

Report

Report to: **Clyde Valley Learning and Development Joint Committee**
 Date of Meeting: **11 December 2023**
 Report by: **Clerk to the Clyde Valley Learning and Development Joint Committee**

Subject: **Review of Procedural Arrangements**

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise of the review of the Joint Committee's procedural arrangements
- ◆ request approval of the revised Standing Orders on Procedures of the Clyde Valley Learning and Development Joint Committee

2. Recommendation(s)

2.1. The Joint Committee is asked to approve the following recommendation(s):-

- (1) that the revised Standing Orders on Procedures of the Clyde Valley Learning and Development Joint Committee, attached as appendix 1 to the report, be approved; and
- (2) that it be noted that, following the review of the Joint Committee's procedural arrangements, no revisions had been made to the Terms of Reference or Scheme of Delegation, attached as appendices 2 and 3 to the report respectively.

3. Background

3.1. At its inaugural meeting held on 16 October 2007, the Joint Committee approved its procedural arrangements which included:-

- ◆ Standing Orders on Procedures
- ◆ Terms of Reference
- ◆ Scheme of Delegation

3.2. In addition to the above documents, the Standing Orders on Contracts and the Financial Regulations of South Lanarkshire Council, as lead authority, were adopted by the Joint Committee. The Standing Orders on Contracts and Financial Regulations are reviewed and approved by South Lanarkshire Council on a regular basis.

3.3. At its meeting on 9 December 2019, the Joint Committee agreed amendments to the Standing Orders on Procedures to reflect changes to the Minute of Agreement for the Clyde Valley Learning and Development Project which had been agreed by the Joint Committee at its meeting held on 10 June 2019.

4. Review of Procedural Arrangements

- 4.1. The procedural arrangements have been reviewed by officers and the revised Standing Orders on Procedures of the Clyde Valley Learning and Development Joint Committee, attached as appendix 1 to the report, are presented to the Joint Committee for approval.
- 4.2. The amendments made to the Joint Committee's Standing Orders on Procedures are in line with changes that have been made to South Lanarkshire Council's Standing Orders on Procedures which, in the main, have been made to reflect legislative requirements and operational arrangements. In addition, the Joint Committee's Standing Orders on Procedures have been amended to reflect the current full member councils of the Clyde Valley Learning and Development Project (East Renfrewshire, Glasgow City, Inverclyde, North Lanarkshire and South Lanarkshire Councils).
- 4.3. Following the review, no revisions are proposed to the Terms of Reference (appendix 2) or the Scheme of Delegation (appendix 3).
- 4.4. Further to this review, it is intended to undertake reviews of the procedural arrangements at the end of each council term with a report being submitted to the first meeting of the Joint Committee following each subsequent Local Government Election.

5. Employee Implications

- 5.1. None.

6. Financial Implications

- 6.1. None.

7. Climate Change, Sustainability and Environmental Implications

- 7.1. There are no implications for climate change, sustainability or the environment in terms of the information contained in this report.

8. Other Implications

- 8.1. There are no implications for risk in terms of the information contained within this report.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.
- 9.2. Consultation has taken place with the Chair of the Clyde Valley Learning and Development Project Steering Group and South Lanarkshire Council's Finance Services on the proposals and documentation presented in this report.

Paul Manning

Clerk to the Clyde Valley Learning and Development Joint Committee

29 November 2023

Previous References

- ◆ Clyde Valley Learning and Development Joint Committee - 9 December 2019
- ◆ Clyde Valley Learning and Development Joint Committee - 16 October 2007

List of Background Papers

- ◆ South Lanarkshire Council - Financial Regulations
- ◆ South Lanarkshire Council - Standing Orders on Contracts

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Standing Orders on Procedures

Clyde Valley Learning and Development Joint Committee

Submitted to the meeting of the Clyde Valley Learning and Development Joint Committee on Monday 11 December 2023

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Standing Orders on Procedures

Clyde Valley Learning and Development Joint Committee

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Standing Orders on Procedures Clyde Valley Learning and Development Joint Committee

Interpretation

The Interpretation Act 1978 will apply to these Standing Orders.

