinding/Revocation of Previous Decision/Resolution	15
24 Decision of Cabinet: Call In Process	16
25 Discharge of Functions by Committees and Officers	17
26 Proceedings of Committees and Sub-Committees	18



27	Approval and Signing of Minutes	20
28	Petitions and Deputations	20
29	Contract Standing Orders and Financial Regulations	20
30	Ultimate Power of the Council	21
31	Definitions	21
32	Appendix A     Schedule 7A: Description of Exempt Information	23
	Appendix B     Guidance on Deputations and Petitions	25
	Appendix C     Procedure on Dealing with Requests to the Council from Outside Bodies to Support Resolutions and Motions	28
	Appendix D     Call in Request Form	29
	Appendix E     Guide for Dealing with Items of Business	30

## **North Ayrshire Council**

### **Standing Orders Relating to Meetings and proceedings of the Council and Committees**

#### **Part I Preliminary**

1. **These Standing Orders are made under Section 62 and Paragraph 8 of Schedule 7 of the Local Government (Scotland) Act 1973.** With the exception of the North Ayrshire Integration Joint Board, the Ayrshire Shared Services Committee, the Ayrshire Regional Economic Joint Committee and Sub-Committees thereof, the foregoing Standing Orders for meetings shall as far as applicable be the rules and regulations for the proceedings of Committees and Sub-Committees and therefore reference to the term 'Council' in the said Standing Orders should be interpreted accordingly. The North Ayrshire Integration Joint Board, the Ayrshire Shared Services Committee and Ayrshire Regional Economic Joint Committee and Sub-Committees thereof have their own Standing Orders for meetings. The term 'Provost' shall also be deemed to include the Chair of any Committee or Sub-Committee but only in relation to such Committees or Sub-Committees.
2. Part 4 of Schedule 6 of the Coronavirus (Scotland) Act 2020 contains temporary modifications of the Local Government (Scotland) Act 1973 in relation to (a) the grounds for the exclusion of the public from meetings of local authorities and (b) the provision of copies of documents in respect of meetings of local authorities. The former includes a provision that the "the public are to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus."
3. The Local Government (Scotland) Act 2003 permits the holding of and participation in remote meetings .

## **Part II Standing Orders**

### **1. First Meeting of the Council after Elections**

- 1.1 The first meeting of North Ayrshire Council after an ordinary election of Councillors shall be held within twenty-one days from the date of the election. The Chief Executive will decide the date, time and venue of this first meeting.
- 12 At the first meeting of the Council after an ordinary election of Councillors, the Returning Officer or the Chief Executive shall assume the Chair until the Provost is elected. The Council shall deal with the following business:
- i. To note the election of Councillors;
  - ii. To elect the Provost of the Council;
  - iii. To elect the Depute Provost of the Council;
  - iv. To take the sederunt, noting which Councillors have executed the Declaration of Acceptance of Office;
  - v. To elect the Leader of the Council;
  - vi. To elect the Depute Leader of the Council;
  - vii. To agree the Scheme of Administration setting out the committee structure of the Council;
  - viii. To appoint Members to any such Committees;
  - ix. To appoint Members of the Licensing Board;
  - x. To appoint representatives to outside bodies;
  - xi. To approve Constitutional Documents, including Standing Orders for Meetings;
  - xii. To agree the Timetable of Meetings;
  - xiii. To approve Members' Remuneration;
  - xiv. To deal with any other business specified in the notice calling the first meeting of the Council.

### **2. Ordinary Meetings of the Council**

- 21 Unless otherwise agreed to by Council, ordinary meetings of the Council shall be held in the Council Chamber, Cunninghame House, Irvine at 2pm on the Wednesday of the sixth week of each six-weekly cycle determined by the Council. If there is a large volume of business, or adverse weather conditions are expected, the Provost has power to change the start time to 1pm. **Where it is deemed necessary, the Chief Executive, in consultation with the Provost, may also call for a meeting of the Council to take place on a wholly remote basis by electronic means or in circumstances whereby some Members attend the Council Chambers and others take part via remote means.**
- 22 No sound, film, video tape, digital or photographic recording of the proceedings of any meeting, other than webcasting of the proceedings by the Council or its committees, shall be made without the prior approval of the Council. All phones should be switched off or on silent and Members should not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Council meeting. Research through the internet is permitted providing it is done in a manner which respects the authority of the Provost and does not interfere with the business of the meeting. **Such restrictions shall not preclude participation in a meeting which take place over a remote meeting platform.**

### **3. Special Meetings of the Council**

- 31 Special meetings of Council may be convened under the following circumstances: -
- i. A Special Meeting may be called at any time by decision of the Council
  - ii. Urgent Items
  - iii. By Requisition
- 32 The Provost may convene a Special Meeting if it appears to him/her that there are items of urgent business to be considered. Such meetings will be held at a time, date and venue as determined by the Chief Executive. **An appropriate venue may include a meeting held on a wholly remote basis by electronic means or in circumstances whereby some Members attend the Council Chambers and others take part via remote means.**
- 33 If the office of Provost is vacant, or if the Provost is unable to act for any reason, the Depute Provost of the Council may at any time call such a meeting. If the Offices of Provost and Depute Provost are both vacant or if neither the Provost nor the Depute Provost are able to act for any reason the Leader of the Council, in consultation with the Leader of the Opposition may call such a meeting. In the event of these offices being vacant or otherwise unable to act, the Chief Executive may convene such a meeting.
- 34 A Special Meeting may be called by the Provost providing he/she has received a written requisition which specifies the purpose of the business proposed to be transacted at the meeting and is signed by at least eight Members of the Council. The date, time and venue of the meeting will be as determined by the Chief Executive but must be within fourteen days of receipt of the requisition.

### **4. Notice of Meetings**

#### **4.1 Public Notification**

Public notification of meetings shall be given by posting a notice at the Council Offices and on the Council's website, at least three Clear Working Days before the meeting. The notice of the meeting shall comprise:

- i. The date, time and place of the meeting; and
- ii. The list of items of business to be transacted. Except in the case of business which is legally required to be transacted at a meeting of Council or any other business brought before the meeting as a matter of urgency in accordance with these standing orders, no business shall be transacted at a meeting of the Council other than that specified in the notice of meeting.

#### **Notice to Councillors**

- 42 Notice of meetings shall be given by the Chief Executive to all Councillors in accordance with the provisions of the 1973 Act as amended, by posting, delivering or sending by electronic means the following:
- i. The date, time and place of the meeting; and
  - ii. The list of items of business to be transacted.

- 43 The validity of any meeting of the Council shall not be affected by the failure of any Member to receive notice of a meeting.

