

REPORT TO: East Lothian Council

MEETING DATE: 25 April 2023

BY: Executive Director for Council Resources

SUBJECT: Review of Standing Orders

1 PURPOSE

- 1.1 To seek approval of proposed changes to the Standing Orders resulting from the review carried out by the Standing Orders Working Group (SOWG);
- 1.2 To advise that a further meeting of the SOWG is required to consider a number of aspects of the Scheme of Administration, with a view to reporting back to Council in June 2023; and
- 1.3 To seek approval of a number of changes to the Scheme of Delegation.

2 RECOMMENDATIONS

- 2.1 That the Council approves:
 - The proposed changes to the Council's Standing Orders, as set out in Appendix 1, to take effect immediately;
 - The proposed changes to the Scheme of Delegation, as set out in Section 3.4 of the report and Appendix 2, to take effect immediately;
 - To note that a further report will be presented to Council in June 2023 as regards proposed changes to the Scheme of Administration.

3 BACKGROUND

- 3.1 At its meeting on 24 May 2022, the Council agreed that a review of the Council's Standing Orders and Scheme of Administration should be undertaken to ensure that these documents remain fit for purpose. Following that meeting, a Standing Orders Working Group (SOWG) was set up, comprising the following Members: Councillors Findlay, Gilbert, McIntosh and Ritchie, and supported by the Head of Corporate Support, the Service Manager – Governance, and the Team Manager – Democratic & Licensing. The SOWG met on three occasions between

November 2022 and March 2023, and discussed a number of proposals brought forward by the political groups and officers. Throughout the review, these proposals have been shared with the various political groups.

- 3.2 As regards the Standing Orders, the proposed changes are set out in Appendix 1 (by way of tracked changes). The changes relate mainly to the arrangements for the imminent introduction of hybrid committee meetings, but also cover changes to the declaration of interests by Members (as a result of the updated Councillors' Code of Conduct); the introduction of 'digital signatures' for motions and amendments, replacing 'wet signatures'; and a number of editorial changes.
- 3.3 A number of proposed changes to the Scheme of Administration were considered by the SOWG, including the call-in procedure for Cabinet. Some of these changes require further consideration, and it is therefore proposed that a further report be presented to Council in June 2023 setting out the proposed changes to the Scheme of Administration.
- 3.4 During the course of the review, a number of required changes to the Scheme of Delegation were raised by officers. Although the Scheme of Delegation is outwith the scope of the review (having undergone a major review in 2021), it seems appropriate that that these changes be included in this report. They relate to the following:
- Section 9 (Specific Duties and Responsibilities Delegated to the Head of Children's Services) – add (as a new duty): 'Leading the Council's multi-agency duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism'.
 - Section 18 (Scheme of Delegation for Planning Applications) – amend 18.3 to reflect that the Head of Development (rather than the Service Manager – Planning) shall have authority to determine decisions in relation to the variation, modification or discharging of planning obligations.
 - Section 19 (Statutory Appointment of Officers) – see Appendix 2
- 3.5 If approved, the changes set out above and in the appendices to this report will be incorporated into the Council's Standing Orders and Scheme of Delegation, and will take place with immediate effect. The updated documents will be published on the Council's website.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none
6.2 Personnel – none
6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 None

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DATE	11 April 2023

1 FIRST MEETING OF THE COUNCIL FOLLOWING AN ELECTION

1.1 Convening the Meeting

In an election year, the Council will hold its first meeting within 21 days from the date of the election. The Chief Executive will set the date and time of this first meeting.

1.2 Mandatory Items of Business

Until the Provost is elected the Returning Officer will chair the meeting.

At this meeting the Council will:

- i. Receive notice of election of Councillors, noting which Councillors have signed the declaration of acceptance of office
- ii. Appoint the Provost, Depute Provost, Leader (and Depute Leader, if desired) of the Council
- iii. Receive notice of the appointments of Leaders of Minority Groups and [identify any spokesperson for any group of independent Councillors, and](#), from those, appoint the Leader of the Opposition
- iv. Appoint the Cabinet, other Committees and Sub-Committees of the Council and their respective Conveners and Depute Conveners, noting that all Groups will be required to make nominations for membership in accordance with the committee/sub-committee composition, as determined by the Council
- v. Appoint portfolio holders
- vi. Appoint representatives to any Joint Boards, Associated Committees and the various other outside bodies the Council is represented on, provided these appointments can be reasonably made at that meeting and it is considered appropriate to make appointments at that time
- vii. Set the allowances of the Provost, Depute Provost, Conveners and [Depute](#) ~~Vice~~-Conveners of Committees and other Members in accordance with the relevant statutory provisions and guidance from the Scottish Government
- viii. Appoint the Licensing Board in terms of the Licensing (Scotland) Act 2005
- ix. Deal with any other statutory or urgent competent business.

