

Edinburgh and East of Scotland City Region Deal Joint Committee

12 noon, Friday, 2 November 2018

Standing Orders

Item number	4.5
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Executive Summary

Draft Standing Orders are submitted for adoption by the Joint Committee.

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Report

Standing Orders

1. Recommendations

- 1.1 To agree to adopt draft Standing Orders for meetings of the Edinburgh and East of Scotland City Region Deal Joint Committee.
- 1.2 To note that these will be submitted annually to the Joint Committee for approval.

2. Background

- 2.1 Standing Orders are required in terms of the Minute of Agreement signed by the partner local authorities.

3. Main report

- 3.1 Standing Orders encourage transparent and accountable decision making with sufficient provisions in place to ensure the smooth running of the Joint Committee, including arrangements for such matters as the chairing of the meetings, the notice for the meetings and how voting will be carried out.
- 3.2 While the Minute of Agreement includes high-level principles on a number of these issues, Standing Orders provide greater detail on their implementation at committee meetings.

4. Financial impact

None

5. Equalities impact

None

6. Background reading/external references

- 6.1 Minute of Agreement between the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils.

7. Appendices

- 7.1 Standing Orders for the Edinburgh and East of Scotland City Region Deal Joint Committee.

Appendix

STANDING ORDERS

OF THE

**EDINBURGH AND SOUTH-EAST SCOTLAND REGION
JOINT COMMITTEE**

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Standing Orders

These standing orders (“**Standing Orders**”) apply from 2 November 2018 and regulate the conduct of business at meetings of the Edinburgh And South-East Scotland Region Joint Committee (“the Joint Committee”) and sub-committees of the Joint Committee.

A glossary of terms can be found in the appendix.

1 First meeting of the Joint Committee after an election

- 1.1 In a Local Government election year, the Joint Committee will hold a meeting within 21 days of each Constituent Authority appointing its members.
- 1.2 At this meeting or at any adjournment of it, the Joint Committee will:
 - (a) appoint the Convener;
 - (b) appoint the Vice-Convener; and
 - (c) deal with any competent business.

2 Convener and Vice Convener

- 2.1 The Joint Committee shall appoint a Convener or Vice-Convener. The Convenership and Vice-Convenership of the Joint Committee shall be rotated annually at the first meeting of the Joint Committee following each 12 month term. The Convenership and Vice-Convenership of the Joint Committee shall rotate annually from amongst its members in the following sequence:

<u>Year</u>	<u>Convener</u>	<u>Vice-Convener</u>
1	City of Edinburgh Council	East Lothian Council
2	East Lothian Council	Fife Council
3	Fife Council	Midlothian Council
4	Midlothian Council	Scottish Borders Council
5	Scottish Borders Council	West Lothian Council
6	West Lothian Council	City of Edinburgh Council

- 2.2 Thereafter the same sequence will repeat.
- 2.3 The roles of Convener and Vice-Convener cannot be held by the same authority at the same time.
- 2.4 The roles of Convener and Vice-Convener must be held by a Constituent Council.

2.5 The Convener, when present, shall preside at all meetings of the Joint Committee. In the absence of the Convener the Vice-Convener shall preside and in the absence of both, another member shall preside as the members present appoint. Where a vacancy occurs in the case of the Convener or Vice-Convener, the Joint Committee shall appoint a replacement from the same Authority for the remainder of their period of office.

3 Membership

3.1 The Joint Committee shall consist of the following members:

- a) 1 member from each Constituent Council (subject to 3.1(b));
- b) Where a constituent Council has co-leaders, and if nominated by that Council, they will be entitled to attend the Joint Committee as members but their Council shall only enjoy a single vote;
- c) 3 non-Council members of which one must be a business representative, one a third-sector representative and one a further/higher education representative. The business representative and the third sector representative will be appointed by the Regional Enterprise Council and the further/higher education representative will be appointed by the further/higher education group.

3.2 Any member of the Joint Committee may be represented by another member of the same authority (such member requiring to be a councillor of the authority) or non-Council organisation. A person appointed as a substitute shall have the same powers at the meeting as the member whom he or she is representing.