## **5. Provost and Depute Provost**

### Election and Terms of Office

- 51 The Council will elect a Convener and Depute Convener from its Membership, to be known as 'Provost' and 'Depute Provost' respectively.
- 52 The terms of office of the Provost and Depute Provost shall be the term of office of the Council, or, in the case of a person appointed to fill a casual vacancy, the remainder of that term.
- 53 A person holding the office of Provost or Depute Provost shall be eligible for re-election but shall cease to hold the office upon ceasing to be a Councillor.
- 54 On a casual vacancy arising in the offices of Provost or Depute Provost, an election to fill the vacancy shall be held as soon as practicable at a meeting of the Council. The notice for the meeting shall specify the filling of the vacancy as an item of business.

### Duties and Powers of Provost/Depute Provost

- 55 At a meeting of the Council, the Provost or in his/her absence the Depute Provost, which failing such other Member as the meeting may decide, shall preside, whether in person or through remote access.
- 56 Respect will at all times be paid to the authority of the Provost or the Depute Provost, or such other Member presiding, when chairing any meeting of the Council.
- 57 It shall be the duty of the Provost to:
- Preserve order and ensure fairness in debate;
  - Decide all matters of order, competency and relevancy;
  - Ensure that Standing Orders are observed;
  - Determine any questions of procedure for which no express provision has been made in these Standing Orders;
  - Maintain order and at his/her discretion, order the exclusion of any member of the public who is deemed to have caused disorder or misbehaved;
  - Adjourn a meeting in the event of disorder arising to a time, which the Provost may then or afterwards, fix (the quitting of the Chair by the Provost shall be the signal that the meeting is adjourned). In the event the Provost quits the Chair without disorder having arisen, the meeting shall not be adjourned and the Depute Provost or in his/her absence another Member of the Council chosen by those Members present shall assume the Chair; and
  - Decide whether to have a recess during a meeting.
- 58 The decision of the Provost on all matters within his/her powers shall be final and shall not be open to question or discussion.

## **6. Suspension of Members**

- 6.1 In the event of any Member disregarding the authority of the Provost or obstructing the meeting or conducting him/herself offensively and the Provost calling the attention to the same, the Council may, on the motion of any Member, duly seconded and supported by the vote of a majority of the Members present and voting, suspend such Member for the remainder of the sitting. No debate will be allowed on such a motion. The Member concerned shall forthwith leave the Council Chamber, meeting place **or remote meeting platform**. The Provost may be entitled to call for such assistance as he/she deems necessary to enforce a decision to suspend any such Member taken in terms of these Standing Orders.

## **7. Appointment and Removal of Members**

- 7.1 Wherever possible, Officers will give 10 Clear Working Days' notice of a vacancy on any Committee, Joint Committees, Joint Board or outside body, the filling of which is to be considered at a subsequent Council meeting. Providing Members are given 10 Clear Working Days' notice, no nomination shall be considered for any such post unless (a) the nomination has been intimated in writing and delivered, faxed or e-mailed to the Chief Executive not later than 2:00 p.m. on the Wednesday of the week preceding the meeting and (b) the consent of the person nominated is given at the time of nomination. Where less than 10 days' notice is provided, no nomination will be considered unless it has been intimated in the same manner by 12noon on the day of the meeting.
- 7.2 Where any appointed or nominated Member is a Member of a political group within the Council, then where such member resigns from a Committee or the Integration Joint Board, any replacement may be nominated by the political group notifying the Chief Executive. At least 10 Clear Working Days' notice is required before the change is implemented.
- 7.3 Subject to the provisions of Section 35 of the 1973 Act, if a Member fails throughout a period of six consecutive months to attend any meeting of the Council, Committee, Joint Committee or Joint Board to which any function of the Council has been delegated, or to attend as a representative of the authority at a meeting of any body of person, she/she shall, unless the failure to attend was due to some reason approved by Council cease to be a Member of North Ayrshire Council.

## **8. Quorum**

- 8.1 Subject to the provisions of the 1973 Act, no business will be transacted at a meeting of the Council unless nine Members are present. **For the avoidance of doubt, the definition of 'present' shall include the participation of Members via a remote meeting platform.**
- 8.2 If at a time ten minutes after the appointed commencement for the meeting a quorum is not present the meeting will stand adjourned. If at any time after a meeting has commenced a quorum of Members is not present the Provost or in his/her absence, the Deputy Provost of the Council shall adjourn the meeting and any business not considered will be postponed to and considered at the next meeting.

- 83 The quorum of other Committees and Sub-Committees of the Council will be dealt with in the Scheme of Administration. However, where no specific reference is made to a quorum, it will be one quarter of the membership of the Committee or Sub-Committee, subject to a minimum requirement of two Members.
- 84 If the Provost and the Depute Provost are absent from a Council meeting and the Council fail to elect another Member to chair that meeting, the meeting will not be convened.

## **9. Order of Business**

- 91 At all meetings of the Council other than the meeting held in accordance with Standing Order 1.2 above, the order of business shall be:
- i. The Chair shall be taken in accordance with these Standing Orders;
  - ii. The sederunt shall be taken;
  - iii. Any apologies shall be tendered;
  - iv. Any Declaration of Interest shall be tendered;
  - v. Declaration of whether a Party Whip has been applied to any item;
  - vi. Approval of the accuracy of Minutes of Council Meetings. There shall be no discussion of the minutes, except upon their accuracy and any question on their accuracy shall be raised by motion;
  - vii. Provost's report
  - viii. Leader's report;
  - ix. Minutes of meetings of Committees of the Council- submission for noting, and for approval of any recommendations;
  - x. Minutes of the Community Planning Partnership Board - submission for noting;
  - xi. Requests to recognise the work of individuals or groups within North Ayrshire
  - xii. Presentations
  - xiii. Business expressly required by statute to be done at the meeting;
  - xiv. Business (if any) remaining from the last meeting;
  - xv. Any items from the Cabinet referred for determination;
  - xvi. Any items referred by any of its Committees for determination by the Council;
  - xvii. Appointment to Committees, Joint Committees, Joint Boards or outside bodies
  - xviii. Any business as per the agenda
  - xix. Questions;
  - xx. Motions.
- 92 Items 9.1 vii, viii, xi, xv, xvi, xvii, xix and xx shall be business for Council meetings only, not for any Committee.
- 93 No item will be removed from the agenda unless with the agreement of all Members present.
- 94 The Provost at any meetings of the Council may at his/her discretion and on cause shown alter the order of business to facilitate the conduct of the meeting.

### Urgent Items

- 95 At all ordinary, special and statutory meetings of the Council, no business other than that on the agenda shall be discussed in terms of Section 50B of the 1973 Act except where by reason of special circumstances which shall be specified in the Minutes, the Provost is of the opinion that the item should be considered at the meeting as a matter of urgency. The test for urgency is whether the matter could wait to a subsequent meeting. Any request for urgent business must be intimated to the Provost prior to 12 noon on the day of the meeting. The Provost will advise Council of the terms of the request and advise whether the item is to be considered, and if so, at what stage during the meeting.