Definitions

In the Standing Orders the following words and expressions have the following meanings:-

“Clerk” means the Clerk to the Joint Committee appointed in terms of paragraph 1 of the Minute of Agreement for the Clyde Valley Learning and Development Project;

“Full Member” means any of the Councils of East Renfrewshire, Glasgow City, Inverclyde, North Lanarkshire and South Lanarkshire, with South Lanarkshire Council acting as lead authority;

“Convener” means the Convener of the Joint Committee appointed under paragraph 3.6 of the Minute of Agreement;

“Vice Convener” means the Vice Convener of the Joint Committee appointed in terms of paragraph 3.6 of the Minute of Agreement;

“Joint Committee” means the Committee established by the Full Member Councils to regulate the delivery of the Clyde Valley Learning and Development Project;

“Member” means a person appointed by any of the Full Member Councils from their own number to be a Member of the Joint Committee in terms of paragraphs 3.2 to 3.4 of the Minute of Agreement;

“Accounting Officer” means the Accounting Officer appointed in terms of paragraph 1 of the Minute of Agreement; and

Minutes means a summary of business at Joint Committee meetings.

1 The first meeting after appointment of members

In a year in which an ordinary election of councillors for the local government election area of each Full Member Council is held, the Joint Committee shall hold a meeting on the date and at the time and place to be agreed by the Clerk in consultation with the Convener. At this meeting, the Joint Committee will:-

- (a) confirm the appointment of the Convener;
- (b) elect a Vice Convener; and
- (c) deal with any appropriate business including the minutes of any previous Joint Committee meeting not yet approved.

2 Ordinary meetings

The Joint Committee shall meet from time to time as determined by the Joint Committee but shall meet not less than 3 times in each financial year. The dates, times and places for ordinary meetings of the Joint Committee shall be decided by the Joint Committee.

3 Special meetings

A special meeting of the Joint Committee may be called at any time by the Clerk on being requested in writing to do so:

- (a) by the Convener; or
- (b) if at least 3 Members request a meeting specifying the business to be transacted.

Any special meeting shall be held within 14 days from the date when the Clerk receives a written request and at the time and place specified by the Clerk in consultation with the Convener.

4 Notice of meetings

- (a) At least 5 clear days (with the exception of public holidays) before a Joint Committee meeting the following must happen:-

- ◆ the Clerk must publish the time and place of the meeting at South Lanarkshire Council's offices. In the event that the meeting is being held on a virtual or virtual/hybrid basis, details on how to access the meeting will be included on the lead authority's website. If the meeting is held at short notice, these will be published straight away. If the meeting is called by Joint Committee members, the notice must be signed by those members and must set out the business they want to deal with.
- ◆ every Joint Committee member and substitute member (for information only) must be sent an electronic summons. The summons must set out the business that will be dealt with.

- (b) Any summons must give a note of the business and the proposed order for dealing with business at the meeting. The Joint Committee cannot deal with other business unless someone brings it before the Joint Committee as a matter of urgency under the following paragraph. If a meeting is called by Joint Committee members, the Joint Committee can only deal with the business listed in the members' request.
- (c) If business has not been specified in the summons, it can only be dealt with at the meeting if the Convener of the meeting rules that there are special reasons why it is urgent. The Joint Committee must know about the item at the start of the meeting when we decide on the order of business.
- (d) If any Joint Committee member or substitute member does not receive a summons, the meeting will still be valid.

- (e) Members of the public and press can get electronic copies of the agenda for the Joint Committee meeting at least 5 clear days before the meeting (with the exception of public holidays). Subject to any Government guidelines/restrictions or safe systems of work, hard copies will be available to view at the Council Offices, Almada Street, Hamilton. This will not be the case if the meeting is called at short notice. If this is the case, the public and press can get copies when the meeting is called. If an item of business is added to the agenda, the public and press can get copies at that time.

5 Convener

- (a) The Convener will chair the Joint Committee meeting if he or she is present.
- (b) If the Convener is not at the meeting, the Vice Convener will chair it. If the Convener and Vice Convener are not at the meeting, another member of the Joint Committee, chosen by the members will chair the meeting.

