

CITY OF EDINBURGH COUNCIL

PROCEDURAL STANDING ORDERS

FOR COUNCIL

AND COMMITTEE MEETINGS

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STANDING ORDERS

These standing orders ("**Standing Orders**") apply from 1 August 2021 and regulate the conduct of business at meetings of the City of Edinburgh Council ("**Council**") and the committees or sub-committees of the Council ("**Committees**").

Members are responsible for acting in accordance with the Members' code of conduct at Council and committee meetings.

1. **First meeting of the Council after an election**

1.1 In an election year, the Council will hold a meeting at 10 am, no later than the third Thursday after the day of the ordinary election of Councillors.

1.2 At this meeting or at any adjournment of it, the Council will

(a) appoint the Lord Provost;

(b) seek to appoint the Depute Convener, the Leader and Depute Leader of the Council, the members of the committees of the Council and their conveners and any vice-conveners, the members of the joint committees and joint boards, the members of the Licensing Board and such representatives to other bodies as the Council may decide to appoint; and

(c) deal with any urgent competent business.

2. **Lord Provost and Depute Convener – term of office**

2.1 The Council may at any time agree to remove the Lord Provost and Depute Convener from office, with immediate effect, provided that not less than three quarters of the members of the Council present and voting so decide.

3. **Ordinary and special meetings**

3.1 If circumstances allow, a meeting of the Council will be held at 10 am on every fourth Thursday.

3.2 In a non-election year the Council, at its first ordinary meeting in May will; appoint the Leader and Depute Leader, the members of the committees of the Council and their conveners and any vice-conveners and the members of the joint committees and joint boards.

3.3 The Lord Provost may in exceptional circumstances alter the arrangements for ordinary meetings or authorise a special meeting to be called. A special meeting may also be called at any time by written request to the Clerk specifying the business to be transacted and signed by at least one quarter of the members of the Council. The Clerk will arrange for the special meeting to be held within 14 days of receipt of the request. The right to call a meeting does not apply to Committees.

3.4 The Council may recess for periods to be determined by the Clerk after consultation with the Lord Provost and the Leader of the Council. During any recess no meetings

of the Council, Executive Committees or the Governance, Risk and Best Value Committee will be held.

4. **Notice of Meetings**

4.1 At least 3 clear days before a meeting of the Council or its Committees:

- (a) the Clerk will publish a notice of the time and place of the intended meeting. If the meeting is called by members of the Council, the signed request will accompany the notice; and
- (b) a summons to attend the meeting containing the agenda of business will be sent to every Council member by email or to an alternative address nominated by them. If a summons is not sent to any member, the meeting will still be validly called only if good reason is shown for failure to send such a summons.

4.2 A Committee will hold such meetings as the Council may prescribe, but the Clerk will call additional meetings of a Committee at any time on being required to do so by the Committee concerned, or at the request of the Convener. Meetings will be called at least six days before the meeting date in accordance with the statutory requirements

4.3 The Clerk will call a special meeting to be held within eight days of receiving a written request specifying the business to be transacted and signed by at least one quarter of the members of the Committee concerned.

4.4 Any summons issued under Standing Order 4.1 must give a note of the agenda of business and the proposed order for dealing with business at the meeting.

4.5 No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Council or Committee as a matter of urgency. The Lord Provost or 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 Lord Provost or Convener rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Council or next scheduled committee meeting, unless dealt with earlier.

5. **Quorum**

5.1 The quorum of the Council is sixteen. No business may be transacted at any meeting unless a quorum is present. If fewer than sixteen members are present ten minutes after the appointed time for the start of the meeting a division will be announced. If after a further period of three minutes there are still fewer than sixteen members present, the meeting will be adjourned until such date and time as the Lord Provost decides.

5.2 If at any time during a Council meeting a question arises on whether there is a quorum, the Lord Provost will instruct a count of the members who are present. If a quorum is not present, the meeting will be adjourned until such date and time as the Lord Provost decides.

5.3 Subject to law the quorum of a Committee will be one third of the number of voting members of the Committee (see Committee terms of reference for specific numbers)

provided that in no case will any business be transacted unless at least two voting members are present.

5.4 If fewer members are present five minutes after the time appointed for the start of a Committee meeting than are needed to constitute a quorum the meeting will be adjourned until such date and time as the Convener decides. 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.

5.5 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. If less than a quorum of the Council or Committee is entitled to vote on an item due to declaration of interests that item cannot be dealt with at the meeting.