3.3 The Joint Committee may co-opt for an agreed period additional non-voting participants to represent other interests or provide specialist expertise.

3.4 Members appointed by the Constituent Councils to the Joint Committee shall hold office for a period determined by their Council but this period must not extend beyond the next local government elections. Immediately after such election, each Constituent Council shall again appoint its number of members to the Joint Committee. Non-Council organisations shall be free to vary the period of office for their members of the Joint Committee.

3.5 A member ceasing to be a member of the Constituent Council which appointed him/her shall cease to be a member of the Joint Committee as at the same date. In that event, or any other time the Constituent Council by which a member was appointed may appoint a member, to take his/her place for the remaining part of his/her period of office. Non-

Council organisations may choose to introduce a replacement member of the Joint Committee at any time.

4 Powers and Duties of Joint Committee

- 4.1 The Constituent Councils have delegated the following powers to the Joint Committee:
 - 4.1.1 To oversee the implementation of the Edinburgh and South East Scotland City Region Deal Programme;
 - 4.1.2 To monitor the impact of the Edinburgh and South East Scotland City Region Deal Programme;
 - 4.1.3 To build and support inclusive growth focusing on the needs of the local area and strengthening the partnership between public, private and third sectors;
 - 4.1.4 To improve business involvement from the Edinburgh and South East Scotland city region in local decision making;
 - 4.1.5 To collaborate and work in partnership to assist in delivering regional planning and transport policy linking the Edinburgh and South East Scotland City Region Deal to SESTRAN and SESPlan; and
 - 4.1.6 To work in partnership on other initiatives across the Edinburgh and South East Scotland city region with the explicit support of individual constituent members.
- 4.2 Any financial commitment proposed by the Joint Committee must be referred to each Constituent Council for individual agreement.
- 4.3 Each Constituent Council and non-Council member can opt their organisation out of a proposal and this does not automatically stop the proposal being taken forward by other members.
- 4.4 Further powers can be delegated to the Joint Committee with the agreement of all Constituent Councils.

5 Meetings

- 5.1 The Joint Committee shall hold at least four ordinary meetings each year and may meet on such other occasions as may be necessary when a special meeting may be called in terms of Standing Orders.
- 5.2 A schedule of meeting dates and venues will be agreed annually by the Joint Committee.

6 Notice of Meetings

- 6.1 At least 3 clear days before a meeting of the Joint Committee:
 - 6.1.1 the Clerk will publish a notice of the time and place of the intended meeting. If the meeting is called by members of the Joint Committee, the signed request specifying the business to be transacted and signed by at least one quarter of the members of the Joint Committee will accompany the notice; and
 - 6.1.2 a summons to attend the meeting containing the agenda of business will be sent to every Joint Committee member by email or to an alternative address nominated by them. The validity of a meeting is not affected by a summons not being sent to a member of the Joint Committee.
- 6.2 The Clerk will call a special meeting to be held within 14 days of receiving a written request specifying the business to be transacted and signed by at least one quarter of the members of the Joint Committee.
- 6.3 The Clerk will call additional meetings, in consultation with the Convener and Vice-Convener, as they are deemed necessary.
- 6.4 Any summons issued under Standing Order 6.1 must give a note of the agenda of business and the proposed order for dealing with business at the meeting.
- 6.5 No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Joint Committee as a matter of urgency. The Convener must rule that it is a matter of urgency and give the reasons for the ruling to be noted in the minutes. The item must be made known at the start of the meeting when the order of business is decided. If the Convener rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Joint Committee, unless dealt with earlier.

7 Quorum

- 7.1 A quorum of the Joint Committee shall be three members appointed by and representing no less than three of the six Constituent Councils, and one non-Council member.
- 7.2 Should the Joint Committee appoint a sub-committee, the membership of the sub-committee and its quorum shall be determined by the Joint Committee.
- 7.3 No business may be transacted at any meeting unless a quorum is present. If less than a quorum is present after the appointed time for the start of the meeting, the meeting will be adjourned until such date and time as the Convener decides.

