

# **STIRLING COUNCIL**

## **STANDING ORDERS**

Effective from and including 4 October 2019



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## **STANDING ORDERS OF THE STIRLING COUNCIL**

These standing orders apply from 4 October 2019 and regulate the conduct of business at meetings of Stirling Council and the Committees and Panels of the Council.

The Standing Orders shown shaded apply to Council only, with the exception of Standing Orders 70 – 73 inclusive which also apply to the Appointments Panel. All other Standing Orders apply to Decision Making Committees, the Audit Committee, the Pre-Determination Hearing Committee, or Panels as they apply to Council (with the necessary changes), except that Standing Orders 26, 29, 39 to 49 and 50 to 69 inclusive do not apply to the Pre-Determination Hearing Committee, which has its own procedures as determined by the Council's Service Manager - Planning and Building Standards in consultation with the Convener and Vice-Convener of the Committee.

### **FIRST COUNCIL MEETING AFTER AN ELECTION (STATUTORY MEETING)**

1. In a local government election year, the Clerk to the Council will call a meeting of the Council within 21 calendar days from the date of the election. At this meeting or any adjournment of it, the Council will:-
  - (a) elect a Provost and Depute Convener of Council (or Convener/Depute Convener if so determined);
  - (b) elect a Leader and Depute Leader of the Council;
  - (c) appoint Bailies to deputise for the Provost as civic head;
  - (d) appoint members of Joint Committees and Joint Boards and their Conveners, where these appointments are to be made by the Council;
  - (e) appoint or nominate representatives to various outside bodies; and
  - (f) deal with any urgent competent business.

### **CHAIRING MEETINGS AND DUTIES OF THE PROVOST (CHAIR)**

2. At a meeting of the Council, the Provost or, in his or her absence, the Depute Convener of Council will preside. If the Provost and Depute Convener of Council are both absent, the Clerk will call on the Members present to choose a Member to preside.
  - (a) The Provost will have responsibility for facilitating meetings of the Council, ensuring that every Member is treated equally and given the same opportunity of expression.
  - (b) When the Provost speaks, any Member of the Council who is addressing the meeting must stop.
  - (c) The Provost will have discretion, with or without discussion, to determine all questions of procedure where no specific provision is made under these Standing Orders.
  - (d) In the event of a question arising of order, competency or relevancy, the Provost will decide the matter (with the exception of Standing Orders 3 and 4) and in doing this he/she may take advice from the Clerk.

- (e) The Provost will sign any Minutes of previous Meetings approved by the Council.

### **REMOVAL FROM OFFICE**

3. The Council may remove the Provost from office providing:-
- (a) prior notice is given at one meeting of the Council that the matter will be considered at its next meeting; or
  - (b) where no prior notice is given, not less than two-thirds of Members present and entitled to vote, agree that the early removal of the Provost from Office will be considered at that meeting.

The provisions of this Standing Order will also apply to the position of Depute Convener of Council.

4. With the exception of the Provost and Depute Convener of Council the Council has the authority to appoint or remove Members on any of the Council's decision making bodies at any time.
5. The Clerk to the Council will determine all matters of competency in relation to Standing Orders 3 and 4.

### **ORDINARY AND SPECIAL MEETINGS**

6. The Council will operate an eight week cycle of meetings. The Clerk to the Council is responsible for convening all meetings of Council which will be held on the days, at the times and in the places fixed by the Council and as then published in its Programme of Meetings. A letter of summons to attend Council meetings must be signed by the Clerk to the Council and will be left at, sent by post to or emailed to a Member's home, or any other address that he or she requests. For all other meetings, the Notice of Meeting will serve as the summons.
7. In addition to the scheduled meetings of Council, special or other meetings of the Council may be convened by the Clerk to the Council as follows:-
- (a) at the request of the Provost;
  - (b) by a resolution of the Council;
  - (c) on the requisition of at least one fourth of the whole number of Members of the Council (6), which meeting will be held within 14 days of receipt of the requisition by the Proper Officer;
  - (d) at the request of the Monitoring Officer.