6 Members

Those members of the Full Member Councils nominated by their authority to serve on the Joint Committee shall be entitled to attend meetings. Should any member be unable to attend on the relevant day, he or she may arrange for a substitute member also nominated by their authority to attend in his or her place. Only nominated substitutes may attend. Each constituent authority shall determine the length of time during which their members shall continue to serve on the Joint Committee.

7 If there are not enough members present - Quorum

If, 10 minutes after the time appointed for a meeting or at any stage during the meeting, the Convener finds that there are fewer than 3 members present, the meeting will be adjourned until the time or day that the Convener decides.

8 Letting in the public and press

- (a) Every Joint Committee meeting will be open to the public and press unless it says otherwise anywhere in these Standing Orders.
- (b) If held in-person, anybody may be kept out of the meeting to prevent or stop disorderly behaviour. Any member of the public may be kept out of a meeting or be forced to leave if they are preventing the Joint Committee from carrying out its work. If a member of the public interrupts any meeting, the Convener may warn that person. If they continue to interrupt, the Convener may order the person out of the meeting. If there is a disturbance in any part of the meeting room that is open to the public, the Convener may order that part of the room to be cleared.
- (c) The public and press will be kept out of a Joint Committee meeting if an item of business is confidential. We do not have to give out confidential information under the Local Government (Access to Information) Act 1985.
- (d) The Joint Committee may decide to keep the public and press out of a meeting if an item of business is defined as 'exempt' in the Local Government (Access to Information) Act 1985.
- (e) No unauthorised sound, film, videotape, digital or photographic recording of the proceedings of any meeting shall be made.

9 Order of business

The business of ordinary Joint Committee meetings will take place in an order to be determined by the Clerk, in consultation with the Convener.

10 The powers and duties the Convener has

The Convener's role is to ensure that the agenda business is properly dealt with and clear decisions are reached. There is a responsibility to ensure that the views and opinions of all participants at the meeting are allowed to be expressed and that they contribute to the outcomes of the meeting. Members present at the meeting share the responsibility for the proper and expeditious discharge of business and the role of the Convener requires to be supported and respected.

The Convener's decision is final. When he or she speaks, any member talking to the meeting must stop. The Clerk, on the instructions of the Convener, will mute any attendee who does not cease speaking. The Convener must keep order and ensure the proper and timely conduct of the meeting which can sometimes mean expediting the business and reaching a decision on the fairness and sufficiency of debate. He or she will make a final decision on all matters that come up at meetings and the points at which conclusions should be reached.

If 2 or more members want to speak, the Convener will decide who will speak first. If there is disorder, the Convener may adjourn the meeting to another time. In these circumstances, simply leaving the chair will adjourn the meeting. If the Convener raises both hands simultaneously, this shall have the same effect. All members shall cease speaking. The Clerk, on the instructions of the Convener will mute any attendee who does not cease speaking.

The Convener may make a statement at the start of the meeting on any Joint Committee matter.

11 Adjourning meetings

(a) The meeting can be adjourned for a reasonable time. This will be done if:-

- ♦ the Convener says so; or
- ♦ a member proposes it, another seconds it and the members vote in favour of it. There will be no amendments or discussion.

(b) Nobody can make a second motion to adjourn the meeting within half an hour except the Convener. If he or she does this, it will be dealt with immediately.

12 Order of debate

A member who wants to speak will get the Convener's attention and will talk to him or her. The member will speak directly about the motion or amendment that is being proposed, seconded or discussed. No member can speak more than once on any subject that is being discussed, except for a point of order with the Convener's permission. However, the person who proposes a motion can reply. A member who is speaking when a question of order is raised will stop speaking until the Convener has dealt with the question of order.

13 Length of speeches

If a member proposes or seconds a motion or amendment, he or she cannot speak for longer than 5 minutes. All other speakers cannot speak for more than 3 minutes.

The member who proposes the original motion can speak for up to 5 minutes when he or she replies to any comments. But he or she cannot add anything new into the debate. After that, the discussion will finish and the Convener will put the question to the vote.