2 COUNCILLOR APPOINTMENTS AND REMOVAL FROM OFFICE

2.1 Appointment of Councillors to Office

- i. When appointing Councillors to any office or position where there are a greater number of candidates than vacancies, the decision will be taken by a vote (see Standing Order 10).
- ii. It will not be competent for a Councillor to move or second his/her own election or appointment either as Provost, Depute Provost, Leader or Depute Leader of the Council, or as Convener or Depute Convener of a Committee of the Council.
- iii. Where there is one vacancy and one candidate has an absolute majority of the votes cast, that candidate will be appointed. If no candidate has an absolute majority the candidate with the fewest votes will be eliminated and another vote taken. This process of elimination will continue until one candidate has an absolute majority.
- iv. Where there is an equal number of votes for the candidates with the fewest number of votes, there will be an additional vote to decide which candidate to eliminate. If there are an equal number of votes in the additional vote between two candidates, the elimination will be decided by drawing lots.
- v. Where there is one vacancy and an equal number of votes between two candidates, the appointment will be decided by drawing lots.
- vi. Where there is more than one vacancy, the candidate with the lowest vote will be eliminated and another vote taken. This process of elimination will continue until there are an equal number of candidates to the number of vacancies.

2.2 Duration of Appointments

Unless a Councillor resigns from any appointment or is removed by the Council, each of the appointments referred to in Standing Order 1.2 will stand until the next Council election.

2.3 Removing the Provost, Committee Conveners and Committee Members

- i. The Council may remove the Provost, Depute Provost, Leader, Depute Leader, any Convener or Depute Convener of a committee or any member of a committee (this includes appointed members and added members).
- ii. Any motion for removing the Provost, Depute Provost, Leader, Depute Leader, Convener, Depute Convener or any member of a committee

may be carried by a simple majority of those members present and eligible to vote at the meeting at which the motion is put.

3 COMMITTEES, SUB-COMMITTEES AND ASSOCIATED COMMITTEES

3.1 Committees

- i. Subject to any statutory provision, the Council may at any time appoint committees to help carry out its functions. The powers and duties of these committees will be incorporated into the Scheme of Administration (Appendix 1 to these Standing Orders). In the event that any new committees are appointed, the Council shall determine the membership of those committees and shall ensure that political balance is achieved. This Standing Order should be read in conjunction with the Scheme of Administration.
- ii. The Council may amend the committee structure at any time.
- iii. The Provost's powers in Council meetings will apply to the Convener (or Depute Convener) of a committee for meetings of that committee and to any member of a committee chairing a committee in the absence of the Convener and Depute Convener for meetings of that committee.

3.2 Sub-Committees

The Council may establish any sub-committee of its committees, their remits, delegated powers and number of members, and appoint the conveners and members of these sub-committees. The powers and duties of these sub-committees will be incorporated into the Scheme of Administration (Appendix 1 to these Standing Orders).

3.3 Associated Committees

The Council may establish any associated committee, their remit, delegated powers and number of members, and appoint the conveners and members of these associated committees. The powers and duties of these associated committees will be incorporated into the Scheme of Administration (Appendix 1 to these Standing Orders).

3.4 Members' Library Service

The Chief Executive will maintain a Members' Library Service, which will contain:

- (a) reports advising of significant items of business which have been delegated to officers in accordance with the Scheme of Delegation or officers in conjunction with Councillors (see Standing Order 15.2), or
- (b) background papers linked to specific committee reports

A summary of all papers lodged in the Members' Library will be presented at the next ordinary meeting of the Council for recording into the proceedings of the Council. Reports to the Members' Library will be made available to the public except where they contain exempt or confidential information as defined in Schedule 7A of the 1973 Act or Section 50A of the 1973 Act.

4 ORDINARY AND ADDITIONAL MEETINGS OF THE COUNCIL AND COMMITTEES

4.1 Ordinary Meetings

Ordinary meetings of the Council and its committees will be held according to the schedule agreed by the Council, unless the Council agrees otherwise.

At an ordinary meeting of the Council or a committee no business will be transacted other than:

- i. business required by statute to be transacted at that meeting
- ii. business specified in the Notice of Meeting (see Standing Order 4.3)
- iii. any other business considered as a matter of urgency in terms of Section 50B(4)(b) of the 1973 Act and Standing Order 5.2.

4.2 Special Meetings

A special meeting of the Council or a committee may be called to deal with urgent business:

- i. at any time by the Chief Executive, in consultation with the Convener; or
- ii. by a written request signed by at least 6 Councillors. In such cases, the special meeting will be held within 14 days of receipt of the request by the Chief Executive; or
- iii. as required by statute.

The agenda for a special meeting will be limited to that item/those items of business specified.

4.3 Notice of Meetings to Members of the Council and Committees

- i. At least three clear days before a meeting of the Council or any committee, notice of the time and place of the meeting will be published. As a matter of practice, seven clear days' notice of meetings will normally be given.

[Note: clear days includes week days, weekends and public holidays, but excludes the day the notice is issued and the day on which the meeting is held.]

- ii. Where the meeting is called by Councillors in terms of Standing Order 4.2(ii), the notice will include a copy of the request signed by them and will specify the business to be discussed at the meeting.
- iii. Councillors will be provided with the meeting agenda and accompanying reports. If a notice of meeting is not received by any Councillor, the meeting will still be valid.
- iv. All Councillors will have access to all committee papers, including those containing exempt and confidential information (as defined in Standing Order 5.4).

4.4 Notice of Meetings to the Press and Public

- i. Copies of the items set out in the Notice of Meeting will be made available on the Council website (www.eastlothian.gov.uk).
- ii. Reports containing exempt or confidential information (as defined in Standing Order 5.4) will not be made available to the press or public.