- 7.4 After a meeting has started, if the number of members present falls below the quorum, the meeting will be adjourned immediately until such date and time as the Convener decides.
- 7.5 A member who has declared an interest in an item of business and has left the meeting may not be counted in the quorum for that item of business. Therefore, should the membership fall below the quorum due to a member withdrawing from the meeting due to a related declaration of interest that item(s) cannot be dealt with at the meeting.

8 Convener Duties

- 8.1 The duties of the Convener of the meeting, in accordance with these Standing Orders, will include:
 - 8.1.1 Deciding on all matters of protocol, decorum, order, competency and relevancy;
 - 8.1.2 Determining all matters of procedure for which no provision is made within these Standing Orders. In reaching this determination he/she may be advised by the Clerk;
 - 8.1.3 Deciding priority between two or more members wishing to speak;
 - 8.1.4 Ensuring that a fair opportunity is given to all members to express their views on any item of business;
 - 8.1.5 Preserving order within the meeting;
 - 8.1.6 Ordering the exclusion of any member of the public, in order to prevent or suppress disorderly conduct or any other behaviour which impedes or is, in the Convener's opinion, impeding the business of the meeting;
 - 8.1.7 In the event of disorder arising, adjourning the meeting to a time and date the Convener will fix then or later. In leaving the meeting, the Convener in such circumstances, will without further procedure have formally adjourned the meeting; and
 - 8.1.8 Signing the minutes of the previous meeting.

- 8.2 The decision of the Convener in relation to all questions regarding Standing Orders is final, but in reaching these decisions reasons should be provided and advice may be sought from the Clerk.

9 Chief Officer and Clerk

- 9.1 On the recommendation of the Chief Officers' Group, comprising of the lead chief officers for the six Councils, a Chief Officer shall be nominated who shall report to the Joint Committee and be responsible for carrying out the

functions delegated to him or her by the Joint Committee.

- 9.2 A representative of the City of Edinburgh Council, shall be appointed as Clerk to the Joint Committee. This can be altered with the agreement of all Constituent Councils.

10 Order of Business

- 10.1 The business of the Joint Committee will take place in the following order:
- (a) Order of Business
 - (b) Declaration of Interests
 - (c) Minutes
 - (d) Decisions
 - (e) Motions

11 Power to Vary Order of Business

- 11.1 The Convener may at any meeting vary the order of business to give precedence to any item on the agenda.

12 Matters Decided in Private

- 12.1 The Joint Committee, under Section 50A(2) of the Local Government (Scotland) Act 1973, shall exclude the public from the meeting for items of business on the grounds that it involves the disclosure of confidential information as defined in the Act of 73.
- 12.2 The Joint Committee, under Section 50A(4) of the Local Government (Scotland) Act 1973, may exclude the public from the meeting for items of business on the grounds that it involves the disclosure of exempt information as defined in [Part 1 of Schedule 7A of the Act](#).

13 Declaration of Interests

- 13.1 Where a Joint Committee member declares an interest in accordance with the Councillors' Code of Conduct and leaves the meeting, the fact will be recorded in the minutes of the meeting.

14 Minutes

- 14.1 The Clerk will minute all Joint Committee meetings. The minutes will record the names of the members who attended the meeting. They will be circulated among members of the Joint Committee at least three clear working days before its next meeting for approval or amendment. Once they are agreed as a correct record of proceedings of the meeting, the Convener of the meeting will sign them.

15 Notices of Motion

- 15.1 Every formal notice of motion will be in writing and signed by the member giving the notice. The notice must be delivered to the Clerk by noon on the seventh working day before the meeting. Those not received within this timescale, will not be included in the summons calling the meeting.
- 15.2 Late formal notices of motion must be submitted to the Joint Committee at the appropriate time in the meeting, if they:
 - 15.2.1 Have been delivered to the Clerk before the start of the meeting;
 - 15.2.2 Are considered by the Convener to be competent, relevant and urgent; and
 - 15.2.3 Have been circulated to members before the meeting commences or read by the Clerk to the meeting at the appropriate time in the meeting.
- 15.3 Late motions which are not accepted as urgent by the Convener, will be considered at the next ordinary meeting.
- 15.4 Every formal motion submitted, in terms of Standing Orders 16.1 and 16.2 will require to be moved and seconded formally. If such a motion is not moved and seconded formally it will fall and this will be recorded in the minutes.

