

The City of Edinburgh Council

10.05am, Thursday, 28 September 2023

Governance Documentation

Executive/routine
Wards

1. Recommendations

- 1.1 To agree the changes to committee processes included in paragraphs 4.1 to 4.5 of the Executive Director's report.
- 1.2 To repeal the existing Procedural Standing Orders for Council and Committee Meetings and approve in their place appendix one, such repeal and approval to take effect from 3 November 2023 and to delegate authority to the Chief Executive to take such actions and make such minor adjustments to the documents as may be necessary to implement the decision of the Council.
- 1.3 To agree the Member/Officer Protocol at appendix four.
- 1.4 To note the changes to process for the usage of urgency powers under the Committee Terms of Reference and Delegated Functions.

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Executive Director of Corporate Services

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Governance Documentation

2. Executive Summary

- 2.1 This report outlines improvements to committee business processes and minor changes to Standing Orders to improve committee meetings and the information provided to elected members. Additional training is also outlined to ensure that as much of a private item can be held in public as possible. The Member/Officer Protocol is also presented for its annual review.

3. Background

- 3.1 On 4 May 2023 Council agreed a motion by Councillor Lang as follows:
- 3.1.1 notes that, at its meeting on 21 March 2023, the Policy & Sustainability Committee considered a report on 'Four Seasons Healthcare - North Merchiston and Castlegreen Care Homes'.
 - 3.1.2 acknowledges the commercial sensitivity that rightly led the committee to consider this item in private.
 - 3.1.3 notes an addendum was tabled to the report which extended beyond the specific case of the two care homes and resulted in a majority decision to agree:
 - a) that 'the council's role as a care provider is best met through council owned and operated care homes' and,
 - b) that 'CECs presumption going forward should be in favour City of Edinburgh Council - 4 May 2023 Page 7 of 34 of an in-house model', and for 'the Convenor to communicate this council position to EIJB'.
 - 3.1.4 further recognises that members of the public were excluded and the webcast turned off for the debate and vote on the general issues covered by the addendum.
 - 3.1.5 agrees that the Council should aspire to the highest levels of openness, transparency and accountability in its decision making.

- 3.1.6 recognises that, whilst there will be individual cases and sensitive matters which require consideration in private, discussion and decisions on general policy issues should always be held in public.
- 3.1.7 requests that officers consider the issues which arose on 21 March 2023 and reports back to Council within six months with options on how procedures could be amended to ensure discussions on general issues and decisions on policy are taken in public, even when the catalyst for such a discussion comes from a private agenda item.
- 3.2 On 20 June 2023, The Finance and Resources Committee agreed to request a report within 2 cycles with proposed wording to update urgency and delegation process to ensure that any contracts to individuals worth over £100k must be approved by Committee or – following agreement from a majority of group leaders – a clerked meeting of group leaders or spokespeople and that a briefing note be provided to members on the review of urgency provision. The urgency provision though is a matter for Council and as a result it was deemed appropriate that this report covers this matter.
- 3.3 The Member/Officer Protocol was comprehensively reviewed in August 2022 and in line with good governance, is reviewed annually by the Council.

4. Main report

Business Processes

- 4.1 Currently there is an increased strain on both elected members and officers due to the length and frequency of meetings. This is also leading to potential accessibility issues for elected members. As a result, it was agreed to explore further if changes could be made to Standing Orders and committee business processes to improve the efficiency of committee meetings.
- 4.2 Improvements could be made to the current work programmes of executive committees which would help committees plan and manage their workload. It would also give a clear steer to officers what the main priorities for the committee are. It is proposed that a new annual work programme is created for each committee. This would take the form of a workshop with the committee and relevant director(s) which would give the director and members the opportunity to outline their priorities and agree how these reports could be managed through the committee over the next year. This would give members the chance to put items on the agenda (instead of motions) and would enable a discussion to be had on capacity to deliver (both of the committee and officers). At the end of the year a new workshop would take place to self-assess the past year's achievements and plan for the new year in advance of a committee annual report. It is proposed that this approach is trialled for a year with a review of its effectiveness taking place thereafter.