### Declaration of Party Whip

- 96 When a Party Group represented on the Council has applied the party whip binding party Members to adhere to their decision on an item of business before the Council, a declaration to this effect must be made by the Leader or Depute Leader of that Party, whom failing a Member of that party at the commencement of the meeting.

### Provost and Leader's reports

- 97 The reports by the Provost and Leader shall be heard by the Council as matters of information and shall not be subject to questions, debate or motions.

## **10. Declarations of Interest**

- 101 If any Member of the Council has a financial or non-financial interest in any contract or any other matter as defined by section 5 of the Code of Conduct for Councillors and is present at any meeting at which the matter is to be considered, he/she must, as soon as practical, after the meeting starts, disclose that he/she has an interest and the nature of that interest. The Member must leave the meeting **or remote meeting platform (as applicable)** unless the interest is covered by one of the exclusions in the Councillors' Code of Conduct, or is so remote or insignificant that a member of the public, knowing all the relevant facts, would reasonably regard the interest as so insignificant that it would be unlikely to prejudice the Councillor's discussion or decision making.
- 102 Where a Member declares an interest and leaves the meeting **or remote meeting platform (as applicable)** the facts will be recorded in the minutes of the meeting.
- 103 All Members of the Council must observe the Code of Conduct for Councillors and any guidance issued by the Standards Commission for Scotland.

## **11. Public Access to Meetings**

- 11.1 Every meeting of the Council shall be open to the press and public to the extent that they are not excluded under the provisions of Sections 50A(2) and (4) of the 1973 Act. **The press and public are to be excluded from a meeting of a local authority whenever it is likely that, if members of the public or press were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus**



- 112 The Council may by resolution at any meeting exclude the press and public therefrom during consideration of an item of business where it is likely in view of the nature of the business to be transacted or of the nature of the proceedings that if Members of the press and public were present there would be a disclosure to them of exempt information as defined in Schedule 7(A) of the 1973 Act or it is likely that confidential information would be disclosed in breach of an obligation of confidence. The categories of exemption, which may apply under Schedule 7(A) of the 1973 Act, are set out in Appendix A.
- 113 These provisions shall be without prejudice to the Provost's powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting as detailed in Standing Order 5.7 hereof.

## **12. Questions**

### Questions submitted in advance of a meeting

- 121 Any Member may ask a question at any meeting of the Council concerning any relevant and competent business not arising upon the agenda provided the terms of the question have been intimated in writing and delivered, faxed or e-mailed to the Chief Executive not later than 2.00 p.m. on the Monday of the week preceding the meeting.
- 122 A Member asking a question or supplementary question or responding thereto shall have a maximum of 3 minutes to deliver their question or answer. This is in addition to the 2-minute preamble referred to in Standing Order 12.2.
- 123 Questions contravening legislation. If notice is given of any question that, in the opinion of the Solicitor to the Council, is likely to be illegal, defamatory or in breach of Data Protection principles the Solicitor to the Council shall immediately submit such notice of question to the Provost and it shall not be accepted and placed on the agenda without his/her sanction. In the event of non-acceptance, the Solicitor to the Council shall so inform the Member who submitted the notice of question.
- 124 No discussion shall be competent on any questions so intimated, but the Member asking the question will be permitted a maximum 2-minute preamble to set the context of the question. The Provost may at his or her discretion allow a supplementary question arising out of the answer given to the original question.
- 125 Such questions may be directed to the Leader of the Council, any Cabinet Member, the Chair of any Committee, the Leader of the Opposition or Council representatives on Outside Bodies. Such questions shall relate to the functions of such office holder or member. It will be competent for any Member of the Council to move a question of which the requisite notice has been given.

### Questions relating to items of business on an Agenda

- 126 It shall not be competent to ask a question which seeks to congratulate, commend or recognised any individual or group in relation to their achievements or activities in North Ayrshire.

- 127 Except when in debate any Member may ask a question at any meeting of the Council concerning any item of business arising upon the agenda. Such questions must be relevant to the item of business under consideration and must be directed to any senior officer seeking clarification of the terms of a report or to the mover or seconder of any motion or amendment seeking clarity of their motion or amendment.
- 128 Except on a point of order or with the agreement of the Provost it shall not be competent for any Member to ask a question once Council is in debate.
- 129 In relation to both a question submitted in advance of a meeting and a question relating to an item on the agenda, the person answering must ensure there is a reasonable factual basis for any statement of fact made in their response.

#### Questions of Order

- 1210 A Question of Order shall relate only to an alleged breach of a Standing Order. Any Member indicating a desire to raise a question of order shall state at the outset the number or terms of the Standing Order considered to be infringed and the way in which the Member raising it considers that it has been broken. When a Question of Order is raised, the Member then addressing the meeting will stop until the determination of the Question of Order. No Member other than the Member who raised the Question of Order will speak to that question, except with the permission of the Provost.
- 1211 The decision of the Provost on a Question of Order will be final. After a Question of Order is decided, the Member who was addressing the meeting at the time when it was raised will be entitled to proceed with the discussion, giving effect to the Provost's ruling.

### **13. Motions**

#### Notices of Motion

- 131 No Member shall be entitled to propose a motion other than one directly arising out of an item of business on the agenda of the meeting unless the proposer and seconder have delivered, faxed or e-mailed notice of the terms of the motion to the Chief Executive not later than 2.00 p.m., on the Monday of the week preceding the meeting. It will be competent for any Member of the Council to move a motion of which the requisite notice has been given.
- 132 Except as otherwise provided in these standing orders, it shall also be competent for any Member to propose a motion or amendment relating to any item of business on the agenda of a meeting, providing such motion or amendment is relevant to the item under consideration. For meetings of North Ayrshire Council only, such motion or amendment shall be recorded.

- 133 Any motion or request signed by at least two Members which seeks to congratulate, commend or recognise any individual or group in relation to their achievement or activities within North Ayrshire shall be included in the agenda item detailed in Standing Order 9.1 (xi). That item will simply detail the name of the person or group to be recognised and the reason for the recognition. In the absence of any dissent, the agenda item will be treated as approved. If there is any dissent as regards and particular individual or group, the matter shall proceed to a vote, without any questions or debate.