### **NOTICE OF MEETINGS**

8. Reports intended for Council meetings must be submitted to the Clerk in accordance with the timescales prescribed by the Clerk to the Council which will have been issued to officers along with the programme of meetings.

9. Every Notice of Meeting must state the business to be transacted at the meeting as set out in Standing Order 27. No other business will be dealt with unless it is submitted to Council as a matter of urgency under Standing Order 29. If however a meeting is called in terms of Standing Order 7(c), only the business listed in the requisition will be dealt with.
10. Notices of Meeting, agendas and reports will be sent to all Members in respect of full Council meetings and to all Members of the relevant Committee or Panel at least three clear working days before meetings or, if convened at shorter notice, then as soon as meetings are convened.
11. Such notices, agendas and reports will be provided to each Member in hard copy or electronically as he or she requests.
12. Public notice of the time and place of meetings, listing the business to be transacted, will be posted at the offices of the Council, Old Viewforth, Stirling at least three clear working days before the meeting. If the meeting is convened at shorter notice, then the notice will be posted at the time it is convened.

## **PUBLIC ACCESS**

13. Every meeting of the Council will be open to the public, except in special circumstances which are set out below:-
  - (a) the public must be excluded from a meeting of the Council where it is likely, because of the business itself or what might be said, that confidential information (as defined by the relevant law) would be given to members of the public; and/or
  - (b) the Council may decide, by passing a resolution at any meeting, to exclude the public when it is considering an item of business if it is likely, because of the business itself or what might be said, that exempt information (as defined by the relevant law) would be given to members of the public. The resolution to exclude the public will make clear which part of the proceedings of the meeting it applies to and explain why the information is exempt.
14. If the Clerk believes that it is likely that exempt or confidential information (as defined by the relevant law) will be given to members of the public they may exclude the whole of a report (or any part of a report) from public viewing. Every copy of any report in that category (or part of that report) will either be marked "Not for Publication" or marked "Confidential". In the case of reports which are marked as exempt, the agenda for the meeting will indicate that it is anticipated (although this is not certain) that the meeting will resolve to exclude the press and public during consideration of the item(s) marked with the prefix E (not for publication in terms of Schedule 7A of the Local Government (Scotland) Act 1973).
15. Copies of the relevant agendas and reports for meetings of the Council will be available to the public at meetings and for three clear days before meetings at the Council Offices, Viewforth, Stirling during normal office hours. An electronic version will be available at Local Offices and Libraries during the same period. Minutes of meetings of the Council will be published in the public volume of minutes issued with the Council agenda.

16. Except at the discretion of the Provost, the Council will not allow the taking of photographs, use of mobile telephones, or music players during meetings, or the radio or television broadcasting or recording of meetings. This does not prohibit the Council itself subsequently webcasting or otherwise recording meetings.

#### QUORUM

17. No business will be carried out at a meeting of the Council unless at least 12 Members of the Council are present.
18. In the event of any vacancies among the membership of the Council, the quorum will be adjusted as follows:-

22	12
21	11
20	10
19	10
18	9
17	9

and so on, provided always that the quorum will never be less than the legal minimum of one quarter of the Council (i.e. 6).

19. No business will be carried out at a meeting of any of the Decision Making Committees, the Audit Committee and the Pre-Determination Hearing Committee unless the requisite quorum is present as follows:-

<b>Decision Making Committee</b>	<b>Quorum</b>
Children & Young People	5
Children & Young People (when discharging Education functions on the Council's behalf)	7
Community Planning & Regeneration	4
Environment & Housing	5
Finance & Economy	4
Public Safety	4
Audit	4
Pre-Determination Hearing	12

(quorum is 12 unless the number of Members declaring an interest necessitates a lower number, in which case the quorum will be reduced by the number declaring an interest, always providing that the quorum will never be less than 6.)