4.5 Postponing, Continuing and Cancelling Meetings

- i. In consultation with the Convener, the Chief Executive may postpone any meeting to another day or time.
- ii. Any motion to continue a meeting which has already started to another day or time must be seconded before being put to the vote.
- iii. Where a sub-committee meeting is continued, no member should attend who did not attend the original meeting (see also Standing Order 6.4)
- iv. Scheduled meetings may be cancelled where there is no business to be discussed or with the agreement of the Chief Executive, in consultation with the Convener.

5 MEETING AGENDAS

5.1 Order of Business

- i. The order of business for a Council or committee meeting will be agreed by the Chief Executive and Convener. Any changes to the order of business will be announced by the Convener at the beginning of the meeting. Items containing exempt or confidential information will normally be discussed following public items.

- ii. Unless determined otherwise by the Chief Executive, only business requiring a decision will be specified on the agenda.
- iii. The Convener may make a statement at the start of a meeting on any matter of civic importance. There will be no debate on such matters, unless determined otherwise by the Convener.

5.2 Urgent Business

If three clear days' notice are not given for an item of business, it may be dealt with at the meeting as urgent business if:

- i. it is made known at the start of the meeting; and
- ii. the Convener rules that there are reasons why it is urgent and states those reasons.

5.3 Written Motions to Council

- i. Written motions intended for inclusion on the agenda for a meeting of the Council will be ~~signed by the Councillor submitting the motion and countersigned by at least one other Councillor~~ emailed directly to the Clerk by the Councillor submitting the motion, and 'countersigned' by at least one other Councillor by way of an email to the Clerk. All such notices should be submitted to the Clerk eleven clear days in advance of the meeting date. If this deadline is missed, the motion will not be included on the agenda. Motions will be included on the agenda for the meeting in the order in which they are received.
- ii. Every motion must contain an instruction to Council and be relevant to matters within the Council's powers and duties or involve an issue that will affect East Lothian or a matter of social and political concern.
- iii. Motions may not contain offensive or abusive language and may not contain argument. The Chief Executive, in consultation with other Council officers, may refuse to accept any motion that fails to meet these requirements.
- iv. Every written motion received will be subject to checks to determine their competency, which will include:
 - (a) whether they have been submitted in accordance with Standing Order 5.3(i);
 - (b) the purpose of the motion is within the powers of the Council;
 - (c) the motion is lawful; and
 - (d) whether the purpose of the motion seeks to directly rescind a decision made by the Council or Committee within the previous six months (in which case approval of two-thirds of Councillors present and entitled to vote would be required).

5.4 Call-in Process

A minimum of four Councillors shall be required to call in items of business from a Cabinet agenda. Written notice of a call-in must be submitted to the clerk to the Cabinet (by electronic mail) by noon on the day before the meeting at which the item(s) are due to be considered; each Councillor requesting the call-in is required to notify the clerk separately. Any items of business called in in accordance with this process will be withdrawn from the Cabinet agenda and referred to the next ordinary Council meeting for consideration. Time-critical items of business (i.e. those items which require a decision to be taken in advance of the next Council meeting) will be exempt from the call-in process. It shall not be competent for Councillors to use the provisions set out in Standing Order 4.2(ii) (Special Meetings) to request a special meeting of the Council to specifically call in time-critical items of business from a Cabinet agenda.

5.5 Exempt and Confidential Information

- i. Agendas and reports containing exempt information (exempt items) will contain a declaration that the report is 'Not for publication' because it contains exempt information as defined in Schedule 7A of the 1973 Act.
- ii. The press and public will not be admitted during the discussion of exempt items.
- iii. If a question arises at a Council or committee meeting where the press or public is present as to (a) the appointment, promotion, salary or conditions of service, or (b) as to the dismissal, conduct, character or reputation of any person(s) employed by the Council, or (c) confidential information as defined in Section 50A of the 1973 Act, it will be considered by the Council or committee in private.

6 GENERAL OPERATION OF COUNCIL AND COMMITTEE MEETINGS

6.1 Chairing Meetings

- i. The Provost, if present, will be the Convener of Council meetings. If the Provost is not present, the Depute Provost will chair the meeting. If neither the Provost nor the Depute Provost is present, the Councillors present will decide who will chair the meeting by means of nomination and a simple majority vote.
- ii. The Convener, if present, will chair committee/sub-committee meetings. If the Convener is not present, the Depute Convener will chair the meeting. If neither the Convener nor the Depute Convener is present, the Councillors present will decide who will chair the meeting by means of nomination and a simple majority vote.

- iii. If a Convener is required to vacate the chair due to a declaration of interest, the Depute Convener will assume the chair. If the Depute Convener is not present, the Councillors present will decide who will assume the chair by means of nomination and a simple majority vote.

6.2 Quorum

- i. No business will be carried out at a meeting unless a quorum of Councillors is present. A quorum is the minimum number of Council/committee members who must be present before the meeting can take place and make valid decisions.
- ii. The quorum of the Council, committees and sub-committees will be detailed in the Council's Scheme of Administration (see Appendix 1). [The quorum will include those attending in person and those attending remotely.](#)
- iii. If, ten minutes after the time appointed for a meeting the quorum has not been met, the Convener will postpone the meeting until a date and time determined at the time or afterwards. The minutes of the meeting will record that no business was carried out due to the lack of a quorum.
- iv. If, after a meeting has started, the number of Councillors entitled to vote falls below the quorum, there will be a break of ten minutes. If, after the break, a quorum has not been found, the meeting will be adjourned and the minutes of the meeting will state the reason for the adjournment.
- v. Decisions taken during any part of the meeting where there was a quorum present are valid.

