

Draft
Procedural Standing Orders

of the

Clyde Valley
Learning and Development Joint Committee

**Standing Orders
of the
Clyde Valley Learning and Development Joint Committee**

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DRAFT STANDING ORDERS OF THE CLYDE VALLEY LEARNING AND DEVELOPMENT JOINT COMMITTEE

PRELIMINARY

DEFINITIONS

1. 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 **X.X.X** of the Minute of Agreement;

“Constituent Authority” means any of the Councils of East Dunbartonshire, East Renfrewshire, Glasgow City, Inverclyde, North Lanarkshire, Renfrewshire, South Lanarkshire and West Dunbartonshire, with South Lanarkshire Council acting as lead authority, and any such other local authorities or appropriate similar bodies;

“Convener” means the Convener of the Joint Committee appointed under paragraph **X.X** of the Minute of Agreement of the Joint Committee;

“Vice-Convener” means the Vice-Convener of the Joint Committee appointed in terms of paragraph **X.X** of the Minute of Agreement of the Joint Committee.

“Joint Committee” means the Clyde Valley Learning and Development Joint Committee established under the Minute of Agreement dated **XX XX XXXX**;

“Member” means a person appointed by any of the constituent authorities from their own number to be a member of the Joint Committee in terms of paragraphs **X.X. - X.X** of the Minute of Agreement;

“Treasurer” means a person appointed by the Joint Committee to be Treasurer of the Joint Committee in terms of paragraph **X.X.X** of the Minute of Agreement of the Joint Committee;

APPLYING THE INTERPRETATION ACT

2. The Interpretation Act 1978 and any subsequent legislation relating thereto applies to these standing orders in the same way as it applies to an Act of Parliament.

JOINT COMMITTEE MEETINGS

FIRST MEETING AFTER APPOINTMENT OF MEMBERS

3. In a year in which an ordinary election of councillors for the local government election area of each Constituent Authority 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, or at any adjournment of it, the Joint Committee shall confirm the appointment of the Convener and elect a Vice Convener.

ORDINARY MEETINGS

4. The Joint Committee shall meet from time to time as determined by the Joint Committee but shall meet not less than 2 times in each financial year. The dates, times and places for ordinary meetings of the Joint Committee shall be decided by the Joint Committee.

SPECIAL MEETINGS

5. 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.

NOTICE OF MEETINGS

- 6. (a) All meetings shall be called by (i) a notice published at least 3 clear days before the meeting of the Joint Committee by the Clerk at the constituent authorities' offices giving the time and the place of the intended meeting and, where the meeting is called by Members of the Joint Committee, the notice shall be signed by those Members and shall specify the business proposed to be transacted; and (ii) a summons to attend the meeting specifying the business to be transacted which shall, at least 3 clear days before the meeting of the Joint Committee, be left at or sent by post to the usual place of residence of every Member of the Joint Committee or to such other address as any Member may notify.
- (b) Any summons issued under paragraph 6(a) must give a note of the order for dealing with the business at the meeting. No other business may be dealt with unless it is brought before the Joint Committee by the Convener as a matter of urgency under paragraph 6(c). However, if a meeting is called because of a request from Members, only business listed in the request may be dealt with.
- (c) In the event that 3 clear days notice is not given for an item, it may be considered at the meeting if the Convener rules that there are special reasons why it is a matter of urgency. The Convener must give those reasons. The item must be made known at the start of the meeting.
- (d) If a summons is not served on any Member the meeting shall still be valid.

QUORUM

- 7. (a) The quorum of the Joint Committee shall be at least 3 Members. If 10 minutes after the time stated in the summons to attend a meeting or at any stage during a meeting a quorum is not present, the meeting shall stand adjourned until such time and date as may be determined by the Clerk, in consultation with the Convener. The Clerk shall minute the reason for the adjournment of the meeting.
- (b) If less than a quorum of the Joint Committee is entitled to vote on an item because of a declaration of an interest by a Member under Section 5 of the Councillors' Code of Conduct, that item cannot be dealt with at the meeting.

SEDERUNT AND APOLOGIES

- 8. The names of the Members present at a meeting of the Joint Committee shall be recorded. Members who intimate their apologies for their non-attendance at a Joint Committee meeting to the Clerk before the meeting shall have their apologies recorded in the Minute.

MINUTES OF MEETINGS

- 9. The Clerk shall minute all Joint Committee meetings. The Minutes shall record the names of the Members who attended the meeting. They shall then be printed and, as far as possible, circulated to Members at least 3 clear days before the next ordinary meeting of the Joint Committee. They shall be presented and corrected if necessary. If they are held to be a true record of the proceedings of the meeting they relate to, the person chairing the meeting to which they are presented shall sign them.