14 General conduct

(a) Members are accountable for their own individual conduct in meetings at all times in terms of the Councillors' Code of Conduct and associated regulations and guidance as issued by the Standards Commission for Scotland

- (b) The Convener may rule on the acceptability of language used during the course of the meeting and take appropriate action as necessary, including withdrawal of a remark, requiring an apology, or other action required to allow the meeting to properly proceed. In the event of persistent misconduct of a member by disregarding the ruling of the Convener, or behaving improperly or offensively or using unbecoming language, or wilfully obstructing the business of the meeting, the Convener may take any of the following courses either separately or in sequence: (1) direct the member to refrain from speaking during the remainder of the debate on the matter under discussion; (2) adjourn the meeting for such period as seems expedient to the Convener; and (3) in the event of general disturbance which in the opinion of the Convener renders the due and orderly despatch of business impossible, the Convener may, in addition to any other power vested in him/her, without the question being put, suspend the meeting for such period of time that he/she considers expedient.
- (c) if any member at the meeting behaves offensively or is uncooperative, a motion may be proposed and seconded to suspend the member for the rest of the meeting. If the motion is carried, the member must immediately leave the meeting. There will be no discussion of the motion and no changes to it.

15 Changing a decision

A decision made by the Joint Committee cannot be changed within 6 months unless the Convener rules that there has been a material change of circumstances.

16 Questions

- (a) At any Joint Committee meeting, a member can ask the Convener a question about any relevant business not already on the agenda for the meeting. The member must have given the question to the Clerk 10 clear days before the meeting.
- (b) A member can ask the Convener a question about any matter which is on the agenda for that meeting without giving any notice.
- (c) If the Convener rules that the question is out of order, the question will not be answered.
- (d) There will be no discussion about any questions or answers brought in this way.

17 Giving notice beforehand on a matter which members want the Joint Committee to consider

If a member wants the Joint Committee to consider a matter, he or she must put it in writing. They must then sign it and get another member to sign it as well. If the Clerk does not receive this at least 10 clear days before the meeting, the matter will not be on the agenda for the meeting and will not be dealt with at the meeting. The members who put the motion forward must move it at the meeting or someone must do it for them. If nobody puts the motion forward, it will be considered withdrawn.

18 Motions - procedures

- (a) All motions and amendments must be proposed by someone and seconded by someone else. If the Convener thinks it is appropriate, the motion must be put in writing and handed to him or her before any vote is taken. If the motion is to approve or disapprove a motion, it does not have to be put in writing. Amendments or motions that propose that a report be considered again and motions and amendments that are fully set out in the Joint Committee minutes also do not need to be in writing.
- (b) Every amendment must be relevant.
- (c) The person who proposed a motion or amendment can withdraw it if he or she gets permission from the person who seconded it.

- (d) A motion to approve a report or minutes before the Joint Committee will be considered as an original motion. Any motion that involves changing or rejecting a report or minutes will be treated as an amendment.
- (e) The chair of a sub-committee will have the right to move the approval of a report or the minutes of the sub-committee.
- (f) Motions or amendments that are not seconded will not be discussed or put into the minutes. But the person who proposed it can have his or her disapproval recorded in the following way "Councillor X, as the mover of a motion or an amendment which failed to find a seconder, asked that his or her dissent be recorded".

19 How motions must be presented

If a motion and two or more amendments have to be dealt with, the last amendment to be put forward will be put against the amendment immediately before it. The amendment which is successful will be put against the next amendment and so on until only one amendment is left. This amendment will be used against the original motion and a vote then taken.

20 Entitlement to vote

All serving members of the Joint Committee will have the right to vote on motions and amendments put before the Joint Committee. This right will also apply to all nominated substitute members. No other person attending the meeting will have a right to vote.

21 Method of voting

(a) In a Joint Committee meeting we can vote on any matter by:-

- ◆ using the electronic voting system
- ◆ calling the roll of members
- ◆ a show of hands, or
- ◆ a ballot.

The Convener will decide which method is most appropriate.

Any member can object and ask for the vote to be taken by calling the roll. If at least a 1/3 of the members present agree, then the vote will be taken by roll call.

- (b) Unless the law or these Standing Orders say otherwise, all questions will be decided by a majority of the members present and voting.
- (c) If there is an equal number of votes, the Convener will have the deciding vote.