6.3 Attendance at Meetings

- i. At each meeting, the Clerk will record the names of Councillors present, those committee members who submit apologies for absence, and those committee members who are absent without having submitted an apology. [Attendance recorded at hybrid meetings will include those present in the Chamber and those attending remotely.](#)
- ii. The entitlement to vote on any matter under consideration will be restricted to committee members present at the meeting. Direction on councillor participation in meetings of any committee of which they are not a member is set out within the Scheme of Administration for each committee.
- iii. Meetings may take place by way of the digital meeting facility only (that is, there will be no physical attendance). In such cases, Councillors and relevant officers will be advised of this in advance of the meeting date.

6.4 Substitute Members

- i. In respect of sub-committees of the Council, and of other committees, as stipulated in the Scheme of Administration, members may appoint another member of the Council as a substitute member to act on their behalf at any meeting which they are unable to attend. This Standing Order should be read in conjunction with Standing Order 4.5(iii) and the Scheme of Administration.
- ii. Where a member is unable to attend a meeting and has appointed a substitute (in accordance with the Scheme of Administration), they will advise the Clerk in advance of the name of the Councillor who will act as substitute.

6.5 Failure to Attend Meetings

- i. If a Councillor is not able to attend a meeting, he/she should inform the Clerk of that committee in advance of the meeting. The Clerk will advise the meeting of apologies intimated prior to the commencement of business.
- ii. If a Councillor fails to attend meetings for six consecutive months of any meeting of the Council or its committees and sub-committees, associated committees or joint boards on which the Councillor represents the Council, the Councillor will no longer be a member of the Council unless the Council grants them prior leave of absence.

6.6 Press and Public Attendance at Meetings

- i. Except where Standing Order 5.4 provides otherwise, every meeting of the Council, its committees and sub-committees will be open to the press and public as observers. [Except where Standing Order 5.4 provides otherwise, the press and public will be able to observe every meeting of the Council, its committees and sub-committees. Where a meeting takes place via digital facilities only, this will be facilitated via a live webcast of proceedings.](#)
- ii. The taking of photographs, use of mobile phones and of other audio visual and recording equipment is not permitted during meetings unless with the express permission of the Convener. [Councillors and officers attending meetings held via digital facilities must not use any part of the recording for political purposes.](#)
- iii. If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance or may order that person to be removed from the meeting. If they refuse to leave the meeting, the Convener may call for the Police to remove them.

- iv. If there is a general disturbance during any part of the meeting open to the public, the Convener may order that the public be removed from the meeting.
- v. Members of the public will not be permitted to address any meeting of the Council, its committees or sub-committees, except where they have the prior permission of the Convener. It will be at the discretion of the Convener to permit any member of the public to address any meeting (see also Standing Order 7.1).

7 CONDUCT AT COUNCIL AND COMMITTEE MEETINGS

7.1 Powers and Duties of the Convener

- i. It is the duty of the Convener to ensure that Standing Orders are followed and to ensure that all Councillors receive a fair hearing.
- ii. When the Convener begins to speak, other Councillors must stop speaking.
- iii. The Convener will decide on the order in which Councillors may speak.
- iv. On all points of order, the ruling of the Convener will be final and not open to discussion.
- v. In the event of disorder arising at any meeting, the Convener will be entitled to adjourn the meeting until a date and time determined by the Convener at the time or afterwards.
- vi. It will be at the discretion of the Convener to permit any member of the public or deputation to address any meeting of the Council, provided that prior permission has been sought and granted by the Convener.
 - a. In respect of any item of business, other than planning applications, the number of persons in a deputation will not exceed three and will be given no more than ten minutes in total to present their case.
 - b. In respect of planning applications, applicants/agents and individuals who have submitted written representations will be invited to attend the Planning Committee and offered the opportunity to address the Committee, in accordance with the procedures outlined in the Scheme of Administration for the Planning Committee (Appendix 1).
 - c. Councillors will not interrupt the delivery of a presentation but may ask questions on its conclusion.

- vii. The Convener will have discretion to determine all questions of procedure where no specific provision is made under these Standing Orders. He/she will explain the reasons for the decision and his/her decision will be final and not open to discussion.

7.2 Behaviour

All Councillors must comply with the Councillors' Code of Conduct and behave respectfully at any meeting, and should not behave in a manner that is improper or offensive, or deliberately obstructs or otherwise disrupts the business of the meeting.

The Convener may take any of the following courses of action against any Councillor disregarding the authority of the Convener, obstructing the meeting or conducting him/herself offensively:

- i. direct the Councillor to refrain from speaking during the remainder of the debate on the matter under discussion
- ii. adjourn the meeting for a period of time specified by the Convener
- iii. suspend the Councillor for the remainder of the meeting and direct him/her to leave the Chamber, in which case the Councillor concerned shall leave the Chamber immediately, or, if the Councillor is participating remotely, his/her access to the digital meeting facility will be suspended for the remainder of the meeting.