ACCESS FOR THE PUBLIC AND PRESS

10. (a) Except where the standing order says otherwise, every meeting of the Joint Committee and any of its sub-committees will be open to the public (including the press).
- (b) The Joint Committee may keep any members of the public out of a meeting or cause them to leave, if they are hindering or are likely to hinder the work of the Joint Committee. If a member of the public interrupts any meeting, the Convener may warn that person. If they continue the interruption, the Convener may order the person to be removed from the Joint Committee's meeting room. If there is general disturbance in any part of the meeting room that is open to the public, the Convener may order that part to be cleared.
- (c) The public and press shall be kept out of a Joint Committee meeting if an item of business is confidential. Nothing in the standing orders authorises or requires confidential information to be disclosed in terms of the Local Government (Access to Information) Act 1985.
- (d) The Joint Committee may decide to keep the public and press out of a meeting when an item of business is defined as 'exempt' in terms of the Local Government (Access to Information) Act 1985.
- (e) It will be for the Joint Committee to determine in advance whether it will allow the taking of photographs or access for radio or television broadcasting.

ORDER OF BUSINESS

11. The business of the Joint Committee at ordinary meetings shall take place in an order determined by the Clerk in consultation with the Convener.

The Convener may alter the order of business to facilitate the conduct of the meeting.

CONVENER - POWER AND DUTIES

12. (a) The Convener shall chair any Joint Committee meeting if he or she is present.
- (b) In the event that the Convener is absent from a Joint Committee meeting the Vice-Convener shall chair the meeting.
- (c) In the event that the Convener and Vice-Convener are absent, another Member (chosen by the Members present) shall chair the meeting. The Chair shall have the same powers and duties as the Convener in relation to a meeting and its business.
- (d) Deference shall at all times be paid to the authority of the Convener.
- (e) The Convener must keep order and make sure that Members have a fair hearing.
- (f) The Convener shall decide all matters of order, competency and relevancy and his/her ruling shall be final and shall not be open for discussion.
- (g) In the event that 2 or more Members want to speak, the Convener shall decide which Member shall be first.
- (h) The Convener shall be entitled, in the event of disorder arising at any meeting, to adjourn the meeting to any other time or day that he/she may fix at the time or afterwards. In these circumstances, by simply vacating the chair, the Convener shall adjourn the meeting.

- (i) The Convener shall decide all questions of procedure for which no express provision is made under standing orders.

FORM OF NOTICE OF MOTION

- 13. Every notice of motion shall be in writing, signed by the Member of the Joint Committee giving the notice and counter-signed by one other Member. A notice of motion which has not been received by the Clerk at least 14 days prior to the date of any meeting of the Joint Committee shall not be specified in, or transmitted with, the summons calling such meeting.

FAILURE TO MOVE MOTION AFTER NOTICE HAS BEEN GIVEN

- 14. If a motion which is specified in the summons calling the meeting is not moved by the Member who has given the notice or by some other Member on his/her behalf when it comes to be considered, it shall, unless postponed by leave of the Joint Committee, be considered as withdrawn and shall not be moved without further notice.

CHANGING A DECISION

- 15. A decision we have made cannot be changed within 6 months unless the Convener rules that there has been a material change of circumstances.

MOTIONS - PROCEDURES

- 16.
 - (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 we consider a report again and motions and amendments that are fully set out in 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) We will consider a motion to approve a report or minutes as an original motion. We will deal with any motion that involves changing or rejecting a report or minute as an amendment.
 - (e) We will not discuss motions or amendments that are not seconded and we will not put them in 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 amendment which failed to find a seconder, asked that his or her dissent be recorded".

HOW MOTIONS MUST BE PRESENTED

- 17. If we need to deal with a motion and two or more amendments, 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. We will then use this amendment against the original motion and then take a vote.

TIME LIMIT OF SPEECHES

- 18. The mover of a motion or amendment shall not speak for more than 5 minutes. Any succeeding speaker shall not speak for more than 5 minutes. The mover of the original motion shall have the right to speak for 5 minutes in reply. The foregoing limits of time may be exceeded with the consent of the majority of the Members present and it shall be competent for the Convener to determine - without the necessity of taking a division - whether the

consent of the Members present had been obtained to the foregoing limits of time being exceeded.

GENERAL CONDUCT

19. (a) All members must comply with the requirements of The Councillors' Code of Conduct and associated regulations and guidance as issued by the Standards Commission for Scotland.
- (b) If any member at any 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.

ADJOURNING MEETINGS

20. (a) We can adjourn any meeting for a reasonable time. We will do this 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 a meeting within half an hour except the Convener.