22 Members who have an interest in any matters – declaration of interests

- (a) In line with the requirements of The Councillors' Code of Conduct, any members with a financial or non-financial interest in any matter which is to be considered must declare the interest as soon as practicable at the meeting where that interest arises and, subject to the exception highlighted below, leave the meeting while the item of business is being considered. The fact that the member has declared an interest and left the meeting will be recorded in the minutes of the meeting.
- (b) The exception to the above relates to general dispensations issued by the Standards Commission for Scotland in respect of members who are:-
 - ◆ council house tenants
 - ◆ members of certain outside bodies

It is considered that the public interest would be served if members were allowed to participate in discussion and voting on these matters in line with the criteria detailed in the Dispensations Note to Local Authorities in Respect of Financial and Non-Financial Interests.

- (c) The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words “I declare an interest” and be sufficiently informative to allow those present at the meeting to understand the nature of the interest.

23 Voting arrangements for vacancies

If there is a vacancy and there are only 2 candidates, a vote will be taken. The 1 with most votes will be appointed.

If there are more than 2 candidates, a vote will be taken. Each member can only vote for 1 candidate. If 1 candidate receives more votes than the others put together, that candidate will be appointed. If no candidate receives a majority, the candidate with the fewest votes will drop out. In the next vote, the same procedure will apply again until 1 of the candidates has more votes than the others put together. If, on the vote between the final candidates or between 2 or more candidates at the bottom of the list, there is an equal number of votes, the Convener will have a deciding vote.

24 Receiving views from representatives

- (a) The Joint Committee and its sub-committee(s) will hear the views of representatives from organisations or groups with whom the Joint Committee deals.
- (b) Anyone who wants to present their view must apply in writing and it must be signed by a representative of the organisation or group. This application must include details of the matter to be discussed. The representatives must deliver the application to the Clerk at least 15 clear days before the date of the meeting. Notice about the application will be put on the agenda for the meeting. It will then be up to the meeting to decide whether to hear the representatives.
- (c) Unless the Joint Committee agrees otherwise, there cannot be more than 3 representatives from any organisation or group.
- (d) When representatives from an organisation or group are heard, members can ask them questions. Members must not give an opinion or discuss the business until the representatives have finished talking about their case. The representatives only have to leave the meeting if the matter is confidential or exempt in terms of the Local Government (Access to Information) Act 1985.

25 Changes to Standing Orders

These Standing Orders can only be suspended, changed or abolished at a Joint Committee meeting if 2/3 of the members at the meeting agree.

26 Sub-committees, panels and working groups

The Joint Committee can appoint sub-committee(s), panel(s) and working group(s) and set out their powers and duties. The members will hold office until the next time councillors are elected.

27 Ending office

Anyone who stops being a member of a Full Member Council will also stop being a member of the Joint Committee.

- 28 The powers and duties of the sub-committees, panels and working groups**
- (a) Depending on the law and these Standing Orders, the powers and duties of a sub-committee, panel or working group will be set out by decisions of the Joint Committee.
 - (b) The Joint Committee may deal with any matter included in the terms of reference of a sub-committee, panel or working group if the Joint Committee thinks it appropriate.
 - (c) The Joint Committee may change any terms of reference of a sub-committee, panel or working group.
- 29 Passing on responsibilities to members and officers**
- (a) Depending on the law and these Standing Orders, the Joint Committee will pass responsibilities as it determines to a sub-committee, panel or working group as appropriate.
 - (b) Officers are authorised to take decisions on matters under the powers set out in the Scheme of Delegation.
 - (c) If there is an emergency, the Clerk can talk to the Convener or Depute Convener to decide on the matter and report on the action taken to the next Joint Committee meeting for information.
- 30 Sub-committees, panels and working groups' proceedings**
- The Joint Committee will consider decisions made by sub-committee(s), panel(s) and working group(s) on matters referred to it but not actually delegated for the sub-committee(s), panel(s) and working group(s) own decision.
- The sub-committee(s), panel(s) and working group(s) can, without reference to the Joint Committee, decide:-
- (a) on any urgent matter, or
 - (b) routine matter that does not involve a policy change.
- 31 Calling meetings**
- As far as ordinary Joint Committee meetings are concerned, they will be held at fixed times. Sub-committee, panel and working group meetings will be called whenever a matter requires to be dealt with. The Clerk will fix the date, time and location after consultation with the Convener and Vice Convener.
- However, the Convener can change the date and time of meetings if he or she wants. But the Convener must give a reason why he or she changed the date and time of that meeting.
- 32 Standing orders which apply to sub-committees, panels and working groups**
- The terms of Standing Order numbers 3-15, 18-23 and 24-25 apply to a sub-committee, panel or working group in the same way as they apply to the Joint Committee.
- 33 Finance – Planning and Budgeting**
- (a) In each financial year, the Joint Committee will consider whether the income from membership meets the recommended minimum level of funding set by the Joint Committee.
 - (b) The Joint Committee will continue, throughout the financial year, to operate within the income from membership (budget) and monitoring and budget control reports will be put before the Joint Committee.

