



# *Standing Orders and Scheme of Delegated Powers*

*June 2003 (Amended August 2006)*

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## **PART I**

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### **1. Statutory Meeting of Council**

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- (a) At the Statutory Meeting, the Council will elect a Convener, Depute Convener, Leader of the Council and a Depute Leader of the Council from amongst its members. In addition the Council may elect the Committees, Conveners and Service Spokespersons and appoint representatives to composite and outside bodies. The responsibilities of each Service Spokesperson are as detailed in Appendix 1 to these Standing Orders.
- (b) Once elected the Convener and Depute Convener of the Council will hold the title of Provost and Depute Provost respectively and will remain in office until the next ordinary election, subject to the right of Council by resolution to remove either the Convener or Depute Convener or both from office provided written notice to that effect has been given in accordance with Standing Order 8 and said resolution is supported by at least two-thirds of Members present and voting.

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### **2. Ordinary Meetings of Council**

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- (a) The Ordinary Meetings of the Council will be held on the last Wednesday of every second month unless otherwise determined. Council meetings will normally commence at 2 p.m. or as decided by the Council from time to time.
- (b) If for any reason the Convener or Depute Convener is absent, the Council will elect another Member to chair that meeting. Any reference in these Standing Orders to Convener will be deemed to refer to the Depute Convener, or another Member who is elected to chair the meeting in the absence of the Convener.
- (c) It will be competent for the majority of those Members present at any meeting to resolve that the next Ordinary Meeting (s) will be held at a different date or time.
- (d) An 'Open Forum' session will be held at every Ordinary Meeting of the Council. It will last up to maximum of 15 minutes, subject to the discretion of the Convener, whereby members of the public will be given the opportunity to ask relevant questions of the relevant office holder or raise issues. There will be a maximum of 5 questions allowed on the agenda per meeting.
  - Such questions must be submitted in writing to the Chief Executive seven days before the Council meeting.

- Where the Chief Executive receives a written question for submission to the next Council meeting, he/she will ensure that the question is transmitted to the appropriate Service Spokesperson or Officer and that it is recorded in a register of questions to be maintained in the Committee Administration office.
- A formal response to the question will be made at the Council meeting by the Leader of the Council or appropriate Service Spokesperson, and the person who put the written question will have the right to ask no more than one supplementary question orally at the meeting in relation to the response.

The Procedure to be adopted during the Open Forum session is as detailed in the Appendix 2 to these Standing Orders.

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### **3. Special Meetings of Council**

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Special meetings of Council may be convened under the following circumstances:-

(a) Urgent Items

The Convener may convene Special Meetings if it appears to him/her that there are items of urgent business to be considered. Such meetings will be held at a time, date and venue as determined by the Convener.

(b) By Requisition

A Special Meeting can be called by the Chief Executive providing he/she has received a written requisition which specifies the purpose of the business proposed to be transacted at the meeting and is signed by at least one quarter of the Members of the Council. The date, time and venue of the meeting will be as determined by the Chief Executive but must be within fourteen days of receipt of the requisition.

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### **4. Calling of Meeting**

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Except in the case of urgency, all meetings of the Council will be called by Circular containing the agenda of the meeting issued by the Chief Executive not less than three clear days before the date of the meeting.

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### **5. Quorum of the Council**

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- (a) The quorum of the Council will be six Members.

- (b) If during, or at the scheduled time of commencement of, any meeting of the Council, the Convener will find that there is less than a quorum of Members present, he/she will, after a lapse of ten minutes, cause the roll to be called and, if inquorate, the meeting will be terminated or not take place respectively.
- (c) The quorum of other Committees and Sub-Committees of the Council will be dealt with in Part II of these Standing Orders. However, where no specific reference is made to a quorum, it will be one quarter of the membership of the Committee or Sub-Committee, subject to a minimum requirement of two Members.

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## **6. Order of Business for the Ordinary Meeting of the Council**

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- (a) The order of business of the Council at all ordinary meetings shall be as follows, unless the Convener directs otherwise:-
  - (i) Approval of the Minutes of Council Meetings and Advisory Committees unless reported for information only;
  - (ii) Presentations;
  - (iii) The Open Forum;
  - (iv) Business expressly required by statute to be done at the meeting;
  - (v) Business (if any) remaining from the last meeting;
  - (vi) Any correspondence, communications or other business specially brought forward by direction of the Convener;
  - (vii) Questions from Elected Members due notice of which has been given and which comply with Standing Order 9; and
  - (viii) Motions from Elected Members due notice of which has been given and which comply with Standing Order 8 will be considered at every meeting of Council.
- (b) An item will not be removed from the agenda unless with the agreement of all Members present.