7.3 Points of Order

- i. A point of order is a verbal objection given to the Convener, saying that a statement or proposed procedure or action at the meeting may be in breach of the law, Standing Orders or the Councillors' Code of Conduct. The term 'point of order' does not include the arguments, the principles or the political views expressed in debate, or relate to how true or accurate any statement made in the course of debate is. A difference of opinion is not a point of order.
- ii. Any Councillor eligible to participate in the meeting may raise a point of order arising at any point in the meeting, but must clearly tell the meeting on what basis a Standing Order, the law or the Councillors' Code of Conduct has been, or is about to be, breached.
- iii. When a point of order is raised, the meeting will stop until the Clerk or Legal Adviser has determined whether or not the point raised is a point of order. If the point of order is confirmed by the Clerk or Legal Adviser, the Convener will decide how the point of order should be dealt with. If the point is not confirmed to be a point of order, it will not be accepted and the business will continue.

7.4 Declarations of Interest – Councillors

- i. Any Councillor who has an interest (financial and/or non-financial), as defined in the Councillors' Code of Conduct, in any matter and is present at a meeting of the Council at which that matter is under consideration, will act in accordance with the Councillors' Code of Conduct. [Members must also consider whether any connections they have constitute an interest, and should act accordingly.](#) He/she should seek the advice of the Monitoring Officer and take account of legal advice, where appropriate, on the terms of the Code and how it may affect them.
- ii. Applications to the Council for any grant, approval or permission in which any Member has a personal or financial interest will be considered only by the Council or the appropriate committee or sub-committee.

7.5 Declarations of Interest – Council Officers

Any officer who has an interest (financial and/or non-financial) in any matter and is present at a meeting of the Council at which that matter is under consideration, will disclose his/her interest and, at the discretion of the Council, may be excluded from the meeting while that matter is under consideration.

7.6 Adjournments and Breaks

- i. The Convener may adjourn a meeting at any time for any reason, and will determine the length of the adjournment.
- ii. Subject to the Convener's effective management of the meeting, there will be a 30-minute break after approximately ~~three~~ two hours of sitting [\(this applies to all meetings, whether they are held in person, or are conducted through the Council's hybrid/digital meeting facility\)](#) ~~for a physical meeting, and after approximately two hours of sitting for a meeting being conducted through the Council's digital meeting facility.~~

8 INTRODUCING REPORTS AND QUESTIONS TO OFFICERS

- i. Reports to the Council and committees will be introduced, without interruption, by the officer who has responsibility for the report.
- ii. Unless the Convener agrees otherwise, an officer will take no more than five minutes to present a report and will highlight the salient points to Councillors.
- iii. In accordance with the Scheme of Administration, the Convener will then give Councillors the opportunity to ask questions and request explanations or more information from that officer or from any other

officer at the meeting who holds information that is relevant to the matter under consideration. To promote the effective management of the meeting, Councillors should seek clarification on any points from officers in advance of the meeting. On that basis, the Convener may limit the number and extent of questions raised by individual Councillors at the meeting.

- iv. Once the report has been introduced and when, in the opinion of the Convener, Councillors have had a reasonable opportunity to ask questions and request explanations or more information, the Convener will move to the debate.

9 DISCUSSION AND DEBATING RULES

9.1 Reports to Council and Committee

Motions for approval of a report's recommendations will be considered as the original motion. Any motion proposing to alter the recommendation(s) of the report will be dealt with as an amendment.

9.2 Written Motions

- i. Motions submitted in accordance with Standing Order 5.3 must be set out in writing before they can be debated or put to a vote.
- ii. Motions must be moved and seconded before they are debated or put to a vote.
- iii. Individuals present at a meeting who do not have voting rights may not move or second a motion.

9.3 Amendments

- i. Amendments must relate to the report or motion under discussion. [Written amendments must be emailed directly to the Clerk by the Councillor submitting the amendment, and 'countersigned' by at least one other Councillor by way of an email to the Clerk.](#)
- ii. Other than in exceptional circumstances (see (x) below), and in relation to the terms set out in (xi) below, amendments ~~should~~must be submitted to the Clerk by noon on the day prior to the meeting, in order that copies can be circulated to Members prior to or at the meeting. [Competent written amendments submitted prior to the meeting will be published on the website alongside the relevant item of business in advance of the meeting.](#)
- iii. Only in exceptional circumstances will the Convener accept amendments submitted out with the timescale set out in (ii) above. In

such circumstances, the Convener will explain his/her reasons for accepting the late amendment.

- iv. Every amendment shall be given in writing to the Clerk.
- v. The Convener has the power to rule out of order any amendment he/she considers irrelevant or substantially similar to the motion or to any previous amendment.
- vi. Amendments must be moved and seconded before they can be debated or put to a vote.
- vii. Individuals present at a meeting who do not have voting rights may not move or second an amendment.
- viii. Amendments submitted in accordance with the timescales set out in (ii) above will be introduced following the presentation of the report by the officer/the moving and seconding of a motion by Councillors. Where more than one amendment has been submitted, the Convener will determine the order in which they are taken.
- ix. Once all amendments have been moved and seconded, the Convener will move to the debate.
- x. Exceptional circumstances shall include a written amendment submitted outwith the timescale set out in (iii) above or a verbal amendment made in response to matters raised during the debate. Such amendments should be proposed and seconded and put to the Council or committee in accordance with Standing Order 10.1(iii). Where requested, the proposer of a verbal amendment may be required to provide the clerk with the amendment in writing.
- xi. For the purpose of the budget-setting process, specific arrangements, as determined by the Council, will be made as regards the timescales for and submission of amendments.