6. **Lord Provost - Council Meetings**

6.1 The Lord Provost will chair any Council meeting when he or she is present. When the Lord Provost is absent from a Council meeting, the Depute Convener will chair the meeting. When the Lord Provost and Depute Convener are absent, another member of the Council, chosen by the members present, will chair the meeting.

7. **Convener - Committees**

7.1 The Convener will chair any meeting of a Committee when he or she is present. When the Convener is absent from a Committee meeting the Vice-Convener, if appointed, will chair the meeting. When the Convener and Vice-Convener are absent, another member chosen by the members present will chair the meeting.

8. **Lord Provost and Convener- Duties**

8.1 The duties of the Lord Provost or Convener of the meeting, in accordance with these Standing Orders, will include:

- (a) Deciding on all matters of protocol, decorum, order, competency and relevancy;
- (b) 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;
- (c) Deciding priority between two or more members wishing to speak;
- (d) Ensuring that a fair opportunity is given to all members to express their views on any item of business;
- (e) Preserving order within the meeting;
- (f) 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 Lord Provost or Chair's opinion, impeding the business of the meeting;
- (g) In the event of disorder arising, adjourning the meeting to a time and date the Lord Provost or Convener will fix then or later. In leaving the meeting, the Lord

Provost or Convener in such circumstances, will without further procedure, have formally adjourned the meeting;

(h) Signing the minutes of the previous meeting;

8.2 The decision of the Lord Provost or Convener in relation to all questions regarding Standing Orders is final, but in reaching these decisions advice may be sought from the Clerk.

9. **Order of Business**

9.1 **Full Council** – the business of Council at ordinary meetings will take place in the following order:

(a) Order of Business

(b) Declaration of Interests

(c) Deputations

(d) Minutes

(e) Leader's Report

(f) Appointments

(g) Reports

(h) Motions

(i) Congratulatory Motions

(j) Council Questions

9.2 At a meeting of the Council or a Committee a ten-minute break will be taken after every two hours of business or at the end of the current item of business, at the discretion of the Lord Provost or Convener.

10. **Power to vary order of business**

10.1 The Council or Committee may at any meeting vary the order of business to give precedence to any item on the agenda:

(a) at the discretion of the Lord Provost or Convener; or

(b) on a motion duly moved and seconded and voted on electronically or by a roll call.

11. **Declaration of Interests**

11.1 Where a 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.

12. **Deputations**

- 12.1 The Council or any Committee can hear deputations on any matter that is included in its power, duties or delegation.
- 12.2 Every application for a deputation must be from an office bearer of an organisation or group. It must be submitted by email or in writing, setting out the subject of the deputation and be delivered to the Clerk no later than 2pm, two working days before the meeting concerned. The Lord Provost or Convener has discretion to waive both these requirements.
- 12.3 The Clerk will submit the application to the Council or relevant Committee. An application for a deputation to Council will only be submitted if it relates to an item of business on the agenda for that meeting or if the Lord Provost or Convener decides that there is sufficient reason for the meeting to consider it.
- 12.4 When the Council or Committee considers whether to hear a deputation, it must not discuss the merits of the case itself. If necessary, a vote will be taken without discussion on whether to hear the deputation.
- 12.5 Each deputation will not usually exceed four persons and will have ten minutes to present its case. If the meeting decides to hear more than one deputation on the same subject, they will be heard together. The Lord Provost or Convener will decide how much time to allow.
- 12.6 Unless the Lord Provost or Convener decides otherwise, the total maximum time allowed for deputations at a meeting will be limited to 60 minutes.
- 12.7 Any member can put a question to the deputation that is relevant to the subject. The total time allowed for such questions will not be more than ten minutes for each deputation. The merits of the case must not be discussed by members until the deputation has withdrawn.
- 12.8 Standing Order 12 does not apply to meetings of the Licensing Sub-Committee, the Development Management Sub-Committee, or the City of Edinburgh Planning Local Review Body, nor to any subsequent consideration of the quasi-judicial matter, or to any other quasi-judicial items considered by the Council or its committees.

13. **Minutes**

- 13.1 The Clerk will minute all Council and Committee meetings. The minutes will record the names of the members who attended the meeting and record, in the event of a vote, how each individual member voted. They will be circulated among members of the Council or Committee at least three clear working days before its next meeting for approval. If they are approved as a correct record of proceedings of the meeting, the Lord Provost or Convener of the meeting will sign them.