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## **7. Matters of Urgency**

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At all ordinary, special and statutory meetings of the Council, no business other than that on the agenda shall be discussed or adopted in terms of Section 50B of the Local Government (Scotland) Act, 1973, (hereinafter referred to as the 1973 Act) except where by reason of special circumstances which shall be specified in the Minutes, the Convener is of the opinion that the item should be considered at the meeting as a matter of urgency.

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## **8. Notices of Motion**

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- (a) No member shall be entitled to propose a motion other than one directly arising out of a matter regularly before the meeting, unless notice of such motion has been given at a previous meeting or has been received by the Chief Executive in writing at least seven clear working days before the date of such meeting and no later than 4.00 p.m. on the day of receipt.
- (b) In accordance with Standing Order 6 (a)(viii), Council will consider written notices of motion at every meeting.
- (c) Such notices of motion shall be entered in a book and kept in the Chief Executive's Office and shall be open to inspection by every member of the Council. In the absence of a member who has given notice of a motion, any member may move the motion.

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## **9. Questions**

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- (a) Any Member may put a question to the Convener of the Council, any Service Spokesperson or any Senior Officer at any meeting of the Council concerning any relevant and competent business arising upon the agenda.
- (b) Any Member may also put a question to the Convener of the Council or Committee or any Service Spokesperson at any meeting of the Council concerning any relevant and competent business not arising upon the agenda, provided he/she will have given notice in writing to the Chief Executive, which notice will be received by the Chief Executive at least seven clear working days before the date of such meeting and by 4.00 p.m. on the day of receipt. No discussion will be allowed on the questions so put.
- (c) When a question of order is raised at a Council meeting, the Member then addressing the meeting will resume his/her seat until the decision of the question. No Member other than the Member who raised the question of order will speak to that question, except with the permission of the Convener. The decision of the Convener on a question of order will be final.
- (d) After a question of order is decided, the Member who was addressing the meeting at the time when it was raised will be entitled to proceed with the discussion giving effect to the Convener's ruling.



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## **10. Admission of Press and Public**

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Subject to the extent of the accommodation available and subject to the terms of Sections 50A and 50E of the Local Government (Scotland) 1973 Act, meetings of the Council and meetings of any Committees, and Sub-Committees shall be open to the public. The Chief Executive shall be responsible for giving public notice of the time and place of each meeting of the Council by posting it within Council Headquarters not less than three clear days before the date of each meeting and in the case of meeting of Committees and Sub-Committees held at premises other than the offices of the Council, such public notice may be posted at the premises where the meeting is to be held.

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## **11. Powers, Authority and Duties of Convener and Vice-Convener**

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The Convener shall amongst other things:-

- (a) Preserve order and ensure that every member of the Council shall have a fair hearing.
- (b) Decide on matters of relevancy, competency and order, having taken into account any advice offered by the Legal Officer present at the meeting.
- (c) Determine the order in which speakers can be heard.
- (d) Ensure that due and sufficient opportunity is given to Members of the Council who wish to speak to express their views on any subject under discussion.
- (e) If requested by any Member, ask the mover of a motion, or an amendment, to state its terms.
- (f) Maintain order and at his/her discretion, order the exclusion of any member of the public who is deemed to have caused disorder or misbehaved.
- (g) Determine, subject to the agreement of the Council, by a majority of the Members present, all matters of procedure for which no provision is made within these Standing Orders.
- (h) The decision of the Convener on all matters within his/her jurisdiction shall be final.
- (i) Deference shall at all times be paid to the authority of the Convener. When he/she rises to speak the Convener shall be heard without interruption and any Member then standing shall resume his or her seat and no Member shall rise to speak until the Convener is seated.

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## **12. Suspension of Members**

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In the event of any Member of the Council disregarding the order or authority of the Convener at any meeting, or being guilty of obstructive or offensive conduct at any meeting, and the Convener calling the attention of the meeting to the same, the Council may, on the motion of any Member, duly seconded and supported by the vote of a majority of the Members present and voting, suspend such Member so offending for the remainder of the sitting. No debate will be allowed on such a motion. The Convener may be entitled to call for such assistance as he/she deems necessary to enforce a decision to suspend taken in terms of these Standing Orders.

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## **13. Adjournment**

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- (a) In the event of disorder arising at any meeting of the Council, the Convener may adjourn the meeting to a time he/she may then fix or at a later date, and the quitting of the Chair by the Convener will be the signal that the meeting is adjourned.
- (b) The Council may, at any of its meetings, adjourn the same to such time as it may then fix, failing which, the Convener will set the time.
- (c) A motion for adjournment of the meeting may be made at any time (not being in the course of a speech) and will have precedence over all other motions. It will be moved and seconded without discussion and will immediately be put to the meeting.
- (d) When an adjourned meeting is resumed, the proceedings will, subject to the terms of Standing Order 6, commence at the point at which they were broken off at the adjournment.