#### Motions arising from requests from Outside Bodies

- 134 In the event of the Chief Executive or the Leader of the Council receiving a request for support of a motion or resolution passed by another local authority or other public body, the procedure set out in Appendix C to these Standing Orders shall apply. The procedures for Motions as provided for in Standing Order 13.1 shall apply equally in such circumstances.
- 135 If notice is given of any motion or amendment that, in the opinion of the Solicitor to the Council is illegal or if agreed 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 or approved by or under any enactment, the Solicitor to the Council shall immediately submit such notice of motion or amendment to the Provost and it shall not be accepted and placed on the agenda without his/her sanction. In the event of non-acceptance, the Solicitor to the Council shall so inform the Member who submitted the notice of motion or amendment

#### **14. Procedure Prior to Debate**

- 141 In relation to items of business on the agenda, the Provost will ask the Council Administration if they wish to propose a motion (except in relation to 9.1 (xx) Motions, when the proposer of the motion shall be given the first opportunity to propose the motion, which failing, any Member may propose the motion). If a member of the Council Administration does not propose a motion, any Member may propose a motion. Any such motion must be immediately seconded. Thereafter the Provost will seek any amendments, which should also be seconded. The proposer and seconder of any motion or amendment may speak to their motion or amendment when proposing it, otherwise shall be allowed to speak to it during debate.
- 142 All motions and amendments must be directly relevant to the item of business under consideration. The Provost shall have the authority to rule out of order any motion or amendment which he/she may consider irrelevant, or any amendment which is substantially the same as the motion or another amendment.
- 143 A Member who has moved an amendment but failed to find a seconder may if he/she so requests have his/her dissent to a decision recorded in the minutes. Such a request may also be made by any Member whether or not he/she has moved a motion or amendment.

- 144 For meetings of North Ayrshire Council only, any motion or amendment shall be recorded in writing. Notwithstanding this, the terms of such motion or amendment require to be repeated or referred to by the Member moving such.
- 145 A motion or amendment once moved and seconded shall not be altered nor withdrawn without the consent of the mover and seconder. Once in debate the consent of Council will be required to the alteration or withdrawal of any motion or amendment. If the motion is withdrawn, the first amendment which is not the direct negative becomes the motion.
- 146 No Member shall move or second more than one motion or amendment upon a particular issue although a Member who has moved or seconded a motion or amendment shall not be precluded from moving or seconding a fresh amendment if he or she fails to find a seconder for their motion or if the original motion or amendment is withdrawn.
- 147 As detailed in Standing Order 12.7, prior to debate any Member may ask a question at any meeting of the Council concerning any item of business arising upon the agenda. Such questions must be relevant to the item of business under consideration and must be directed to any senior officer seeking clarification of the terms of a report or to the mover or seconder of any motion or amendment seeking clarity of their motion or amendment. A Member may also ask the mover and seconder of the motion or amendment if they are prepared to amend or alter their motion or amendment to achieve consensus.

## **15. Debate**

- 151 There shall be no debate unless there is a motion and amendment both of which are seconded.
- 152 When the Provost is satisfied that there are no more motions, amendments or questions to be raised he or she will state that Council is in debate.
- 153 Once in debate, no other motion or amendment will be moved except in the following circumstances: -
- to suspend a Member in terms of Standing Order 6;
  - to adjourn the debate in terms of Standing Order 5.7 or 16.1; or
  - to close the debate in terms of Standing Order 16.2
- 154 Once in debate, no question will be asked except in the following circumstances:
- a question of order in terms of Standing Order 12.10;
  - with the agreement of the Provost
- 155 The mover of a motion or an amendment will not speak for more than five minutes, except with the consent of the Provost. Each succeeding speaker will not speak for more than five minutes. When the Member has spoken for the allotted time, he/she will be obliged to finish speaking, otherwise the Provost will direct the Member to cease speaking.

- 156 Every Member of the Council who speaks at any meeting of the Council will address the Provost and direct his/her speech to the subject matter of the item of business.
- 157 Subject to the right of the mover of a motion, and the mover of an amendment, to reply, no Member will speak more than once on the same item of business at any meeting of the Council, except:-
- on a question of order;
  - with the permission of the Provost
  - and in either of these cases no new matter will be introduced.
- 158 The mover of an amendment and thereafter the mover of the original motion will have a right of reply for a period of not more than 5 minutes. He/she will introduce no new matter and once a reply is commenced, no other Member will speak on the subject of debate. Once these movers have replied, the discussion will be held closed and the Provost will call for the vote to be taken.
- 159 Officers present at the meeting, with the exception of the Chief Executive, the Solicitor to the Council, the Chief Financial Officer and the Chief Social Work Officer will not be allowed to address the Council once the Council is in debate, except:-
- where the Officer has been asked a direct question by the Provost;
  - where a question of legal or financial propriety or Best Value requires to be addressed or clarified;
  - where the Officer is asked to address an issue for clarification by the Provost; and
  - where the Provost decides that the Officer's advice is required.

It should be noted that Officers should be treated in accordance with the Protocol for Member/Officer relations.

## **16 Procedural Motions**

- 161 Any Member of the Council may, at the conclusion of any speech move that the Council adjourns and such motion will have precedence over all other motions. Such a motion must be seconded but need not be reduced to writing. It will be moved and seconded without discussion and will immediately be put to the meeting. When an adjourned meeting is resumed, subject to Standing Order 9 it will commence at the point at which it was broken off at the adjournment.
- 162 It will be competent for any Member who has not already spoken in a debate to move the closure of such debate. On such motion being seconded, the vote will be taken, and if a majority of the Members present vote for the motion, the debate will be closed.

However, closure is subject to the right of the mover of the motion and of the amendment(s) to reply. Thereafter, a vote will be taken immediately on the subject of the debate.

## 17. Voting

- 17.1 All business of the Council will be decided by a majority vote of those Members present and voting, except in those circumstances where these Standing Orders specify that a two-thirds majority is required in terms of Standing Order 23.
- 17.2 When a motion and two or more amendments to it are before a meeting and any one of the proposals, in the opinion of the Provost, implies negation, the vote shall be taken on the proposal involving negation as soon the debate is completed and before the vote, if any, on the remaining proposals is taken. The proposal involving negation shall be put to the meeting in the form of “proceed” or “not proceed”. If “not proceed” is carried by majority of votes, the remaining proposals shall drop, but if “proceed” is carried a vote shall be taken between the remaining proposals as hereinafter provided.
- 17.3 Where a motion and one amendment only are before the meeting these will be voted on together, but if there are more amendments than one, the amendment first proposed will be put against the motion. The winner will then be put against the second amendment, and so on.
- 17.4 If a Member wishes his/her abstention to be recorded in the minutes, he/she must immediately declare so to the meeting when the vote has been taken.
- 17.5 Where there is more than one amendment, and two thirds of the members present and voting so decide, Council may adopt the following alternative procedure to that detailed in Standing Order 17.3 hereof:- if there are more amendments than one, the amendments will each be the subject of a separate debate, vote and determination, starting with the first amendment. If the first amendment is agreed, the substantive motion will be altered to give effect to the wording of that amendment before debate, vote and determination of the second amendment and so on. Once the debate on the first amendment commences, no new motion or amendment shall be lodged, except in the circumstances set out in Standing Order 15.3. Except as required to give effect to this paragraph, all remaining provisions of Standing Orders shall remain in full force and effect.