14. **Reports to Council and Executive Committees**

- 14.1 Reports to the Council and its Executive Committees will be submitted in accordance with the relevant remits and delegated functions set out in the Council's Committee Terms of Reference and Delegated Functions. Any report which may be of interest to

another Executive Committee will be included in that Committee's Business Bulletin by way of an electronic link and may also be issued by email to elected members if requested.

15. **Council Questions**

15.1 At any Council meeting, a member may put a question to the Lord Provost or to any Convener or Vice-Convener with relevant responsibility about any relevant or competent business. The question must be given in by email or in writing to the Clerk by noon on the seventh working day before the meeting. The Lord Provost or Convener may specify that a particular question will be answered by another Convener or Vice-Convener, with that member's consent.

15.2 A member may put a question to a Convener or Vice-Convener at a Council meeting about any matter that is on the summons for that meeting. He/she must give the question orally or in writing to the Clerk by 10am on the day before the meeting.

15.3 After a question has been answered the questioner may ask a supplementary question, if necessary, to seek clarification of the answer given. The total time for asking a supplementary question and replying to it will not be more than 5 minutes. The total time for all such questions and answers will not be more than 40 minutes.

15.4 No discussion will be allowed on any question or answer.

16. **Leader's Report and Questions**

16.1 At a meeting, a member may put one or more oral questions to the Leader in connection with the Leader's Report. The Leader may invite a Convener or Vice-Convener to respond on his/her behalf. The total time allowed for such questions and answers will not be more than 40 minutes.

16.2 No discussion will be allowed on any question or answer.

17. **Notices of Motion**

17.1 Every formal notice of motion will be in writing and signed off by the member giving the notice. The notice must be emailed 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.

17.2 Late formal notices of motion may be submitted to the Council or Committee at the appropriate time in the meeting, in terms of Standing Order 4.4 if:

- (a) They have been delivered to the Clerk before the start of the meeting;
- (b) They are considered by the Lord Provost or Convener to be competent, relevant and urgent; and
- (c) They have been circulated to members before the meeting commences or read by the Clerk to the meeting at the appropriate time in the meeting.

17.3 Late motions which are not accepted as urgent by the Lord Provost or Convener, will be considered at the next ordinary meeting.

17.4 Every formal motion submitted, in terms of Standing Orders 17.1 and 17.2, 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.

18. **Public Meetings and Private Items**

18.1 Meetings of the Council are generally open to the public but the Local Government (Scotland) Act 1973 does allow the Council to hear matters in private if they meet the description of confidential information as defined in the Act or by resolution if the Council agrees that if the meeting was held in public, then exempt information as defined in Schedule 7(A) of the Act would be disclosed.

18.2 Being open to the public requires that the public should be able to observe meetings and should have access to all agendas and reports that are not ruled private under the Act. To ensure access, the Council will endeavour to webcast all appropriate meetings that are open to the public.

19. **Order of Debates**

19.1 A member who wishes to speak, when called on, will address the Lord Provost or 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 Lord Provost or Convener, to give an explanation. The person proposing the motion has a right of reply.

20. **Length of Speeches**

20.1 Except with the Lord Provost or 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 Lord Provost or Convener will direct that a vote be taken.

21. **Motion for Adjournment**

21.1 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 Lord Provost or Convener in the form of 'adjourn' or 'not adjourn.'

21.2 A second or subsequent motion to adjourn may not be made within half an hour unless it is moved by the Lord Provost or Convener when it will be dealt with as in Standing Order 21.1.

22. **Debate**

22.1 A member wishing to speak will address the Lord Provost or Convener. He/she will speak only on the matter under consideration or on a question of order.

- 22.2 A member proposing to submit a motion or amendment on any subject under discussion will before addressing the meeting state the terms of the motion or amendment. If he/she fails to do so the Lord Provost or Convener will ask him/her to state the terms. Every motion or amendment must be moved and seconded and will, when required by the Lord Provost or Convener, be put in writing and submitted electronically to the Clerk. Members will be only permitted to move or second one motion/amendment for each item of business.
- 22.3 That any motion or amendment, to any subject under discussion be provided to the clerk no later than 2pm on the working day before the meeting unless the motion or amendment:
- a) Moves the recommendations of the report; or
 - b) Calls for a continuation of consideration of the item to a future meeting; or
 - c) Moves no action; or
 - d) Has been ruled urgent by the Lord Provost or Convener; or
 - e) Can be submitted verbally at the meeting and with the consent of the Lord Provost or Convener.
- 22.4 Clause 22.3 will not apply to any agenda items where the final report or reports were not issued alongside the notice of the meeting.
- 22.5 Minor changes to motions and amendments are permitted but these should be able to be verbally altered at the meeting.
- 22.6 The Council or Committee can agree that in exceptional circumstances the requirements of this standing order can be ignored.
- 22.7 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.
- 22.8 Notwithstanding the provisions in Standing Order 22.7, if an individual member is named by another speaker during debate, that member will be permitted to speak, even if having already spoken, but only in response to the specific reference made and only to correct any apparent or actual misrepresentation.
- 22.9 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.