- (c) The appropriate officers of the lead authority can act on behalf of the Joint Committee in supervising and approving expenditure within the budget.

34 Spending, supplementary estimates and transferring funds

- (a) The Joint Committee cannot let its spending go over its financial allowance (budget).
- (b) No expense will be undertaken unless the Joint Committee has approved it under Standing Order No 33 and, if necessary, a tender or quotation has been received and approved either by the Joint Committee, the relevant sub-committee or under the Scheme of Delegation and if government permission is required.
- (c) The Joint Committee may transfer money within its revenue budget to current or new projects.
- (d) If the Joint Committee is obliged to spend revenue that is not included in the budget approved under Standing Order No 33 or to reduce income provided from the budget and will not meet the additional expenditure by transfer of funds, a supplementary estimate must be prepared.

Clyde Valley Learning and Development Joint Committee

Terms of Reference

The Terms of Reference of the Joint Committee are as follows:-

- 1 To approve the Clyde Valley Learning and Development Project Work Plan
- 2 To monitor progress against the Work Plan
- 3 To ensure financial probity
- 4 To approve specific recommendations in relation to each project subject area

Clyde Valley Learning and Development Joint Committee

Scheme of Delegation

Introduction

The powers/functions detailed within this document are those delegated by the Clyde Valley Learning and Development Joint Committee to the Chair of the Clyde Valley Learning and Development Project Steering Group.

Powers/Functions Delegated or Recognised

The Chair of the Clyde Valley Learning and Development Project Steering Group is empowered or is recognised by the Joint Committee as enjoying the authority to:-

- 1 deploy resources as he/she thinks fit for the best execution of functions under his/her management
- 2 delegate appropriate authority to the Clyde Valley Learning and Development Project Manager to ensure that the project activities can be effectively discharged
- 3 issue tender specifications and to sign-off contracts within the parameters set out within South Lanarkshire Council's Financial Regulations
- 4 issue orders for the supply of goods and services required for normal working and for which there is adequate provision in the Clyde Valley Learning and Development Project Fund and in accordance with any Standing Orders on Contracts, purchasing policy and financial regulations adopted by the Joint Committee
- 5 authorise the payment of accounts due by the Clyde Valley Learning and Development Project for goods and services properly supplied and for which there is adequate provision in the Fund
- 6 to appoint all employees and secondees to the Project.
- 7 take all necessary action of a routine nature in terms of his/her appointment to implement policies, practices and procedures previously agreed by the Joint Committee and also to take such action implicitly in all matters ancillary thereto, including the incurring of expenditure of a minor or recurring nature and where adequate provision has been made in the Fund
- 8 sign documents on his/her own behalf under his/her own authority and in connection with the exercise of his/her functions on behalf of the Joint Committee
- 9 terminate, on behalf of the Joint Committee, any contract which the Joint Committee is entitled to terminate under the appropriate conditions of contract, after consultation with the Clerk to the Committee, if satisfied that it is in the interest of the Joint Committee to do so
- 10 appoint consultants where appropriate
- 11 deal with any operational matter not otherwise delegated in the period between the last meeting of an administration and prior to the setting up of a new Committee following statutory elections
- 12 take such measures as may be required in exceptional situations on any matter for which the Joint Committee's approval would normally be necessary subject to advising the Convener or Vice Convener of the Joint Committee, where possible, and reporting to the Joint Committee as soon as practicable thereafter