16 Order of Debates

- 16.1 A member who wishes to speak, when called on, will address the Convener. The member will speak directly on the motion or amendment that is being proposed, seconded or discussed, or on a question of order. No member can speak more than once on any subject that is being discussed, except for a point of order or, with the permission of the Convener, to give an explanation. The person proposing the motion has a right of reply.

17 Length of Speeches

- 17.1 Except with the Convener's permission the proposer and seconder of a motion or an amendment must not speak for more than five minutes and all other speakers for not more than three minutes. The proposer of the original motion may speak for up to five minutes in reply, and the reply must not introduce any new matter into the debate. After that, the discussion will finish and the Convener will direct that a vote be taken.

18 Motion for Adjournment

- 18.1 A motion to adjourn the meeting may be put at any time, except if a member is speaking, and will have precedence over all other motions. It must be moved and seconded without discussion and must at once be put by the Convener in the form of 'adjourn' or 'not adjourn.'

18.2 A second or subsequent motion to adjourn may not be made within half an hour unless it is moved by the Convener when it will be dealt with as in Standing Order 18.1.

19 Debate

19.1 The mover of an amendment which is not seconded and where the mover does not take part in any subsequent vote may have his/her dissent to the decision of the Joint Committee minuted.

19.2 The mover and seconder of any motion or amendment or adjustment thereof may speak in support of the motion or amendment for not more than five minutes. No other speaker may speak for more than three minutes or more than once in the same discussion except to call attention to a point of order.

19.3 The mover of the original motion will have the right to speak for a further five minutes in reply to the debate after which the discussion will be closed. The mover of the motion must, in his/her reply, strictly confine himself/herself to answering previous speakers and not introducing any new matter. No member will be permitted to offer an opinion or to ask a question or otherwise to interrupt the proceedings. The motion and amendment(s) will then be voted on by members.

19.4 The limits of time specified in Standing Orders 19.2 and 19.3 may be exceeded with the consent of the majority of members present and the Convener may determine, without taking a vote, whether such consent has been obtained.

19.5 The mover of the motion or amendment may agree to add all or part of an amendment moved and seconded by other members, provided that: (a) His/her seconder consents; (b) The mover and seconder of the other amendment consents; and (c) The agreement takes place before the mover of the motion has replied.

20 Voting

20.1 Each constituent Council and non-Council member shall have one vote each, subject to Standing Order 3.1(b). Where co-leaders attend the Committee from a constituent Council, that Council must intimate to the Clerk of the Joint Committee prior to the meeting who is to cast the vote for the Council.

20.2 A simple majority of those members present and voting shall be required in all voting procedures.

20.3 A vote may be taken by either calling the roll or by a show of hands. When

it is proposed to be taken by a show of hands any member may object and if two members of the Joint Committee object, the vote must be taken by calling the roll. All votes on procedure, however, will be taken by a show of hands.

- 20.4 When a motion and amendment are before the Joint Committee the proposal receiving the support of a majority of members present and voting will be declared to be a decision of the Joint Committee. If none of the proposals receives the support of a majority of those voting, the one which has received the fewest votes will be dropped and a fresh vote taken on the remaining proposals. If there are an equal number of votes between the proposals with the fewest votes the Convener will have a casting vote to determine which proposal should be dropped. If the Convener does not exercise his/her casting vote, the decision will be by lot. This process of elimination will continue until one proposal has received majority support from those voting which will be declared the decision by the Joint Committee.
- 20.5 Where there are an equal number of votes, the matter should be continued to the next meeting to allow for further discussions between the members led by the Convener.
- 20.6 Following any continuation, if there are equal numbers of votes, the Convener will have a casting vote except where the vote relates to an appointment. In this case, the decision will be by lot.
- 20.7 If a vote has been taken and a member immediately challenges the accuracy of the count, the Convener will decide whether to have a recount. If there is a recount, the Convener will decide how this should be taken.