METHOD OF VOTING

21. (a) In a Joint Committee meeting we can vote on any matter by:-
- ◆ using the electronic voting system;
 - ◆ calling the roll;
 - ◆ ballot; or
 - ◆ a show of hands.
- 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 third 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.

QUESTIONS

22. (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.

DECLARATION OF INTERESTS BY MEMBERS

23. Any Member who, in terms of the Councillors' Code of Conduct has an interest (whether financial or non-financial) in a matter which requires declaration and is present at a meeting of the Joint Committee at which such matter is the subject of consideration, shall declare that interest as soon as practicable at the meeting where that interest arises. The declaration shall begin with the words "I declare an interest". If, in terms of the Councillors' Code, the nature of the interest has the effect of prohibiting any participation in discussion and voting on the matter, the Member shall leave the meeting room until discussion of the item of business is concluded.

VOTING ON APPOINTMENTS

24. (a) In the case of an appointment of a Member to a particular office or sub-committee of the Joint Committee where only 1 vacancy requires to be filled, and there are only 2 candidates, a vote shall be taken between these candidates and the one receiving the majority of votes shall be declared duly appointed.
- (b) (i) If there are more than 2 candidates, a vote shall be taken among all the candidates, each Member being entitled to vote for only 1 candidate. If this vote has been taken, any candidate has an absolute majority of the members present and voting, such candidate shall be declared duly appointed.
- (ii) If no candidate has such a majority, the name of the candidate having the fewest number of votes shall be struck off the list of candidates. In second and subsequent votes the same course as that prescribed with reference to the first vote shall be followed until 1 of the candidates obtains the votes of a majority of the Members present and voting when he/she shall be declared duly appointed or until the candidates are reduced to 2, when a final vote shall be taken and the candidate who receives a majority of the votes shall be declared appointed. If on any vote, 2 or more candidates at the bottom of the list have an equal number of votes, the meeting shall decide which of these candidates shall be struck off the list.
- (c) In the case of an appointment of a Member to a particular office or sub-committee of the Joint Committee, where more than 1 vacancy requires to be filled and there are more candidates than vacancies, each vacancy shall be filled separately following the voting procedure prescribed at (b) above.
- (d) In the case of an appointment of an officer, the Joint Committee shall follow the procedures prescribed at (a) and (b) above or such other procedures as are agreed by the Joint Committee prior to the appointment.

CHANGES TO STANDING ORDERS

25. Our standing orders can only be suspended, changed or abolished at a Joint Committee meeting if 2/3 of the members at the meeting agree.

DEPUTATIONS

26. Any written request received by the Clerk that a deputation be received by the Joint Committee on a particular matter shall be referred in the first instance to the Convener. Should the Convener consider that the matter raised by the deputation is one which is competent and relevant for the Joint Committee to determine, the written request shall be placed on the agenda of the first appropriate meeting of the Joint Committee. Thereafter, the Joint Committee may make arrangements for hearing the deputation at a subsequent meeting of the Joint Committee. In the event of the Joint Committee agreeing that arrangements be made to hear a deputation the following provisions shall apply:-

- (a) the deputation shall not exceed 3 in number;
- (b) representatives of the deputation may speak for a total of no more than 10 minutes, unless the Convener otherwise permits; and
- (c) it shall be competent for Members to put to the deputation only questions relevant to the subject of the deputation.

SUB-COMMITTEES

DELEGATING TO SUB-COMMITTEES

- 27. (a) The Joint Committee may establish sub-committees to ensure the effective operation of the Joint Committee and may determine the quorum, terms of reference and delegate to any such sub-committees.
- (b) The Joint Committee shall appoint the Convener of any sub-committee. If the Convener is absent, the Members present shall appoint someone from amongst themselves to chair the meeting.

APPLICATION OF STANDING ORDERS TO SUB-COMMITTEES

- 28. These standing orders shall apply to any sub-committees established under standing order 27.

SUBSTITUTE MEMBERS AND SPECIALIST ADVISERS

- 29. (a) Each constituent authority may appoint a substitute member to attend meetings of the Joint Committee in the absence of the appointed member. Where both the nominated member and substitute member are present, only the nominated member will have the right to vote on any matter before the Joint Committee.
- (b) The Joint Committee may invite other persons from appropriate bodies to attend meetings of the Joint Committee in an advisory capacity. Any person attending in this capacity will have no entitlement to vote on any matter before the Joint Committee.

SCHEME OF DELEGATION TO OFFICERS

DELEGATIONS TO OFFICERS

- 30. The officers of the Joint Committee are authorised to use the delegated powers granted to them by the Joint Committee or as set out in a Scheme of Delegation from time to time approved by the Joint Committee.