20. No business will be carried out at a meeting of any of the Panels appointed by the Council with the functions set out in the Council's Scheme of Delegation, unless the requisite quorum is present as follows:-

<b>Name of Panel</b>	<b>Membership</b>	<b>Quorum</b>
Adult Social Care	7	4
Appeals	3	3
Appointments	4	3
Chief Executive Appraisal Panel	3	3
Civic Panel	6	3
Grievance & Discipline (Chief Officers)	3	3
Health & Safety	4	3
Local Review Body	3	3
Parental Appeals	3	3
Planning & Regulation	9	5

#### Note

Civic Panel – When considering matters relating to the Bridge of Allan Common Good Fund or the Dunblane Common Good Fund, the membership of the Panel is increased to include the four Members for Ward 3. The quorum for such items will be five (one of whom should be from Ward 3)

When considering matters relating to the Callander Common Good Fund, the membership of the Panel will be increased to include the three Members for Ward 1. The quorum for such items will be four (one of whom should be from Ward 1).

#### **LACK OF A QUORUM**

21. If there is no quorum within 15 minutes of the designated start time for a meeting of the Council, the Provost will adjourn the meeting to another time on the same day or such other date and time as the Provost shall determine. If the Provost is among those absent, the Clerk will minute that no business was transacted because of the lack of the necessary quorum.
22. If during any meeting of the Council the attention of the Provost is called to the number of Members present, he or she will direct the Clerk to call the roll and if a quorum is not present the meeting will immediately be adjourned to another time on the same day or such other date and time as the Provost shall determine. If less than a quorum of the Council is entitled to vote on an item because of declarations of interest that item cannot be dealt with at that meeting.

#### **SUBSTITUTION**

23. Subject to the particular arrangements set out below in respect of the Children and Young People Committee, the Public Safety Committee and the Civic Panel, substitution will be permitted at all Decision Making Committees, the Audit Committee and Panels provided that the appointed Member has advised the Clerk of the name of the substitute Member in advance of the meeting. The substitute Member will be a member of the Committee/Panel for that meeting only and will be entitled to take part in the meeting with the full powers, duties and responsibilities of

the appointed Member. A Member (whether the original Member or a substitute) may not be replaced during the course of the meeting or at any adjourned meeting, unless urgent circumstances require this and where the substantive member has first received the approval of the Convener.

- (a) Children and Young People Committee – The statutory religious representatives are not permitted to appoint substitutes. The teacher representatives are permitted to appoint substitutes from within a named pool only with no requirement for prior notification. Secondary school representatives will be permitted to appoint substitutes from within the pool of seven with no requirement for prior notification.
- (b) Public Safety Committee - Substitution will be permitted provided that the substitute Member represents the same ward as the appointed Member and the appointed Member has told the Clerk the name of the substitute Member in advance of the meeting.
- (c) Civic Panel – Substitution is not permitted.

## **CANCELLATION OF MEETINGS**

- 24. Prior to cancelling any meeting, the Clerk will consult the Group Leader and Secretary of each political group and any individual/independent Councillor.
- 25. Meetings of the Council cannot be cancelled once the public notice calling the meeting has been issued. When a meeting is cancelled in advance of the issue of the public notice, the Clerk will send notice of the cancellation to all Members as soon as practicable.

## **ORDER OF BUSINESS**

- 26. The Provost may make a statement at the start of a meeting on any matter that affects the Council's interest. There will be no debate on such matters.
- 27. The business of the Council will proceed in the order specified in the notice calling the meeting which will be as follows, unless the Provost determines otherwise:-
  - (a) Notification of Apologies
  - (b) Notification of Substitutions (Decision Making Committees, Audit Committee and Panels only)
  - (c) Declarations of Interest
  - (d) Urgent Business brought forward by the Provost in terms of Standing Order 29, intimated at the start of the meeting and discussed in the order determined by the Provost. (Council, Decision Making Committees, Audit Committee and Panels only)
  - (e) Minutes (for approval only – there is no provision for Matters Arising) (Council, Decision Making Committees, Audit Committee and Panels only)
  - (f) Written Questions (Council only)
  - (g) Question Time (Council only)
  - (h) Rolling Action Logs (Decision Making Committees, Audit Committee and Adult Social Care Panel only)
  - (i) Petitions (Decision Making Committees only)
  - (j) Appointments and Resignations (Council only)