21 Point of Order

- 21.1 Any member may raise a point of order at any time during a meeting. Any member who is addressing the meeting when a question of order is raised will resume his/her seat until the question has been decided by the Convener. The member raising the point of order will advise which Standing Order he/she considers is being infringed and thereafter, without debate, await the Convener's decision. No other member may speak to the point of order unless with the permission of the Convener. The decision of the Convener will be final and cannot be discussed.

22 Suspension of Standing Orders

- 22.1 The Joint Committee may on a motion duly moved and seconded, and with the consent of two thirds of members voting, suspend any Standing Order specified in the motion. Any such motion may be submitted, without previous notice, and will be voted on by a show of hands without discussion.
- 22.2 Standing Orders 1, 2, 3, 4, 6, 7, 11, 12, 13, 20, 22, 28 will not be capable of

suspension.

23 Validating the Proceedings

- 23.1 The proceedings will be validated by confirming the minutes of the meeting at the next meeting.

24 Obstructive or offensive conduct by members

- 24.1 If any member at any meeting disregards the authority of the Convener, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the member for the rest or any part of the meeting. The motion will be put without discussion. If it is carried, the Clerk will act on any orders received from the Convener to carry out the decision.

25 Admission of media and members of the public

- 25.1 Subject to law and in particular to the provisions of the Local Government (Access to Information) Act 1985, meetings will be open to the public and representatives of the media, subject to powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at the meeting.
- 25.2 Any video or sound recordings or broadcasting of meetings or the taking of any photographs will be at the Convener's discretion.

26 Changing a Committee Decision

- 26.1 Subject to law, a decision of the Council cannot be changed by the Council within six months unless notice has been given of the proposed item in the summons for the meeting and:
- the Convener rules there has been a material change of circumstances; or
 - the Council agrees the decision was based on erroneous, incorrect or incomplete information.

27 Review of Standing Orders

- 27.1 These Standing Orders will be reviewed at least every year following a Local Government Election, at the request of the Joint Committee or if the Clerk determines so and reports to the Joint Committee.

28 Sub-committees

- 28.1 The Joint Committee may appoint a Sub-Committee(s) it considers necessary.
- 28.2 The Joint Committee may appoint from its members such Sub-Committees as it may from time to time consider necessary or desirable for the exercise of its functions and may, subject to such limitations as it may impose,

delegate or refer to such Sub-Committees, any of the functions delegated to the Joint Committee under this Agreement. The Joint Committee shall appoint the Convener of any Sub-Committee appointed under this paragraph.

- 28.3 The Joint Committee will appoint the convener of any sub-committee. If the Convener is absent, the members present will appoint someone from amongst themselves to chair the meeting.
- 28.4 One third of the membership of a Sub-Committee will be a quorum.
- 28.5 The minutes of a meeting of a Sub-Committee will be:
 - 28.5.1 Submitted for approval as a correct record and signed by the person chairing the next meeting of the Sub-Committee; and
 - 28.5.2 Circulated to the next meeting of the Joint Committee for approval of any recommendations.

Appendix

Definitions

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

“Act of 1973” means the Local Government (Scotland) Act 1973 as amended;

“Act of 1985” means the Local Government (Access to Information) Act 1985;

“Agreement” means the Minute of Agreement among the Constituent Councils as agreed on 25 October 2018;

“Joint Committee” means The Edinburgh and South-East Scotland Region Joint Committee established under the Agreement;

“Constituent Authority” means any of the Councils of The City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils;

“Convener” means the Convener of the Joint Committee appointed under Paragraph 12 of the Agreement;

“Vice-Convener” means the Vice-Convener of the Joint Committee appointed under Paragraph 12 of the Agreement;

“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 Paragraph 3 of the Agreement and, except where the context otherwise requires, includes a Substitute Member as defined below;

“Substitute Member” means a person appointed by any of the Constituent Authorities from their own number to be a substitute member of the Joint Committee in terms of Paragraph 3 of the Agreement;

“Clerk” means the Clerk of the Joint Committee appointed in terms of Paragraph 11 of the Agreement.