9.4 Order of Debate

- i. Any Councillor wishing to ask questions relating to the matter under consideration may do so at any time before the formal debate begins. (This Standing Order should be read in conjunction with Standing Orders 8(iii) and 8(iv).)
- ii. Councillors may speak only once during the debate on any item of business. The exceptions are:
 - to exercise a right of reply, in which case the proposer of the original motion will be limited to five minutes and that the reply will be limited to answering matters raised in the debate; or
 - by making a point of order that the Convener has agreed to take.

- iii. A Councillor moving a motion or an amendment may speak for no more than ten minutes.
- iv. Other Councillors taking part in the discussion, including those who second motions or amendments, will speak for no more than five minutes. A councillor who seconds a motion or amendment may do so formally, reserving his/her entitlement to speak on the matter to a later stage in the debate.
- v. The Convener may invite officers to clarify matters or provide further information on the matter under consideration, as required, during the debate.

9.5 Withdrawing a Motion or Amendment

A motion or amendment can only be withdrawn by the mover (the person who put forward the motion) and the seconder (the person who supported it).

9.6 Putting a Motion to Council

The Convener will put the motion to the Council after the mover of a motion (or motion as amended) has exercised their right of reply. There will be no further debate on the motion.

10 VOTING AT COUNCIL AND COMMITTEE MEETINGS

10.1 General Information

- i. Unless required by law or Standing Orders, every motion coming to or arising at a Council meeting will be decided [either](#) by a show of hands [or via the electronic voting facility](#) of a simple majority of the Councillors who are present and eligible to vote.
- ii. After the Convener has announced that any matter is to be put to the vote, the Clerk will (if required) clarify the matter. The Convener will then take the vote. No Councillor will interrupt the proceedings until the result of the vote is announced.
- iii. Where an amendment has been proposed and seconded, it will be voted on before the vote on the motion. Where the amendment is carried, the original motion will fall. Where more than one competing amendment has been proposed and seconded, the Convener will determine the order in which they are put to the vote. A vote will be taken on the motion against the first amendment. A vote will then be taken on the surviving position against the second amendment. This process will continue for any further amendments. All councillors are entitled to vote at all stages.

- iv. If a Councillor immediately challenges the accuracy of the count, the Convener will rule on whether the vote should be repeated and a recount taken. The Convener will then announce the result of the vote.
- v. Unless the law says otherwise (or in relation to Standing Order 10.3(iii)), the Convener will have a 'casting vote'. He/she may use this where there are an equal number of votes for or against any motion or amendment.

10.2 Roll Call Vote

- i. Any Councillor (whether or not eligible to vote) can ask for a roll call vote on any question coming to or arising at a meeting.
- ii. If a vote is taken by roll call, the names of those Councillors voting for or against the motion or amendment will be included as part of the minutes for the meeting.
- iii. For meetings where the Council's digital meeting facility is in use, all votes will be taken by roll call.

10.3 Entitlement to Vote

- i. Councillors who have withdrawn from the meeting following a declaration of interest may not vote on the item concerned.
- ii. Councillors attending committees of which they are not members will not be entitled to vote (see also Standing Order 6.3(ii)).
- iii. The Convener will not have a casting vote in relation to filling of posts held by Councillors or other representatives and in the appointment of employees.

10.4 Recording Votes in the Minutes

- i. The minutes of the meeting will record the vote, including any abstentions.
- ii. A Councillor may ask that the minutes of the meeting record a note of his/her disagreement with a decision of the meeting.

11 PROCEDURAL MOTIONS

The following procedural motions may be moved during the discussion of an item of business. If the motions have been moved and seconded, they will be put to the vote without being discussed beforehand. The outcome of the vote will be recorded in the minutes of the meeting:

- i. Moving to the next item of business
- ii. Putting the matter to the vote
- iii. Postponing the debate
- iv. Continuing an item of business

12 RESCINDING DECISIONS

Any motion that would directly rescind a previous Council decision within a period of six months from the date of the original decision can only be approved if two-thirds of Councillors present and entitled to vote agree to do so. This Standing Order does not apply to decisions taken under powers delegated to officers.

13 SUSPENDING AND AMENDING STANDING ORDERS

13.1 Suspending Standing Orders

Standing Orders may be suspended at any meeting of the Council. This can only take effect where at least two-thirds of the Councillors present and entitled to vote approve such a motion. Any such suspension of Standing Orders cannot override a legal duty or requirement of the Council.

13.2 Amending and Removing Standing Orders

- i. Any proposal to add, alter or remove any Standing Order can only be approved where at least two-thirds of the Councillors present and entitled to vote agree to do so. A motion to this effect can only be considered at a meeting of the Council and not at any committee or sub-committee.
- ii. Any proposal to add, alter or remove Appendices 1 and 2 to the Standing Orders will require a simple majority voting in favour of the proposal. The exception to this is the removal of any committee or sub-committee from the Scheme of Administration, which will require the approval of two-thirds of Councillors present and entitled to vote.