### Casting Vote

- 17.6 In the case of an equality of votes, the Provost or Depute Provost if presiding, or in the absence of the Provost/Depute Provost, such other Member presiding, shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a Member to any particular office or Committee, in which case the decision shall be by lot.

### Roll Call Votes

- 17.7 Voting shall normally be by a show of hands but at the Council Meeting if not less than six of the Members present so request, the name of each Member voting or declining to vote shall be recorded in the minute by the Chief Executive by calling the roll of the Members. In relation to Committees, no less than three Members will be required to request a roll call vote. **Where the meeting is being held via a remote meeting platform, all voting shall be by roll call vote.**

### Voting by Ballot

- 178 If the Council so decides, voting shall be by ballot, which shall be undertaken by the Chief Executive to ensure the secrecy of the vote. A decision to proceed by ballot shall require a majority of those Members present and voting before the ballot may be undertaken. **Where the meeting is being held via a remote meeting platform a ballot may not be feasible and voting shall instead be by roll call vote.**

### **18. Voting on Appointment of Members**

- 181 In the case of an appointment where only one vacancy requires to be filled and there are two or more candidates, a vote shall be taken between the candidates and the one receiving the most votes shall be declared duly appointed. In the event of an equality of votes, the candidate selected in a cut of cards as having the highest value card (ace high) shall be declared duly appointed.
- 182 In the case of appointments where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, voting shall take place. Each Member shall be entitled to vote for one candidate for each vacancy and the candidates receiving the highest number of votes shall be appointed to the number of vacancies to be filled. In the event of an equality of votes the candidate selected in a cut of cards as having the highest value card (ace high) shall be declared duly appointed.

### **19. Disclosure of Information**

- 191 Information, whether contained in a document or otherwise, which is confidential information within the meaning of Section 50A of the 1973 Act, shall not be disclosed to any person by any Member or Officer.
- 192 The full or any part of a document marked "not for publication by virtue of the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973" shall not be disclosed to any person unless or until the document has been made available to the public or the press under Section 50B of the 1973 Act.
- 193 Any information regarding proceedings of the Council from which the public may have been excluded shall not be disclosed to any person unless or until disclosure has been authorised by the Council or the information has been made available to the press or to the public under Section 50B of the 1973 Act.
- 194 Without prejudice to the foregoing no Member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a Member where such disclosure would be to the advantage of the Member or of anyone known to him/her or which would be to the disadvantage of the Council.

### **20. Appointment of Executive Directors**

- 201 The appointment of any permanent Chief Officer of the Council shall be undertaken by the Staffing and Recruitment Committee or any other such panel of Elected Members. All appointments made below Chief Officer level shall be made by the relevant Chief Officers in consultation with the Chief Executive.

## **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.

## **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



- i. 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.
- ii. 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.

## **24. Decisions of Cabinet: Call-In Process**

- 24.1 Minutes of the Cabinet will be sent to all Members of the Council by the end of the Working Day following the meeting, or as soon as practicable thereafter. No action will be taken to implement decisions until the expiry of four further Clear Working Days following the issue of the Minutes. Decisions can then be acted upon unless they have been called in or referred.
- 24.2 Members will be entitled to call-in decisions of the Cabinet on a requisition as set out in the Call in Request Form (Appendix D to these Standing Orders). This must be signed by three Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question. Such requisition must be received no later than 12 noon on the fourth Clear Working Day following, and not counting, the day on which the Cabinet Minute was issued. Such requisition must state the reason for the call in.
- 24.3 The Chief Executive will then immediately refer the matter to the Chair of the Audit and Scrutiny Committee who will be required to call a meeting of the Committee to consider the call-in within five Clear Working Days of receiving notification by the Chief Executive.
- 24.4 The Audit and Scrutiny Committee shall invite at least one of the Members who has requested the call-in to attend the Committee to explain the request. The Committee will also invite a representative from the Cabinet to present their views on the call-in request and thereafter invite any senior officer to provide information on the report presented to the Cabinet and on issues raised by the call-in. Except with the consent of the Chair, Members requesting the call-in will not speak for more than ten minutes in total, and the Cabinet representative will not speak for more than 10 minutes. If none of the Members who have made the reference attend the Audit and Scrutiny Committee the Committee may determine not to scrutinise the decision.

- 245 No Member of the Audit and Scrutiny Committee who has signed a call-in request may take part in consideration of the call-in request.
- 246 Where the Audit and Scrutiny Committee does not agree on a majority vote with the decision of the Cabinet the matter will be referred to the next meeting of the Cabinet. The Audit and Scrutiny Committee will determine recommendations for alternative action for the Cabinet. The Chair or another Member of the Audit and Scrutiny Committee nominated by the Chair will have the right to attend the Cabinet and speak in support of its recommendation on that matter.
- 247 The Cabinet will at its next meeting consider the recommendation from the Audit and Scrutiny Committee and shall either agree to the recommendation or refer the matter to the next meeting of the full Council.
- 248 In the event of the matter being referred to the full Council, the decision of the full Council shall be final and binding.

## **25. Discharge of Functions by Committees and Officers**

### Scheme of Administration for Committees

- 251 The Council may arrange for the discharge of its functions by a Committee or Sub-Committee and will adopt a Scheme of Administration to (a) detail the constitution of the Committees and/or Sub-Committees of the Council (including composition, Chair, and quorum); and (b) determine the terms of reference of the Committees and Sub-Committees and the scope of their powers to exercise functions of the Council.
- 252 The Scheme of Administration will establish a Cabinet (which will also act as an Education Committee as required), Audit and Scrutiny Committee and such other Committees or Sub-Committees as the Council may from time to time determine.
- 253 In the event that any Group does not appoint to any committee the number of Councillors they are entitled to appoint, Council may appoint any other Member to fill such a vacancy or vacancies.

### Working Groups

- 254 The Council and its Committees may establish any working group as may be required from time to time but each working group will have a limited time span as may be determined by Council or the parent Committee.
- 255 The membership, Chair and quorum of working groups will be determined by Council or the parent Committee, which membership will comprise Elected Members and, where appropriate, officers from this Council and/or representatives from community groups/partner agencies.
- 256 A working group is not a Committee or Sub-Committee of the Council and will not have any delegated powers to implement its findings but will prepare a report for consideration by Cabinet or the parent Committee.

- 25.7 Agendas and Reports for consideration at Working Groups will be issued by electronic means to all members no later than two Clear Working days prior to the start of the meeting.

#### Scheme of Delegation to Officers

- 25.8 Subject to Section 50G (2)(b) of the 1973 Act, the Council shall maintain a list specifying those powers of the authority which are exercisable from time to time by officers of the authority under the 1973 Act or any other enactment and this list will state the title of the officer by whom each of the powers so specified is for the time being so exercisable.