- 22.10 The limits of time specified in Standing Orders 22.7 and 22.4 to 22.9 may be exceeded with the consent of the majority of members present and the Lord Provost or Convener may determine, without taking a vote, whether such consent has been obtained.
- 22.11 When a motion and two or more amendments are before the meeting, the Lord Provost or Convener will decide the order and manner for putting the motion and amendments to the meeting. The Lord Provost or Convener (or nominee) will have the right to move a minute or report, as the original motion, with all alternative proposals considered as amendments.
- 22.12 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.
- 22.13 The mover of an amendment, which is not seconded, may have his/her dissent to the decision of the Council or Committee recorded in the minute.
- 22.14 If a motion is moved and seconded and no amendments are put forward, no other speaker may speak on this item of business except to call attention to a point of order.
- 22.15 Individual agenda items, (excluding the budget and quasi-judicial items) will be subject to a 40-minute time limit, unless specifically agreed by Council or committee at the order of business by a straightforward majority vote if required. This will include time for any questions to officers', proposing and seconding speeches and general debate but not including time to conduct voting or officers presenting their report. In the event of no express agreement by committee, the Lord Provost or Convener will have the discretion to allow proceedings to continue but should explain why they are doing so.

23. **Closure of Debate**

- 23.1 Any member who has not spoken on the question before the meeting may propose 'that the matter now be decided'. If this is seconded and the Lord Provost or Convener thinks the question has been discussed enough, he or she will order that a vote on the motion be taken, without amendment or discussion. If the motion that the matter now be decided is carried, the proposer of the original motion will have a right to reply, and the question itself will then be put to the meeting. If the motion that the matter be now decided is not carried, a similar motion may be made after every two further members have spoken.

24. **Voting**

- 24.1 All votes will be taken by roll call vote or by electronic voting and with a clear public audit trail from vote to Member.
- 24.2 The minutes will record how each individual member voted.

- 24.3 When a motion and amendment are before the Council or Committee the proposal receiving the support of a majority of members present and voting will be declared to be a decision of the Council or Committee.
- 24.4 When a motion and two or more amendments are before the Council or Committee and the adoption of one or more of the proposals would result in either the continuation of a decision or no action, a vote will firstly be taken on the proposal(s) involving continuation or no action as soon as the discussion is completed. This vote will be taken 'for or against' either continuation or no action. Any vote necessary on the remaining proposals will be taken in terms of Standing Order 24.1.
- 24.5 When a motion and two or more amendments, none of which involves continuation or no action, are before the Council or Committee, the vote will be taken on all proposals, each member having one vote. If a proposal receives the support of a majority of members voting it will be declared to be the decision of the Council or 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 is an equal number of votes between the proposals with the fewest votes the Lord Provost will have a casting vote to determine which proposal should be dropped. If the Lord Provost 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 of the Council or Committee.
- 24.6 If there are equal numbers of votes, the Lord Provost or Convener will have a casting vote except where the vote relates to appointing a member of the Council to any particular office or committee. In this case, the decision will be by lot.
- 24.7 If a vote has been taken and a member immediately challenges the accuracy of the count, the Lord Provost or Convener will decide whether to have a recount. If there is a recount, the Lord Provost or Convener will decide how this should be taken.

25. **End of Session Decisions**

- 25.1 At 5pm for Council and committee meetings excluding quasi-judicial committees and items, and meetings that begin in the afternoon, unless the Council or committee expressly agrees otherwise, motions and amendments will be moved and seconded formally with no debate, before a vote is then taken for each remaining item of business.

26. **Appointments**

- 26.1 When appointing a member of the Council or any person to office where the number of candidates is more than the number of vacancies, the person to be selected may be decided by ballot. In each case, members can vote for as many candidates as there are vacancies but in any vote, they may only vote once for any one candidate.
- 26.2 If only one vacancy is to be filled and one candidate has an absolute majority of the votes cast, that candidate will be declared appointed. If this is not the case, the name of the candidate with the fewest votes will be taken off the list of candidates. This process of elimination will continue until the number of remaining candidates equals

the number of vacancies or one candidate has a majority and there is only one vacancy. That candidate or those candidates will be declared to be appointed.