14 MINUTES OF COUNCIL AND COMMITTEE MEETINGS

14.1 Approval of Minutes

- i. The reporting arrangements for committees, sub-committees and associated committees will be as contained in the Council's Scheme of Administration (Appendix 1).
- ii. Minutes shall be approved by a simple majority of those present and entitled to vote. If a meeting agrees that minutes submitted for

approval are a correct record, the appropriate Convener will sign the principal copy of the minutes.

- iii. Where the meeting agrees to amend any part of a minute submitted for approval, the Convener will sign the corrected principal copy of the minutes.

14.2 Publication of Minutes

Subject to the provisions of Schedule 7A and of Sections 50A of the 1973 Act (concerning exempt and confidential information), once approved, minutes will be published on the Council's website.

15 DELEGATION

15.1 Delegation Arrangements

The Council will make a Scheme of Delegation to committees and officers to carry out certain functions. The Scheme of Delegation will form an appendix to these Standing Orders (see Appendix 2)

15.2 Delegation of Business to Councillors and Officers

In addition to the delegations specified in the Scheme of Delegation, business may be delegated to a specific chief officer to act in consultation with any two of the Provost, Depute Provost, Leader, Depute Leader (if appointed) or Convener, or to a specific chief officer acting alone. The outcome of the deliberation under such delegation will be subject to a report to the Members' Library Service.

15.3 Emergencies – Delegation of Business to Councillors and Officers

Power is delegated to the Chief Executive and all chief officers to take any action with regard to any emergency involving serious danger to life, property, or public welfare, or in accordance with the Council's Business Continuity Plan. Any action taken under this Standing Order will be reported to the Provost or Leader and the appropriate committee Convener as soon as possible and thereafter to the Council.

15.4 Additional Delegations in Conjunction with Councillors

Power is delegated to the Chief Executive and statutory officers, in conjunction with cross-party Councillor representation, to take immediate or urgent action with regard to matters not covered by Standing Order 15.3.

15.5 Delegation of Business to Committees

- i. The Council will make a Scheme of Administration setting out the functions and remit of any committee and sub-committee. The proper decisions of committees will be regarded as decisions of the Council.
- ii. Decisions of a committee on functions delegated to them will be reported to the Council for information only unless the committee resolves that a particular item of business should be referred to the Council for decision or requires amendments to the Council's approved budget.

15.6 Recess Business Arrangements

Between the last scheduled meeting of the Council prior to the summer/election recess and the first meeting following the summer/election recess, a minimum of two of the Provost, Depute Provost, Leader, Depute Leader (if appointed), together with the Convener/Depute Convener of the appropriate committee, will deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, or officers authorised by him/her to act on his/her behalf.

For the avoidance of doubt, matters that require approval of two-thirds of Councillors cannot be dealt with under this Standing Order.

19. Statutory Appointment of Officers

- 19.1 Under various laws, the Council must appoint officers for a variety of purposes. Officers appointed to perform these roles are authorised to take the actions that are an essential part of their roles. The 'statutory appointments' that the Council has made are set out in this section.

Relevant Law	Role	Proper Officer
Civic Government (Scotland) Act 1982		
Section 113	Proper officer for keeping evidence of management rules	Head of Corporate Support
Community Empowerment (Scotland) Act 2015		
Section 22	Proper officer for receiving participation requests	Head of Communities
Section 79	Proper officer for receiving asset transfer requests	Head of Communities
Data Protection Act 2018		
Chapter 4, Sections 69-71	Proper officer for monitoring compliance; for informing and advising the data controller of their obligations; for co-operating with the supervisory authority in respect of (1) East Lothian Council, and (2) East Lothian Licensing Board	Team Manager – Information Governance
Environmental Protection Act 1990		
Section 149(1)	Proper officer for dealing with stray dogs in the area	Head of Communities
Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests Regulations) 2003		
Section 7(1)	Proper officer for setting up and keeping the register of councillors' business, personal and financial interests, and making these available to the public	Monitoring Officer / Service Manager – Governance / Team Manager – Democratic and Licensing
Licensing (Scotland) Act 2005		
Schedule 1, para. 8(1)(a)	Proper officer to act as the Clerk to the Licensing Board	Service Manager – Governance
Section 13	Proper officer for supervising compliance by licence-holders, mediating, issuing notices and applying for premises licence reviews	Licensing Standards Officer
Local Authorities (Contracts) (Scotland) Regulations 1997		
Regulation 4	Proper officer for certification purposes (powers to enter into a contract of other matters)	Head of Finance
Local Government (Scotland) Act 1973		
Section 33a	Proper officer for receiving councillors' declarations that they accept their role (declaration of acceptance of office)	Chief Executive
Section 33a(3)	Proper officer that the declaration of acceptance of officer can be made to	Chief Executive / Monitoring Officer /