### **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. Such business will proceed primarily on the basis of reports submitted by Officers or referrals by Council, other Committees or other relevant bodies.

Notwithstanding the foregoing, Council may, if it considers it appropriate for the proper conduct of the business of the Council, instruct a report on, or consider any matter as it is referred to in the remits of any Committee or Sub-Committee. In relation to functions delegated to North Ayrshire Integration Joint Board, Council will not make decisions, but may make recommendations to the Board.

- iii. The Ordinary Meetings of Committees (excepting the North Ayrshire Integration Joint Board, the Ayrshire Shared Services Committee and Ayrshire Regional Economic Joint Committees and any sub-committees thereof) will commence at times as may be determined by the Council and will meet according to a timetable determined by the Council from time to time. Without prejudice to the foregoing, the Chair of a Committee or Sub-Committee will have power where the circular calling the meeting has not been issued, to rearrange the date, time and place of a Committee or Sub-Committee in cases of urgency, subject to obtaining the agreement of the Council Leader and the Leader of the Opposition. The date, commencement time and timetable of meetings of North Ayrshire Integration Joint Board and any of its sub-committees will be determined by North Ayrshire Integration Joint Board. The date, commencement time and timetable of meetings of the Ayrshire Shared Services Committee, the Ayrshire Regional Economic Joint Committees and any sub-committees thereof will be determined by whichever of the Councils then holds the Chair.
- iv. A Chair of a Committee or Sub-Committee may at any time give instructions for the calling of a special meeting, but the notice will state the special purpose for which it is called. Such meeting will be held at the time, date and venue as determined by the Chief Executive. **An appropriate venue may include a meeting on a wholly remote basis by electronic means or in circumstances whereby some Members attend the Council Chambers and others take part via remote means.**

262 The exercise of delegated authority by a Committee or Sub-Committee is subject to the following:

- i. The exercise of powers is discretionary and a Committee or Sub-Committee may determine not to exercise its delegated powers.
- ii. The consideration of all Committee business which has not been completed before the meeting is brought to an end shall be postponed to the next meeting of the Committee, whether Ordinary or Special.
- iii. Committees and Sub-Committees shall appoint their own Chair or Vice- Chair if Council has failed to do so. In the absence of the Chair or Vice-Chair the Committee will be required to elect a member from those present to chair the meeting. The Convener of any Sub-Committee must be a member of the Parent Committee.
- iv. In the event that an issue arises which falls within the remit of more than one Committee, the Chairs of said Committees will determine which Committee shall deal with the issue.
- v. There will be no temporary substitution of Members of Committees and Sub-Committees unless specific provision is made for the temporary substitution of Members of a particular Committee or Sub-Committee within these Standing Orders or in any relevant Minute of Agreement, Constitution or similar document.

### 263 Planning Committee Call-in

26.3.1 In terms of Section 43(6)A of the Town and Country Planning(Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers, for determination by the Planning Committee. Any such request must be signed by three Elected Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question. Such requisition must be received no later than 12 noon on the twenty first calendar day (all days inclusive) following validation of the application. Such requisition must state the reasons for the call-in, which must relate to the provisions of the Local Development Plan and any material planning considerations which are relevant to the application. The reasons will be shared with the applicant.

26.3.2 On receipt of such a call-in, the Chief Executive will consult with the Chair of the Planning Committee and if the Chief Executive is satisfied that the call-in complies with the terms of Standing Order 26.3.1, the application shall be referred to the Planning Committee for determination of the application. No Member of the Planning Committee who has signed a call-in request may take part in consideration of the call-in request.

26.3.3 At least one of the Members who has requested the call in will be asked to attend the Planning Committee to explain the request. The Committee may either determine the application or decide not to determine the application, leaving officers to determine the application under delegated powers.

## **27. Approval and Signing of Minutes**

- 27.1 Minutes of Meetings of Committees with delegated powers shall be submitted to the next meeting of that Committee for approval of their accuracy and thereafter signed by the Chair of that Committee. Subject to the provisions of 24.1, Officers may implement any decision made within the delegated powers of such Committees immediately after the meeting.
- 27.2 Minutes of Meetings of Committees, which do not have delegated powers, will be submitted to Council or Cabinet as appropriate for approval of the decisions contained therein and to the next meeting of that Committee for approval of their accuracy. Following approval of such minutes (excepting Cabinet, the decision of which cannot be implemented until the expiry of the periods mentioned in Standing Order 24) Officers will be able to implement any decisions contained within the Minutes.
- 27.3 Where Minutes are submitted for approval of their accuracy, there shall be no discussion of the Minutes, except upon their accuracy and any question on their accuracy shall be raised by motion.

## **28. Petitions and Deputations**

- 28.1 Every application for the reception of a deputation or petition Committee must be in writing, and delivered, faxed or e-mailed to the Chief Executive no later than 5.00 p.m. on the Tenth Clear Working Day prior to the meeting.
- 28.2 Procedures for receiving petitions and deputations shall be as set down in Appendix B to these Standing Orders. No petition or deputation shall be received by the Committee in relation to any regulatory or quasi-judicial function of the Council where the opportunity of a hearing or deputation has previously been afforded to any person. No late petition or deputation request shall be received except in accordance with Standing Order 9.5.

## **29. Contract Standing Orders and Financial Regulations**

- 29.1 The Council may make Contract Standing Orders and Financial Regulations for the regulation or making by it, or on its behalf of contracts and for the proper planning, execution and control of its financial affairs. Such Standing Orders and Regulations will form part of these Standing Orders and will be read with them along with any Scheme of Delegation to Officers made by the Council.
- 29.2 Contract Standing Orders and Financial Regulations made by the Council in terms of this Standing Order will apply to Committees, Members of the Council, Officers and agents of the Council as appropriate.
- 29.3 The Scheme of Administration, Scheme of Delegation, Financial Regulations and Contract Standing Orders will have the same standing as Standing Orders and can only be amended in the same manner as Standing Orders.

### **30. Ultimate Power of the Council**

- 30.1 Without prejudice to any decision taken by a Committee in exercise of delegated powers, the Council may at any time deal with any matter included in the terms of reference of a Committee even if no report from the Committee is before it.