- 4.3 In discussions with group leaders it was suggested that the following matters were added to the best practice guidance, which is due to be reported in December 2023:
- 4.3.1 That motions with an impact on resources should be discussed with directors/senior officers prior to being submitted;
 - 4.3.2 Directors should review regular reports to determine if they need to go to committee and consider the length of reports which will reduce the impact on resources;
 - 4.3.3 Council Questions should be raised by business as usual channels first before being asked as Council Questions. The guidance should clarify those channels: and
 - 4.3.4 The purpose of Council Questions should be outlined in the best practice guidance.
- 4.4 It is proposed that a monthly briefing slot is trialled in the Council diary. This would be an hour of short ten-minute briefings on 5-6 key issues that month. The aim of this would be to provide a regular space to inform elected members and hopefully reduce the time spent in committee on questions. This regular briefing slot would not replace group briefings on significant issues.
- 4.5 In discussions with group leaders it was acknowledged that timescales and deadlines could not be significantly changed easily due to the impact on scheduling. It is proposed that this is looked at in more detail alongside the Council diary in early 2024. In the meantime it is proposed that further training is given to elected members to ensure that deadlines such as the 40 minute rule and the one hour deputation limit are followed by committees.

Standing Orders

- 4.6 It is proposed that the deadline for Council Questions is moved from being seven working days to two calendar weeks before the agenda. This will allow more time to deal with the complexity of some questions.
- 4.7 The 5pm end of sessions standing order (25) has meant that, in particular at Council meetings, that meetings do not go on into the evening. This has benefits in accessibility terms and to ensure that important decisions are taken with sufficient focus. However, it also has led to some decisions being taken quickly and as a result it is sometimes difficult for the public to follow the process. There is no easy solution to this issue and as there was no consensus on the issue when consulting with group leaders, no changes to the current practice is proposed to this at this point.
- 4.8 It is recommended that a new standing order on petitions is added which outlines the timescales included in the petition's guidance.
- 4.9 As previously indicated in a report on lessons learnt on the budget process, it is recommended that budget motions are published six working days before the

budget meeting to provide more time for members and the public to read the documents.

- 4.10 There has been a lack of clarity whether deputations can be held on items such as the minute or work programme. Deputation should only be on substantive items such as reports or motions and this is proposed to be added to Standing Order 12.
- 4.11 A minor amendment is needed to Standing Order 28.1 so that a vote on the suspension of Standing Orders can be done by a show of hands.

Urgency

- 4.12 The ability of the Chief Executive or executive directors to take a decision under urgency is outlined in Paragraph A4.1 of the Committee Terms of Reference and Delegated Functions. This must be done in consultation with group leaders and the relevant committee convener. It is important to note that this power is “*in consultation*” and therefore does not require the agreement of all elected members. This is because the Local Government (Scotland) Act 1973 does not allow elected members to take decisions unless in a Council meeting or in a committee. An officer may, of course, not feel able or willing to make the decision if elected members are against the course of action, but it is ultimately up to the officer and they are the person who is fully accountable for the consequences of the decision.
- 4.13 Urgency powers do give officers significant powers as they allow officers to carry out an action that would normally be carried out by a committee. It is an essential power though that is in place to allow for quick decisions, which cannot wait until the next meeting, to be carried out. This allows matters such as the suspension of licences or action taken on the grounds of safety to be carried out quickly.
- 4.14 It is important to ensure that these powers are being carried out correctly. Any time this power is carried out it has to be reported to the next meeting of the relevant committee so that elected members can monitor its use and to avoid officer’s mis-using such power. The procedure should be used sparingly and should not be used as a substitute for good business planning.
- 4.15 An additional control is intended to be implemented which will include a new form to filled out by any officer wishing to use urgency which involves consulting the Monitoring Officer and the Head of Democracy, Governance and Resilience so the use of such powers can be monitored corporately. The consultation will also be through the executive directors’ office to ensure consistency and corporate oversight and a record will be kept of the details of each use of urgency powers.