		Service Manager – Governance / Team Manager – Democratic and Licensing
Section 34	Proper officer for receiving councillors' resignations	Chief Executive
Section 40	Proper officer for receiving general notices from councillors about any financial interest in a matter, and for recording the councillors' interests	Monitoring Officer / Service Manager – Governance / Team Manager – Democratic and Licensing
Section 43 and para. 1(4) of Schedule 7	Proper officer for receiving requests for special Council meetings	Chief Executive
Section 43 and para. 2(1) of Schedule 7	Proper officer for signing summonses to special Council meetings	Chief Executive
Section 43 and para. 2(2) of Schedule 7	Proper officer for receiving a councillor's notice of an alternative address	Head of Corporate Support
Section 50b	Proper officer for preventing reports containing sensitive information from being available to the public, and for providing documents to the press	Chief Executive / Executive Director for Council Resources / Head of Corporate Support
Section 50c	Proper officer for providing a written summary when the minutes of a meeting cannot be made available to the public	Head of Corporate Support
Section 50f	Proper officer for deciding which documents are not open to inspection	Chief Executive / Executive Director for Council Resources / Head of Corporate Support
Section 92	Proper officer for transferring securities	Executive Director for Corporate Resources / Head of Finance
Section 95	Proper officer for managing the Council's financial affairs	Executive Director for Council Resources
Section 145	Proper officer for asking Ordnance Survey for information	Executive Director for Place
Section 190	Proper officer for serving notices on behalf of the Council and starting legal proceedings	Chief Executive / Executive Directors / Head of Corporate Support / Service Manager – Governance
Section 191	Proper officer for signing any claim on behalf of the Council in any sequestration, liquidation, and similar proceedings where the Council is entitled to make a claim	Chief Executive / Executive Director for Council Resources / Head of Corporate Support /

		Service Manager – Governance (in consultation with Head of Corporate Support Finance)
Section 193	Proper officer for signing notices and orders	Relevant Executive Director or Head of Service responsible for the service relating to the notice/order (in consultation with the Service Manager – Governance / designated Principal or Senior Solicitor)
Section 194	Proper officer for signing deeds and using the Council's seal	Chief Executive / Head of Corporate Support / Service Manager – Governance / Designated Principal or Senior Solicitor
Section 197	Proper officer for arranging for documents to be inspected and filed	Head of Corporate Support
Section 202	Proper officer for confirming that byelaws are valid and for sending copies to other relevant authorities	Service Manager – Governance
Section 202B	Proper officer for putting valid byelaws in the register of byelaws	Service Manager – Governance
Section 204	Proper officer for providing certificates as evidence of byelaws	Service Manager – Governance
Section 206	Proper officer for keeping a register of people who are made 'freemen' of the area	Head of Corporate Support
Section 231	Proper officer for asking the Sheriff about matters arising from the Local Government (Scotland) Act 1973	Chief Executive / Executive Directors / Head of Corporate Support (in consultation with the Service Manager – Governance)
Local Government and Housing Act 1989		
Section 2	Proper officer for keeping lists of posts that are politically restricted	Head of Corporate Support
Section 4	Proper officer to act as the Head of Paid Service	Chief Executive
Section 5	Proper officer to act as the Monitoring Officer	Head of Corporate Support
Public Records (Scotland) Act 2011		
Section 1(2)(a)(i)	Proper officer for the management of the Council's public records	Head of Corporate Support / Service Manager – Governance

Section 1(2)(a)(ii)	Proper officer for ensuring compliance with the Records Management Plan	Team Manager – Information Governance
Regulation of Investigatory Powers (Scotland) Act 2002		
Section 6	Proper officer for authorising directed surveillance	Executive Director for Place / Head of Communities / Service Manager – Protective Services
Section 7	Proper officer for authorising covert human intelligence sources	Executive Director for Place / Head of Communities / Service Manager – Protective Services
Representation of the People Act 1983		
Section 41	Proper officer to act as the Returning Officer	Chief Executive
Scottish Local Government Elections Order 2007		
Rule 57	Proper officer for receiving all election-related documents following an election	Chief Executive
Social Work (Scotland) Act 1968		
Section 3	Proper officer to act as the Chief Social Work Officer	Head of Children’s Services
Weights and Measures Act 1985		
Section 72(1)(a)	Chief inspector of weights and measures	Executive Director for Place

19.2 The proper officers appointed for the roles set out in Section 19.1 cannot delegate their duties to other officers. However, if they cannot carry out their delegated duties because they are not available, the following officers will carry out their duties:

Proper officer appointed for the roles set out in Section 19.1	Officer(s) who will carry out duties if the proper officer is not available
If the Chief Executive is not available to act as Head of Paid Service	Executive Directors, as agreed
If the Returning Officer is not available for election purposes	Depute Returning Officer
If the Executive Director for Council Resources is not available to act as Section 95 Officer	A suitably qualified and experienced person from within the Finance Service
If the Head of Children’s Services is not available to act as Chief Social Work Officer	A suitably qualified and experienced person from within the following services: Children’s Services Adult Statutory Services Adult Community Services
If the Head of Corporate Support is not available to act as Monitoring Officer	Service Manager – Legal Service Manager – Governance Team Manager(s) – Democratic and Licensing (in relation to matters

	concerning the Councillors' Code of Conduct)
If an Executive Director is not available	Relevant Head of Service
If the Service Manager – Governance is not available to act as Clerk to the Licensing Board	Service Manager – Legal A suitably qualified and experienced person from within the Legal Service
If the Executive Director for Council Resources is not available to act as the Senior Information Risk Officer	Head of Corporate Support
If the Team Manager – Information Governance is not available to act as Data Protection Officer	Head of Corporate Support / Service Manager – Governance / Team Leader – Information Governance