### **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 Chair ;
- iii. "Cabinet Portfolio Holder" will mean the Member who has been given responsibility for a group of services. The postholder will be a Senior Councillor and will receive appropriate remuneration in terms of the Scheme of Allowances;
- iv. "Chief Executive" will mean the Head of Paid Service of the Council as defined in terms of the Local Government and Housing Act 1989 s4(1)(a) or such other person as may be nominated by him/her;
- v. The "Chief Financial Officer" will mean the proper officer so designated by the Council in terms of the Local Government (Scotland) Act 1973 s.95 or such other qualified accountant as may be nominated by him/her;
- vi. "Clear Working Days" will unless otherwise specified, mean the whole 24 hour period of a day, Monday to Saturday inclusive, including public holidays.
- vii. The "Council" will mean North Ayrshire Council, being a Local Authority constituted under the Local Government Etc. (Scotland) Act 1994;
- viii. A "Decision of Council" will be deemed to have been made where any of the following circumstances occur:-
  - i. A motion or amendment in accordance with the provisions of these Standing Orders, has been passed by the necessary majority at Council Committee or Sub-Committee.
  - ii. The exercise by the appropriate officer of any power delegated to them either by reason of another Decision of Council or in terms of the Scheme of Delegation.
  - iii. The exercise by the Chief Executive of the discretion available to them.
  - iv. Such Decision of Council will be deemed to include any necessary actions required to give effect to such decision.

- v. Where a Decision of Council is subsequently found to be incapable of implementation because of a defect or a new supervening factor, then subject to the confirmation of the Chief Executive upon advice taken, the Decision of Council may be given effect to with the removal of such defective element, or its replacement with a suitable and in all respect compatible element, provided always that the likely outcome of the resultant Decision of Council is materially the same or sufficiently similar to the original decision. In such circumstances the Chief Executive will be obliged to report such change to the next appropriate meeting of the Council, and any decision on such report will not require the suspension of Standing Orders.
  - ix. 'Elected Members' and 'Member' will mean, except where the expression will otherwise so require, a Councillor of the Council only, as the word 'Councillor' is defined by reference to Local Government Etc. (Scotland) Act 1994 s5;
  - x. 'Solicitor to the Council' will mean the Head of Democratic Services or such other legally qualified person as may be nominated by him/her;
  - xi. 'Party' will mean any grouping of two or more Members, previously intimated to the Chief Executive
  - xii. 'Present and voting' or 'present and vote' shall mean Members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting
  - xiii. The Interpretation Act 1978 applies to the interpretation of the Standing Orders as it applies to an Act. Any Act or other legislative provision referred to herein will include reference to any amendment, modification or re-enactment of such provision as may from time to time occur.
  - xiv. In the event of any dispute or difference as to the interpretation of these Standing Orders and any other document the Standing Orders will prevail.
  - xv. The '1973 Act' shall mean the Local Government (Scotland) Act 1973, as amended.
  - xvi. The '2000 Act' shall mean The Ethical Standards in Public Life etc (Scotland) Act 2000.
- 312 Emails from Elected Members to the Chief Executive in respect of Standing Orders 12, 13 and 24 should be submitted using the Council allocated email address i.e. [MemberName]@north-ayrshire.gov.uk. Such emails will be accepted as having been signed by the Elected Member.

## **Appendix A**

### **Local Government (Scotland) Act 1973**

#### **SCHEDULE 7A: DESCRIPTIONS OF EXEMPT INFORMATION**

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.
2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
5. Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement made in respect of that child under the Social Work (Scotland) Act 1968.
6. Information relating to the financial or business affairs of any particular person (other than the authority).
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).
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.
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.
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.
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.
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:-



- i. any legal proceedings by or against the authority, or
  - ii. the determination of any matter affecting the authority,
  - iii. (Whether, in either case, proceedings have been commenced or are in contemplation).
13. Information which, if disclosed to the public, would reveal that the authority proposes :-
- i. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - ii. to make an order or direction under any enactment.
14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
15. The identity of a protected informant.

## **Appendix B**

### **NORTH AYRSHIRE COUNCIL GUIDANCE ON DEPUTATIONS AND PETITIONS**

#### **1. Introduction**

- 1.1 This guidance sets out the process to be followed by persons wishing to make a deputation or submit a petition to the Audit and Scrutiny, Planning, or Licensing Committees.

#### **2. Procedure**

- 2.1 Every application for the reception of a deputation or petition must be in writing, duly signed and delivered or faxed or e-mailed to the Chief Executive no later than 5.00p.m. on the Tenth Clear Working Day prior to the meeting.
- 2.2 The application should give details of the matter to be raised. You should be able to demonstrate that you have taken steps to resolve the issues prior to submitting your application, including submission of a complaint under the Council's Complaints Procedure where relevant. Details of the services or officers approached, together with copies or summaries of the responses received should be submitted along with your application form. Where no covering letter has been submitted, officers will write to the initial signatory of the petition to request the supporting documentation, in the absence of which the Chair of the Audit and Scrutiny Committee may decline to accept the petition.
- 2.3 Petitions or deputations will only be received if they relate to the delivery of Council services or to services which are provided by the Council in conjunction with other partner organisations, or if they relate to decisions that the Council has taken or is about to take. Your petition must contain a minimum of 10 written signatures from different North Ayrshire households. E-petitions may be lodged in support, but not in substitution for the 10 written signatures. The petition should give details of the matter concerned. Again you should be able to demonstrate that you have taken steps to resolve the issue of concern prior to submitting your petition.
- 2.4 A petition will not be competent in the following circumstances: -
- If it relates to a case that is or has been subject to legal or court proceedings, ombudsman complaints, industrial tribunals, appeals procedures;
  - If it requests the Council to do something outwith its powers;
  - If it discloses information which is protected by an interdict or court order;
  - If it reveals commercially sensitive or confidential information;
  - If it would cause personal distress or loss; and
  - If it relates to an individual's circumstances or an individual's grievance
  - If it relates to any regulatory or quasi-judicial function of the Council where the opportunity of a hearing or deputation has previously been afforded to any person.
  - The deputation or petition seeks to review an issue which is the same or substantially the same as a Decision of Council made within the previous six months;
  - It relates to functions delegated to North Ayrshire Integration Joint Board; and

- The deputation or petition seeks to review an issue which has already been considered by the Audit and Scrutiny Committee in terms of 24 (Call-in of Cabinet Decisions)

2.5 If 10 or more letters are received on one specific issue, these will be treated in the same way as petitions. If the individual leading the letter writing campaign can be identified, that person will be treated as the principal petitioner and the same procedures will apply as for petitions generally.

### **3 Determination**

3.1 When an application for a deputation/petition is received the Chair of the Audit and Scrutiny Committee will be advised of the issues raised and will decide whether the matter should be dealt with at the next Committee meeting.

3.2 If your request for a deputation or to submit a petition is refused, the reasons for this will be notified to you.

3.3 If your application is approved, you will be invited to attend the Committee meeting. As many Members of your group as wish may attend the meeting, but the number of persons allowed to address the Committee will be limited to a maximum of 3. You will also be asked to identify the principal spokesperson beforehand.

3.4 If during the COVID outbreak, the public are to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus, then paragraphs 3.3 and 4 will not apply, and you will be invited to submit written submissions for the consideration of the Committee.