- (k) Reports by the Committees, or Panels (Council only)
- (l) Reports dealing with performance, policy and progress in relation to the key priorities for which a Committee has responsibility (Audit Committee and Decision Making Committees only)
- (m) Consideration of performance information including, but not limited to, the Committee's performance scorecard (Audit Committee, Decision Making Committees and Adult Social Care Panel only)
- (n) Business submitted directly to Council or a Committee (Officer reports)
- (o) Budget Proposals and proposed amendments thereto. (Council only)
- (p) Statutory Motions (Council only)
- (q) Notices of Motion previously intimated in terms of Standing Order 39 (Council, Decision Making Committees and Audit Committee only) and Standing Order 44 (Council only).

In accordance with the Local Government (Access to Information) Act 1985 all reports must be submitted in writing. There is no provision for verbal reporting.

28. The order of business for an adjourned meeting will be as set out in the original calling Notice. Any item may be taken out of order at an adjourned meeting if the Provost decides this or a Member suggests this and those at the meeting agree.

### **URGENT BUSINESS**

29. Urgent business may only be considered if the Provost rules that there are special reasons as to why it is a matter of urgency. The Provost must give those reasons which will be specified in the minutes. The item must be identified at the start of the meeting and the Provost will confirm when it will be considered in the order of business. Unless there are exceptional circumstances, items of urgent business must be brought forward in the form of a written report.

### **WRITTEN QUESTIONS (Business not already on the Council Agenda)**

30. At each ordinary meeting of the Council any Member can put one question about relevant and competent business not already on the agenda to the Provost, the Leader of the Council, any Portfolio Holder or Committee Convener or the Chair of any Panel, as appropriate. The written question will be answered by the person to whom it is addressed. No Member can put more than one question at any meeting. The Member must give notice in writing of their question to the Clerk by 12 noon, three clear working days prior to the day of the meeting.
31. Questions and written answers will be copied and numbered in the order received. The answers will be emailed to Members and a hard copy placed in the Council Chambers, one hour before the start of the Council meeting.
32. The Member who put the written question may put one supplementary question, which must directly relate to the written answer. This will be answered verbally by the person to whom the original question was put. Written questions and answers and supplementary questions and answers will be minuted in the form of an appendix to the minutes.
33. Except by the leave of the Provost, the total time allowed for asking a supplementary question and replying to it will not exceed three minutes.

34. No discussion will be allowed on any written or supplementary questions or their answers.
35. If the Provost rules a question out of order, the question will not be answered. The Provost may disallow any supplementary question if he or she rules that the supplementary question is not relevant to the subject of the written question answered at the meeting.
36. Except by leave of the Provost, the total time allowed for written questions and supplementary questions will not exceed 30 minutes. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Clerk who will arrange for a written answer to be provided within seven working days.

**QUESTION TIME (Volume of Minutes and Minutes on the Council agenda for approval)**

37. At each ordinary meeting of the Council 30 minutes will be allowed for question time, when any Member can put a question to the Provost, the Leader of the Council, any Portfolio Holder or Committee Convener or Chair of any Panel as appropriate, regarding any business included in the volume of minutes for that meeting and any minutes on the Council agenda for approval. Any questions will be answered verbally by the person to whom the question is put. Questions and answers will be minuted.

**ROLLING ACTION LOGS**

38. A rolling action log will be maintained for each of the Decision Making Committees, the Audit Committee and the Adult Social Care Panel and be included as a standing item on agendas. The log details actions arising or pending from each of the previous meetings.

There will be no substantive discussion on the detail of the actions arising from previous meetings. Where detailed discussion is required, this will be the subject of a separate report on the agenda.

The Committee/Panel can:-

- (a) Note the content of the log;
- (b) Agree to the closure and removal of items on the log which have been completed;
- (c) Agree to amend/extend the expected completion date for actions. The Committee/Panel can only agree to amend/extend the completion date twice without a new report on the matter appearing on the agenda for consideration;
- (d) Agree that a new report on the matter be brought forward to the next meeting.