26.3 If there is a vote between more than two candidates and there are an equal number of votes for candidates with fewest votes, there will be an extra vote by ballot of those candidates. The name of the candidate with the fewest votes will be taken off the list. If there are an equal number of votes between two candidates, the candidate to be taken off the list will be decided by lot.

26.4 Subject to law, appointments to outside bodies are for the life of the Council unless the person appointed resigns from the appointment or the outside body's constitution specifies a different time period.

27. **Point of Order**

27.1 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 Lord Provost or 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 Lord Provost or Convener's decision. No other member may speak to the point of order unless with the permission of the Lord Provost or Convener. The decision of the Lord Provost or Convener will be final and cannot be discussed.

28. **Suspension of Standing Orders**

28.1 The Council 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 electronically or by roll call without discussion.

28.2 Standing Orders 2, 8, 26, 27, 28 and 34 will not be capable of suspension.

28.3 The Pensions Committee and Pensions Audit Sub-Committee, with external membership and participation are subject to their own Standing Orders approved by the Pensions Committee from time to time. In the absence of the aforementioned Standing Orders the City of Edinburgh Council Standing Orders will continue to apply to the Pensions Committee and Pensions Audit Sub-Committee.

28.4 The Pension Board is a body constituted under the Public Services Pensions Act 2013 and the Local Government Pension Scheme (Governance) (Scotland) Regulations 2014 and with powers regulated by the United Kingdom Pensions Regulator. The constitution and operations of the Pensions Board will be determined in accordance with regulation and, where appropriate, considered and approved by the Pensions Boards and/or the Pensions Committee.

29. **Obstructive or offensive conduct by members**

29.1 If any member at any meeting disregards the authority of the Lord Provost or 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 Lord Provost or Convener to carry out the decision.

30. Changing a Council decision

30.1 Subject to law, a decision of the Council or committee cannot be changed by the Council or committee within six months unless notice has been given of the proposed item in the summons for the meeting and:

- (a) the Lord Provost or Convener rules there has been a material change of circumstances; or
- (b) the Council or committee agrees the decision was based on erroneous, incorrect or incomplete information.

31. Referring a decision to Council

31.1 Subject to Standing Order 31.2, where a decision is taken at the Executive Committees, Governance, Risk & Best Value Committee, or the Regulatory Committee, not less than one third of the members present may ask for it to be passed to Council as a recommendation.

31.2 A decision will not be sent to the Council in terms of Standing Order 31.1 where the Convener considers that a final decision must be made before the next meeting of the Council, in order to avoid material prejudice to the interests of the Council. The Convener will give clear reasons for this decision.

32. Committee – non-member motion

32.1 Any member may raise with the relevant committee a matter of new business by submitting a motion in writing to the Clerk by noon on the seventh working day before the meeting. If accepted by the Convener the matter will be placed on the agenda of business for the next meeting. The member raising the matter will be entitled to appear at that meeting to move his/her motion, which will require to be seconded by another member, but may not vote unless he/she is a member of the Committee.

32.2 Any member may raise an amendment to an item of business to a Committee they are not a member of. They will not though be permitted to move or second or speak to the amendment at the meeting.

33. Ward or members with special interest

33.1 A member of the Council who is not a member of a particular committee may be invited by the Convener, or Vice-Convener to attend a meeting where there is under discussion any item in which that member has a local or other special interest. The member will be entitled to speak on that item but may not vote. This Standing Order does not apply to the Regulatory or the Planning Committee or any of their sub-committees.

34. **Freedom of the City**

34.1 Any member of the Council who wishes to propose that the Freedom of the City be offered to any distinguished person or organisation will first consult the Lord Provost before submitting any motion to the Council.

34.2 Any motion to give Freedom of the City will be stated in the notice of the meeting of the Council and will need to be passed by at least two thirds of members at the meeting.

35. **Variation and revocation of Standing Orders**

35.1 Any motion to vary or revoke these Standing Orders will, when voted on, be approved by a majority of members of the Council present and voting. Any such motion must be by formal notice as provided in Standing Order 17.

36. **Review of Standing Orders**

36.1 These Standing Orders will be in place until 31 December 2021 unless otherwise determined by the Council or appropriate Committee.