### **4 Addressing the Committee**

4.1 You should remain seated at all times during the meeting, until the spokespersons are invited to speak by the Chair.

4.2 You will be limited to ten minutes in total to present your case to the meeting. Once you have addressed the meeting, the Members present will be invited to put questions to you. Appropriate Members or officers of the Committee may also be invited to speak and to receive questions. If the officers are presenting a written report, you will be given a copy, if possible, in advance of the meeting.

4.3 The Committee will then take a decision on the matter before it, if appropriate, or if it relates to an item elsewhere on the agenda of the meeting may wait until they reach that item before taking a decision. Once you have heard the decision you are free to leave but are welcome to stay to listen to the rest of the meeting if you so wish.

4.4 If nobody addresses the Committee in support of the petition, the Committee will still consider the item, having regard to the papers on the agenda.

## **5 Deputations and Petitions Relating to Planning Applications**

- 5.1 The Council has approved separate procedures which apply to requests by objectors to planning applications who are seeking authority for a deputation to address the Planning Committee in support of their objections.

## Appendix C

### North Ayrshire Council

#### Procedure on Dealing with Requests to the Council from Outside Bodies to Support Resolutions and Motions

##### 1. Purpose

- 1.1 To advise on the procedure for handling requests to the Council from Outside Bodies to support resolutions or motions.

##### 2. Background


- 2.1 From time to time the Chief Executive, or the Leader of the Council, receives requests from Outside Bodies e.g. other local authorities, to support resolutions or motions passed by those bodies. These may relate to subjects of national or local importance and generally the aim is to mobilise national support for a particular position.

##### 3. Procedure

- 3.1 To ensure that such requests are handled in a consistent manner the following steps will be followed.
- 3.2 On receipt of such requests, Committee Services will take the following action: -
  - i. Acknowledge the request and advise the Outside Body that it will be circulated to Group Leaders for their attention. The Outside Body will also be advised that in terms of the procedure, no further action will be taken unless a motion **in support** is subsequently considered by the Council.
  - ii. Circulate the request by email to Group Leaders and Independent Members for their attention. It will be for such Members to decide whether they wish to support the resolution or motion passed by the Outside Body.
- 3.3 Any Member wishing to support the terms of the resolution or motion will be requested to submit a formal notice of motion (properly seconded) to the Chief Executive within the usual timescale for the receipt of such notices for the next ordinary meeting of the Council i.e. 2.00 p.m. on the Wednesday of the week preceding the Council meeting.
- 3.4 All motions will require to be seconded in the usual manner.
- 3.5 On receipt of such a motion, Committee Services will arrange for the motion to be added to the agenda for the next ordinary Council meeting in the usual manner.

The outcome of the Council's deliberation will be communicated to the Outside Body thereafter.

## Appendix D

 <p>North Ayrshire Council Comhairle Siorrachd Àir a Tuath</p>	<h3>Call In Request Form</h3>
<p>We request in terms of paragraph 24.2 of the Standing Orders Relating to Meetings and Proceeding of the Council that the decision taken by the Cabinet be called in by the Audit and Scrutiny Committee.</p>	
<h4>Names of Councillors Requesting Call In</h4>	
<p>1.</p>	
<p>2.</p>	
<p>3.</p>	
<h4>Details of the Decision Taken By The Cabinet</h4> <p>(Please specify the Minute reference)</p>	
<h4>Reasons for Call In</h4> <p>(Please specify your reasons for requesting that the Audit and Scrutiny Committee call in the decision)</p>	
<h4>Desired Outcome</h4> <p>(Please specify your desired outcome)</p>	

**This form must be received by the Chief Executive's Office not later than midday on the 5<sup>th</sup> day following the meeting of the Cabinet to which the Call In refers.**

	Date	Time
Received by Chief Executive		
Received by Committee Services		
Acknowledged		

## **Appendix E**

### **NORTH AYRSHIRE COUNCIL**

#### **Quick Guide to Dealing with Items of Business**

1. Officer speaks to the terms of the report.
2. Questions by Members to Officers about their report.
3. The Administration move and second the motion. Provost asks if this is agreed. If it is, we move to the next item of business.
4. All Amendments are then moved and seconded.
5. Members can ask questions to the mover or seconder of a motion or amendment seeking clarity of the terms of the motion/amendment. This also gives Members the opportunity to ask if a mover of the motion or amendment is prepared to alter this to achieve agreement.
6. When the Provost is satisfied that there are no more amendments or questions (e.g. once the questions stop and the Provost receives a negative response to the question “are there any further amendments”) he or she will state “we are now in debate”.
7. Debate - At debate stage members are allowed up to 5 minutes each to make submissions. No new amendments or questions are allowed once the debate starts.
8. Summing up in reverse order. In other words, last amendment sums up finishing up with the motion.
9. Voting – The first vote is for the motion against the first amendment. The winner goes against the second amendment and so on.

Document Control Summary:-		
Location:	I:\Committee Services\Publications\01 Standing Orders Relating to Proceedings of the Council and Committees	
Last Revised:	Revised By	Nature of Revision
May 2017	MJA	Standing Orders approved by Council
May 2018	MJA	Para 2 amended by Council to change the frequency of Council meetings from 8-weekly to 6- weekly.
June 2018	MJA	Revised Standing Orders agreed at Council meeting on 27 June 2018:- 9 - Order of Business aligned with order in which items appear on the Council agenda; 12.4 - A time limit of 3 minutes for questions, supplementary questions and responses 13.2 and 14.4 - Motions and amendments for Council to be recorded 26.3 - The Call-in procedure for planning applications included Appendix B Deputations and Petitions- additional exceptions added in 2.4 relating to a) functions delegated to the Integration Joint Board; b) where the request seeks to review a decision taken within the last 6 months; or c) seeks to review a matter which has already been reviewed by the Audit and Scrutiny Committee through the Call-in process.
Nov 2018	MJA	Changes as per decision of Council of 7 November 2018 following the recommendations of a Short Life Member Working Group on Questions and Motions. Changes relates to congratulatory questions and motions, and voting arrangements.
March 2019	MJA	New 12.9 added re factually correct questions. Agreed by Council at its meeting on 27 March 2019.
25 Sep 2019	MJA	Council agreed to: <ul style="list-style-type: none"> <li>• extend notice period for questions and motions to the 2.00 p.m. on the Monday of the week prior to Council;</li> <li>• allow the Provost to change the start time to 1.00 p.m. due to volume of business or weather conditions;</li> <li>• provide a 10-minute time limit for Members speaking in support of a call-in and the same limit for the portfolio-holder in responding</li> <li>• clarify for petitions the expectation that petitioners will have made previous attempts to resolve the issue including use of the complaints scheme</li> </ul>
7 April 2020	AL	Formatting of document standardised
12 June 2020	MJA	Amendments made in light of COVID-19 pandemic – approved under emergency delegated approval by the Chief Executive