**NOTICES OF MOTION**

39. Every notice of motion will require to be in writing, signed by the Member giving notice, countersigned by one other Member and delivered to the Clerk at least seven clear working days before the next ordinary meeting of the Council.

40. All motions received within this timescale will be included in the summons for that meeting in the order in which they were received.
41. Officers will provide written information/advice on the subject matter of Motions under Standing Order 39 in advance of the Council meeting and a hard copy will be tabled, one hour before the start of the meeting. The advice will also be included in the Minutes of the meeting.
42. If a motion, which is specified in the summons, is not moved at that meeting, either by the Member who has given the notice or by some other Member on their behalf, it will, unless postponed by the Council, be dropped and not moved again without fresh notice being given in terms of Standing Order 39.
43. Standing Orders 39-42 will not apply to requisitioned meetings, procedural motions, to motions which are moved by Members in pursuance of a minute or report, to motions simply proposing further consideration of a report or to motions (and amendments) that are fully set out in a minute of, a Committee or Panel.

#### **BUDGET PROPOSALS (Council only)**

44. Any proposed motion relating to the setting of the overall Council Revenue and Capital budgets (hereinafter referred to as a "Budget Proposal") will require to be in writing and delivered to the Clerk at least **3 clear working days** before the meeting of the Council which will set the General Fund and HRA Revenue and Capital Budgets. A budget proposal will require to be signed by the Member submitting it and countersigned by one other Member.
45. Any proposed amendment to a budget proposal must be in writing and delivered to the Clerk at least **24 hours** before the meeting of the Council which will consider it. Any such proposed amendment will require to be signed by the Member submitting it and countersigned by one other Member.
46. Copies of budget proposals and proposed amendments thereto will be made available by the Clerk to every Member of the Council, the Chief Executive and the Chief Operating Officers as soon as possible after the deadline for receipt has expired. The Clerk to the Council will make further copies available to the public.
47. Officers will provide written information/advice on budget proposals and proposed amendments thereto to all Councillors in advance of the Council meeting. The officer advice on budget proposals and proposed amendments will be included in the Minutes of the meeting. The Council is legally required to approve an annual balanced budget and set a council tax.
48. If a motion, which is specified in the summons, is not moved at that meeting, either by the Member who has given the notice or by some other Member on their behalf, it will, unless postponed by the Council, be dropped and not moved again without fresh notice being given in terms of Standing Order 44.
49. Standing Orders 44-48 will not apply to procedural motions, to motions which are moved by Members in pursuance of a minute or report, to motions simply proposing further consideration of a report or to motions (and amendments) that are fully set out in a minute of, a Committee or Panel.

## **CONSIDERATION OF REPORTS AND RECOMMENDATIONS**

50. The consideration of reports and recommendations will be conducted in the following order:-
- (a) Introduction - At the discretion of the Provost, the nominated officer may be invited to introduce a report. Introductions will normally be limited to three minutes. Any presentations to Council will be notified in advance on the agenda and will be limited to 10 minutes. Exceptionally, the Provost may allow a longer presentation on an agenda item.
  - (b) Questions - Members will then have the opportunity to ask questions, seek clarification or request further information. Where there is no presentation or introduction the Council will move directly to this stage.
  - (c) Proposal - The Provost will then invite the relevant Convener or Portfolio Holder to propose adoption of the recommendations set out in the report under consideration, with or without amendment. The Provost will ask if there is a seconder for the proposal.
  - (d) Discussion - The matter will then be open for general discussion for a period not exceeding 10 minutes.
  - (e) Determination - If there is consensus, the Provost will ask if the Council is in agreement with the proposal and unless any Member indicates otherwise in terms of Standing Order 50(f), the matter will be so determined.
  - (f) No agreement - When no agreement has been reached in terms of Standing Orders 50(c) to (e), then Council will proceed to Standing Order 51.