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## **14. Deputation**

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- (a) Except with the consent of a majority of the Members present and voting, no deputation will be received by the Council unless an application for admission setting forth the subject on which the deputation seeks to be heard will have been lodged with the Chief Executive within seven days before the meeting. Notice of any such deputation will be entered in the circular calling the meeting and at such meeting the Council may agree to decline to receive a deputation.
- (b) When a deputation is received, it will be competent for Members of the Council to put to the deputation any questions pertinent to the subject on which they had sought to be heard, but no Member will express an opinion upon, or discuss, the subject until the deputation has withdrawn.

- (c) No deputation will exceed five in number, two of whom may address the Council for a total together of not more than ten minutes.

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## **15. Motions and Amendments**

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It will be competent for any Member of the Council at a meeting of the Council to move:-

- (i) a motion arising out of the business before the meeting; or
- (ii) a motion of which the requisite notice has been given and which appears on the programme of business, subject to the terms of Standing Order 8.

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## **16. Alteration, Deletion and Rescission of Decisions of Council**

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No motion to alter, delete or rescind a decision of Council will be competent within six months from the date of the adoption of that resolution, unless a decision is made prior to consideration of the matter to suspend this Standing Order in terms of Standing Order 24.

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## **17. Order of Debate**

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- (a) The mover of a motion or an amendment will not speak for more than ten minutes, except with the consent of the Council. Each succeeding speaker will not speak for more than five minutes. When the mover of a motion or amendment has spoken for the allotted time he/she will be obliged to finalise speaking, otherwise the Convener will direct the Member to cease speaking and to resume his or her seat.
- (b) Every Member of the Council who speaks at any meeting of the Council will stand or identify themselves and address the Convener and direct his/her speech to any relevant issue as provided for in these Standing Orders.
- (c) No Member, with the exception of the mover of the motion or amendment, will speak supporting the motion or amendment until the same will have been seconded.
- (d) Subject to the right of the mover of a motion, and the mover of an amendment, to reply, no Member will speak more than once on the same question at any meeting of the Council, except:-
  - on a question of order;
  - with the permission of the Convener, or
  - in explanation or to clear up a misunderstanding in regard to some material part of his/her speech.

- (e) In all of the above cases in Standing Order 17 (d) no new matter will be introduced.
- (f) A seconder of a motion or amendment must reserve their right to speak if they intend to speak at a later period in the debate.
- (g) The mover of an amendment and thereafter the mover of the original motion will have a right of reply for a period of not more than 5 minutes. He/she will introduce no new matter and once a reply is commenced, no other Member will speak on the subject of debate, except as provided for in Standing Order 17 (d). Once these movers have replied, the discussion will be held closed and the Convener will call for the vote to be taken.
- (h) Amendments must be relevant to the motions to which they relate and no Member will be at liberty to move or second more than one amendment to any motion. The mover and seconder of the motion will not move an amendment or second an amendment.
- (i) It will be competent for any Member who has not already spoken in a debate to move the closure of such debate. On such motion being seconded, the vote will be taken, and if a majority of the Members present vote for the motion, the debate will be closed. However, closure is subject to the right of the mover of the motion and of the amendment(s) to reply. Thereafter, a vote will be taken immediately on the subject of the debate.
- (j) Any Member may indicate his/her desire to ask a question or offer information immediately after a speech by another Member and it will be the option of the Member to whom the question would be directed or information offered to decline or accept the question or offer of information.
- (k) When a motion is under debate, no other motion or amendment will be moved except in the following circumstances: -
- to suspend a Member in terms of Standing Order 12;
  - to adjourn the debate in terms of Standing Order 13; or
  - to close the debate in terms of Standing Order 17 (i).

- (l) Officers present at the meeting, with the exception of the legal officer, will be not allowed to address the Council once the Council is in debate, except:-
- where the Officer has been asked a direct question by a Member of the Council or Convener;
  - where a question of legal or financial propriety requires to be addressed or clarified;
  - where the Officer is asked to address an issue for clarification by the Convener; and
  - where the Convener decides that the Officer's advice is required.

It should be noted that Officers should be treated in accordance with the Protocol for Member/Officer relations.

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## **18. No Secunder for Motions or Amendments**

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Motions and amendments made but not seconded shall neither be discussed at the meeting nor recorded in the minutes.

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## **19. Alteration/Withdrawal of Motion or Amendment**

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A motion or amendment once moved and seconded cannot be altered or withdrawn unless with the consent of the majority of those present.

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## **20. Voting**

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- (a) All business of the Council will be decided by a majority vote of those Members present and voting, except in those circumstances where these Standing Orders specify that a two-thirds majority is required in terms of Standing Orders 1(b) and 24.
- (b) Where a motion and one amendment only are before the meeting these will be voted on together, but if there are more amendments than one, the amendment last proposed will be put against that immediately preceding and the amendment then carried against the next preceding and on so until there remains only one amendment, between which and the original motion the vote will be taken.
- (c) Where a Member has moved a motion and has failed to find a seconder that Member will be entitled to have his/her dissent recorded in the minutes.
- (d) If a Member wishes his/her abstention to be recorded in the minutes, he/she must immediately declare so to the meeting when the vote has been taken.