Private Items

- 4.16 An important element of the legislation in the Local Government (Scotland) Act 1973 on private items is the ability for Councils to make private parts of the report, discussion or decision. This means that not all of the report, motions or amendments needs to be kept private and some could be published online as long as confidential matters are not included. It would also allow committees to hold some discussion in private and some in public, thus allowing for connected matters

as in the example in Councillor Lang's motion to be held in public and still allowing the confidential matters in the report be discussed in private. This ability is already within the existing governance documentation and processes, but training will be required for Committee Service staff, conveners of committees and other elected members to ensure that this is understood and actioned when appropriate. Committee Agenda Planning Meetings should also be used to discuss matters such as this so advice can be sought in good time on how appropriate it would be to hold elements of a private item in public. It will also be important to ensure that private matters are not discussed in public which can be difficult to achieve where there is a mix of information or issues to be discussed. Again, awareness and training will assist with this.

Member/Officer Protocol

- 4.17 The Member/Officer Protocol was comprehensively reviewed in August 2022. No issues with the Protocol have arisen since then and accordingly it is recommended that no changes are made at present. Training for senior officers commenced in September 2023 and further training for elected members will be offered in the upcoming months.

5. Next Steps

- 5.1 The Committee business processes is expected to be submitted to the Governance, Risk and Best Value Committee in December 2023.
- 5.2 Training on the Member/Officer Protocol will be provided to elected members in winter 2023/24. Training has commenced with officers and will continue over the autumn.

6. Financial impact

- 6.1 Any financial impacts will be within departmental budgets.

7. Equality and Poverty Impact

- 7.1 Work is ongoing with a series of workshops facilitated by the Improvement Service and COSLA which will look at how the Council can ensure committee meetings are accessible to all.

8. Climate and Nature Emergency Implications

- 8.1 N/A

9. Risk, policy, compliance, governance and community impact

- 9.1 Procedural Standing Orders and the Member/Officer Protocol are part of the Council's Decision Making Framework.
- 9.2 The new process for urgency items complements the provision in the Committee Terms of Reference and Delegated Functions document.

10. Background reading/external references

- 10.1 [Act of Council no 15 – 4 May 2023 – Consideration of Private Business](#)
- 10.2 [Finance and Resources Committee 20 June 2023 minute](#)

11. Appendices

- 11.1 Appendix one – Procedural Standing Orders
- 11.2 Appendix two – Urgent Decision Flow Chart
- 11.3 Appendix three – Urgent Decisions Form
- 11.4 Appendix four – [Member/Officer Protocol](#)

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 ~~10 February~~ 3 November 2023 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 Where those requesting to make the deputation are unable to attend the meeting either in person or virtually, written submissions will be permitted.
- 12.4 The Clerk will submit the application to the Council or relevant Committee. An application for a deputation to Council or a committee will only be submitted if it relates to an a substantive item of business on the agenda for that meeting, such as reports or motions, but not minutes, work programmes or rolling actions logs-
- 12.5 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.
- 12.6 Each deputation will not usually exceed four persons and will have five 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.
- 12.7 The total maximum time allowed for deputations at a meeting will be limited to 60 minutes.
- 12.8 One member per political group and each independent 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.
- 12.9 Agenda items relating to deputations will be considered in the order as set out on the agenda, unless explicitly advised otherwise by the Convener under 'Order of Business' at the beginning of the meeting.
- 12.10 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~~ two calendar weeks 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 If the Council does not consider Council Questions at the meeting due to the operation of Standing Order 25, written supplementary questions will be permitted. Members must submit these to the Clerk by 5pm the day after the meeting. Conveners' answers will be provided by 5pm five working days after the meeting.
- 15.5 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 of a motion or an amendment must not speak for more than four minutes, and all other speakers for not more than three minutes. The proposer of the original motion may speak for up to four 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 ([except for motions and amendments to the budget meeting](#)), to any subject under discussion be provided to the clerk no later than 12 noon 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; or
- f) When new information comes to light during discussion or debate and subject to 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.

[22.422.5](#) [Any motion or amendment to the budget meeting shall be provided to the clerk by 12pm no later than six working days before the Council meeting. The exceptions detailed in Standing Order 22.3 also apply.](#)

[22.522.6](#) Minor changes to motions and amendments are permitted but these should be able to be verbally altered at the meeting.