## **DEBATES**

51. Determination of issues where there is no consensus and consideration of Notices of Motion in terms of Standing Order 39 and Standing Order 44 (Council only). The order of debate will be as follows:-
- (a) Motion moved and seconded
  - (b) Amendment(s) moved and seconded
  - (c) Debate
  - (d) Summing up for the amendment(s) – reverse order
  - (e) Summing up for the motion
  - (f) Vote
52. The motion and any amendments will be given in writing to the Clerk to the Council together with 40 copies, which will then be made available to every Member of the Council, the Clerk, officers and members of the public and press in attendance. In the case of a motion in terms of Standing Order 39, which has been included on the agenda for the meeting, or of a Budget Proposal (Standing Order 44) or proposed amendment thereto, copies need not be made available.

53. Every amendment must be relevant to the motion to which it is moved. The Provost will decide on matters of relevancy and will have the power, with the consent of the meeting, to join motions or amendments (including the direct negative) which are consistent with each other.
54. All additions to, omissions from or variations on a motion will be considered as amendments to the motion and will be dealt with accordingly.
55. **Formal proposal of motions and amendments** - The motion will be formally moved by a Member and seconded by another Member who may reserve their right to speak. Members will then move amendment(s) or the direct negative, which will require to be seconded by another Member who may also reserve their right to speak. At the discretion of the Provost, members will be given the opportunity to ask questions, seek clarification or request further information from the proposer of the Motion. The matter will then be opened up for formal debate.
56. A Member can only move or second one proposition (a motion, amendment or direct negative) on any matter on which the Council cannot reach consensus. However, a Member can also move one procedural motion under Standing Order 62 during consideration of the same item.
57. A proposition once moved and seconded will not be withdrawn unless the mover and seconder agree.

58. A Member who wants to speak at a Council meeting will stand up when called upon and will address the Provost.

59. **Limits on contributions to the debate** - No Member can speak more than once on any subject that is being discussed except on a point of order or (with the permission of the Provost) to provide an explanation. When a point of order is raised, the Member speaking at that time will stop speaking and take his or her seat. The Provost will then determine whether the mover of the proposition should reply and may limit the length of reply if the mover is being engaged in further debate.
60. **Summing up** - The Member moving a motion, the direct negative or amendment may reply in reverse order to sum up, provided that the summing up does not introduce any new matter into the debate.

61. **Time Allowed for Speaking**

Moving a motion or amendment	5 minutes
Seconding a motion or amendment	3 minutes
Speaking in a debate	2 minutes
Summing up	3 minutes

The Provost may however allow Members to engage in free debate within reasonable limits.

62. **Procedural Motions** - The following procedural motions will be permitted during consideration of any item.
- (a) "that the meeting proceed to next business";
  - (b) "that the question is now put to the vote";
  - (c) "that the vote be taken by a show of hands".

Procedural motions will be moved, seconded and put without debate. They will be voted on by a show of hands.

63. **Recording of dissent** - Motions or amendments that are not seconded will not be discussed or included in the minutes but the proposer can require that his or her dissent be minuted.

#### **VOTING (OTHER THAN APPOINTMENTS)**

64. Subject to these Standing Orders and any statutory provision requiring a minimum number of votes to decide a matter, every question which is the subject of a division will be determined by a majority of votes of the Members present and voting. In the event of an equality of votes the Provost will have a second or casting vote.
65. Subject to these Standing Orders, voting will be by a roll call vote where the names for or against the motion or amendment and those not voting will be taken down in writing and entered into the minute.
66. Voting will begin when the Clerk has put all competent motions and amendments before the Council. Members present at the meeting and eligible to vote will vote either “for” or “against” each amendment, to be taken in the order moved or in the order determined by the Provost.
67. If an amendment is not carried, any other amendments will be voted on. If an amendment is carried, it will take the place of the original motion (and become the substantive motion) and any remaining amendments will be voted on in the same manner. After all amendments have been disposed of, Members will then vote “for” or “against” the motion (either the original motion or the substantive motion) remaining before the meeting.
68. Where the direct negative has been moved in addition to one or more amendments, the direct negative will be taken last.
69. Where only the motion and the direct negative are moved and seconded, a straight vote will take place “for” or “against” the motion.

#### **VOTING (ALL APPOINTMENTS) – COUNCIL AND APPOINTMENTS PANEL**

70. When nominating or appointing a Member of the Council or any person to any office where the number of candidates is more than the number of vacancies, the person to be selected will be decided by a vote or votes. Members will be entitled to vote for as many candidates as there are vacancies but cannot cast more than one vote for any one candidate. For voting purposes, each candidate will be taken in turn in alphabetical order (by surname).
71. If, as a result of voting, there is an absolute majority (that is - half of those present plus 1) in favour of a candidate or candidates for the vacancy or vacancies to be filled, such candidate or candidates will be declared elected, selected or appointed as the case may be.

72. If there is no such majority, then a fresh vote will be taken provided that:-
- (a) the candidate receiving the least number of votes will be dropped from the list and a fresh vote taken.
  - (b) if an absolute majority vote is not secured on the second vote, then as long as the candidate or candidates with the most votes has/have received a simple majority of the votes cast then they will be declared elected, selected or appointed as the case may be; and
  - (c) in any case of equality of votes the person presiding at the meeting will have a second or casting vote, save that where the subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee the decision on which candidate or candidates will be eliminated from the process will be decided by lot.
73. At any stage Members can, by unanimous agreement, exclude candidates who they consider have no prospect of being appointed.

#### **AUTOMATIC BREAK (COMFORT BREAK)**

74. After Council has been sitting for two hours and not longer than two and a half hours, there will be an automatic break of at least 10 minutes. At the discretion of the Provost the break may be extended to not more than 30 minutes.

#### **ADJOURNMENT**

75. During any meeting of the Council, it shall be competent for a member at any time, except during a speech by another member, to move that the meeting be adjourned for a period of time or to a date and time specified in the motion. No motion for adjournment may be made within thirty minutes of a previous motion having been rejected if the Council is still considering the same item of business. A motion for adjournment shall have precedence over all other motions and if moved and seconded shall be put to the meeting without amendment save as to the date and/or time for resumption of the meeting. When the adjourned meeting is resumed, the proceedings shall commence at the point at which they were interrupted by the adjournment.
76. In the event that the business of a daytime meeting is not concluded within five hours (excluding automatic breaks) and, in the case of an evening meeting, by 9.30pm, there will be an automatic vote to determine the proposal that "the meeting will stand adjourned until a date and time within the following four working days", said date and time to be advised by the Clerk to the Council when the proposal is put to the vote. For the avoidance of doubt, a simple majority will carry or defeat the proposal.

#### **REVOCATION OF PREVIOUS RESOLUTIONS (SIX MONTH RULE)**

77. No motion which seeks to alter or revoke a decision of the Council, or has that effect, will be considered or passed until at least six months after the decision was taken originally, unless no less than two thirds of Members present and entitled to vote at

any Council meeting agree to reconsider the decision. The vote will be conducted on the basis of a show of hands.

## **DECISION NOTICES**

78. The Clerk will issue a decision notice detailing decisions taken by the Council/Committees/Panels to all Members of the Council within 2 working days of the meeting.

## **DISORDERLY CONDUCT**

79. In order to stop disorderly conduct or other misbehaviour at a meeting, the Council can exclude members of the public whose presence or actions are stopping the good conduct of the meeting. If a member of the public interrupts any meeting, the Provost may warn the person that if they continue the interruption, the Provost may ask that they leave the Chamber. The Clerk will act on any orders received from the Provost to this effect.
80. In the event of a Member disregarding the authority of the Provost, or behaving obstructively or offensively, the Provost will first ask the Member to refrain from such behaviour, failing which a motion may be proposed and seconded to suspend the member for the rest of the meeting. The motion will be put without debate. If it is carried, the Council Officer will act on any orders received from the Provost to carry out the decision.
81. In the event of disorderly conduct by a member of the public or a Member, it will be open to the Provost to adjourn a meeting to another time on the same day or to another date and time.

## **PETITIONS**

82. The Council has a process in place whereby its citizens can submit a petition to any of its Decision Making Committees. The Public Petitions Process is set out in the Scheme of Delegation.