[22.622.7](#) The Council or Committee can agree that in exceptional circumstances the requirements of this standing order can be ignored.

[22.722.8](#) The mover of any motion or amendment or adjustment thereof may speak in support of the motion or amendment for not more than four minutes. The seconder of a motion or amendment may speak in support of it for not more than three 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.

[22.822.9](#) 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.

[22.922.10](#) The mover of the original motion will have the right to speak for a further four 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.

[22.1022.11](#) 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.

[22.1122.12](#) 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.

[22.1222.13](#) 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.

[22.1322.14](#) 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.

[22.1422.15](#) 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.

[22.1522.16](#) 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 a show of hands, 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 by a show of hands, roll call vote or by electronic voting ~~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. Requests from members to speak at a meeting must be provided to the clerk no later than 5pm on the working day before the meeting. This Standing Order does not apply to the Regulatory or the Planning Committee or any of their sub-committees.

34. **Petitions**

34.1 When a petition is on a committee agenda, the petitioner will usually be invited to appear before the Committee to speak in support of the petition. This is at the Convener's discretion. Petitioners may speak for up to 10 minutes and members may ask questions. A supporter can speak on the petitioner's behalf if necessary.

34.35. **Freedom of the City**

34.135.1 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.

34.235.2 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.

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

35.136.1 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.

36.37. **Review of Standing Orders**

36.137.1 These Standing Orders will be reviewed annually.

Urgent Decision required to be taken between meetings of the Council/appropriate committee



Requesting Officer

- Outline issue of concern
- Outline the decision required (see request form)
- Pass the form onto the Chief Executive/relevant Executive Director



Service Director, Legal & Assurance & Head of Democracy, Governance & Resilience

- Provide advice on the urgent decision



Chief Executive/Executive Director

- Consult with Service Director, Legal & Assurance and/or Head of DGR
- Consult with the Group Leaders (TORs para 4.1)
- Update the Governance Team and provide copy of signed request form
- Report to Council/committee



Group Leaders

- All group leaders to be consulted on the urgent decision



Governance Team

- Add the details to the register
- Keep a record of the request form



Committee Services

- To notify Governance Team mailbox of the decision outcome via the action sheet



Council/Committee

- Decision must be reported to the next meeting of the Council or appropriate committee

Urgent Decision Request Form

Requesting Officer	
Name	Job Title
Issue of Concern	
<i>Note: Please outline the circumstances which have resulted in the requirement for an urgent decision to be taken.</i>	
Decision Required	
<i>Note: Please outline the urgent decision required to be taken outside of the normal decision-making process.</i>	
Please refer to the following from the City of Edinburgh Council Terms of Reference (TORs) :	
<p>4.1 If a decision which would normally be made by the Council or a Committee requires to be made urgently between meetings of the Council or Committee, the Chief Executive or appropriate Executive Director, in consultation with the Convener and Group Leaders, may take action, subject to the matter being reported to the next meeting of the Council or Committee.</p>	
<p>Therefore, this form should be passed onto the Chief Executive or appropriate Executive Director for approval.</p>	
Signature	Date

Chief Executive/Executive Director	
Name	Job Title
Who did you consult with and when was this advice received?	
<i>Note: The Service Director (Legal and Assurance) and the Head of Democracy, Governance and Resilience must be consulted on all urgent decision requests.</i>	
Have the relevant Convener/Group Leaders been consulted?	
<i>Note: Approval must be sought in consultation with the Convener and the Group Leaders for all urgent decisions normally made by Council/Committee.</i>	
What was the final outcome?	
<i>Note: Please refer to whether the Group Leaders have agreed to the urgent decision and whether the urgent decision was ultimately carried out, including reasons why.</i>	
Which meeting of Council/Committee will the decision be taken to?	
<i>Note: The matter must be reported to the next meeting of the Council or the appropriate committee.</i>	
Signature	Date
<i>Note: A completed copy of this form should be provided to the Governance Team, Governance@edinburgh.gov.uk</i>	