## **INTERPRETATION AND APPLICATION OF STANDING ORDERS**

83. If, at any time, a question arises on whether any of these Standing Orders conform to legislative provisions, the Clerk to the Council will rule on whether the queried Standing Order should be overridden.
84. These Standing Orders must be read in conjunction with the following Governance and Corporate Documents:-
- (a) Scheme of Delegation
  - (b) Contract Standing Orders and Financial Regulations
  - (c) Council approved Budget & Policy Strategies
  - (d) Councillors' Code of Conduct
  - (e) Stirling Council's Code of Conduct
  - (f) Public Petitions Process
  - (g) Local Review Body Procedures

85. The provisions of these Standing Orders (except Standing Orders 1, 3 to 5, 17 to 18, 30 to 37, 44 to 50, 58 and 87 to 88, which only apply to Council and Standing Orders 70 to 73 which only apply to Council and to the Appointments Panel) will apply to the Decision Making Committees, the Audit Committee, the Pre-Determination Hearing Committee or Panels as they apply to the Council, except that Standing Orders 26, 29, 39 to 49 and 50 to 69 inclusive do not apply to the Pre-Determination Hearing Committee, which has its own procedures as determined by the Council's Service Manager - Planning and Building Standards in consultation with the Convener and Vice-Convener of the Committee.
86. References in these Standing Orders to the Provost or Convener include his or her appointed Depute or any other Member when acting in their absence.

#### **SUSPENSION AND AMENDMENT OF STANDING ORDERS**

87. As long as it is consistent with any statutory provisions, any one or more of the Standing Orders can be suspended at any meeting, provided that two-thirds of the Members of the Council who are present agree.
88. No alteration of these Standing Orders will be made:-
- (a) without notice being given at one meeting of the Council to be discussed at the following one, which alterations will not come into effect except on a resolution, passed by a majority of the members present and voting
  - or
  - (b) excepting that a report can be submitted to any meeting of Council by the Clerk to the Council, proposing alterations, which alterations will be inherent in the terms of a report or minute to the Council, so as to come into immediate effect on a resolution passed by a majority of the Members present and voting.

## DEFINITIONS

Agenda	A list of business to be considered at Council, Committee and Panel meetings.
Amendment	Where a motion has been put forward in respect of an item of business on an agenda, a Member may move an alternative proposal. The motion and the amendment will then be debated and a vote taken.
Clear Working Days	<p>Saturdays, Sundays and public holidays are not included as working days.</p> <p>Clear days does not include the day an agenda is issued or the day of the meeting. For example if a meeting takes place on a Thursday the agenda would require to be issued the previous Friday – 3 clear days before the meeting.</p>
Clerk	The person appointed to arrange for the preparation and circulation of agendas and minuting of meetings and to provide such procedural advice at meetings as may be necessary.
Clerk to the Council	The Proper Officer in respect of the Standing Orders. The Clerk to the Council is the Chief Officer – Governance appointed by the Council under sections 43, 50A – 50K and Schedule 7 of the Local Government (Scotland) Act 1973 (as amended).
Council	The Stirling Council incorporated under the Local Government etc. (Scotland) Act 1994.
Councillor	A duly elected member of the Council in terms of Section 33A of the Local Government (Scotland) Act 1973.
Letter of Summons	Sent to all Members and signed by the Clerk to the Council to summon them to attend a Council meeting. Only applies to Council meetings. For all other meetings the Notice serves as the summons.
Member	A Councillor and anyone appointed to a Committee or Panel whether or not entitled to vote.
Monitoring Officer	The officer appointed by the Council under Section 5 of the Local Government and Housing Act 1989 or the person nominated as a deputy under sub-section (7) of Section 5.
Notice of Meeting	Printed at the top of the agenda (giving the date, time and place of the meeting) and acts as summons to Members to attend a meeting of a Committee or Panel.

Quorum	The minimum number of Members at a Council, Committee or Panel meeting who must be present for valid transaction of business.
Two Thirds of Members	If the figure is not a whole number the number will be rounded up.