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## **21. Recording of Vote**

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After the Convener has announced the question on which the vote is to be taken, no Member will be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings, nor will any Member be entitled to have his/her vote recorded after he/she has failed to vote.

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## **22. Method of Voting**

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The votes will be taken by show of hands except:-

- (i) where the Council agrees that voting will be by way of roll call; or
- (ii) where on advice from the Legal Officer the matter involves the potential illegality or breach of any code, it is deemed necessary that a roll call vote be held.

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## **23. Casting Vote**

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In addition to his/her deliberative vote, the Convener will have a casting vote in cases of equality of voting, except in the case of appointment of a Member of the Council to any particular Office or Committee, in which case the decision will be by lot.

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## **24. Suspension, Deletion or Amendment of Standing Orders**

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Any one or more of the Standing Orders in the case of emergency as determined by the Convener upon motion may be suspended, amended or deleted at any meeting so far as regards any business at such meeting provided that two thirds of the Members of the Council present and voting shall so decide.

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## **25. Powers reserved by the Council**

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The Council reserves to itself the following powers:-

- (a) All functions and remits which are in terms of Statute or other legal requirement bound to be undertaken by the Council itself and not delegated to Committees or other individuals or bodies.
- (b) The setting of the Council Tax and/or any other legal form of rate.
- (c) The setting of rents for houses held in the Council's Housing Revenue Account.

- (d) The approval, revision and or alteration of the annual Estimates of Capital and Revenue Expenditure.
- (e) The approval of all policy initiatives relating to the business of the Council except where the power has been delegated to a Committee or Sub-Committee.
- (f) Council may call for an explanation and a written report of a particular course of action of a Council department or officer, when such a course of action was taken under delegated powers.
- (g) Council may refer any matter to any Committee for consideration and determination as appropriate.
- (h) Upon receipt of a report or on receipt of such an explanation as referred to at Standing Order 25(f), Council may either note the report, or require reconsideration of the matter by the appropriate Committee, Sub-Committee or Working Group.
- (i) Consideration of matters which a Committee or Sub-Committee decides not to determine under delegated powers.
- (j) The determination as to whether to amend, suspend or delete Standing Orders, subject to the provisions of Standing Order 24.
- (k) The determination as to the most appropriate way to deal with any new duty, power or remit which may from time to time be assumed, where the same is not obviously associated with any Committee, body or individual.
- (l) The approval of reasons for the non-attendance of Members at meetings in accordance with Section 35 of the Local Government (Scotland) Act 1973.
- (m) The approval of the Scheme of Members' Allowances and consideration of entitlement of Members to such allowances. Such allowances will be paid in line with any COSLA recommendations, unless Council determines otherwise.
- (n) To revoke, delete, amend or remove any delegated authority given to any Committee, Sub-Committee or officer.
- (o) The Council reserves the right to appoint Members and nominate Conveners to any Committee, Board or body.

## PART II

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### 26. Proceedings of Committees and Sub-Committees

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- (a) The foregoing Standing Orders shall as far as applicable be the rules and regulations for the proceedings of Committees and Sub-Committees and therefore reference to the term 'Council' in the said Standing Orders should be interpreted accordingly. The term 'Convener' shall also be deemed to include the Convener or Chairperson of any Committee or Sub-Committee but only in relation to such Committees or Sub-Committees.
- (b) The business of the Committees/Sub-Committees will be conducted as follows:-
  - (i) The business of the Committee will be conducted in accordance with the provisions of Standing Orders and any Statutory or Regulatory provisions in respect of such business.
  - (ii) Such business will proceed primarily on the basis of reports submitted by Officers or referrals by Council, other Committees or other relevant bodies.
  - (iii) Notwithstanding the foregoing, Council may, if it considers it appropriate for the proper conduct of the business of the Council, instruct a report on, or consider any matter as is referred to in the remits of any Committee or Sub-Committee.
- (c) The ordinary meetings of Committees will commence at times as may be determined by the Council and will meet according to a timetable determined by Council from time to time.
- (d) A Convener of a Committee or Sub-Committee may at any time give instructions for the calling of a special meeting, but the notice will state the special purpose for which it is called. Such meeting will be held at the time, date and venue as determined by the Convener.
- (e) It will not be necessary for Members to stand while addressing a meeting of a Committee or Sub-Committee.
- (f) The exercise of delegated authority by a Committee or Sub-Committee is discretionary and a Committee or Sub-Committee may determine not to exercise its delegated powers.
- (g) Committees and Sub-Committees shall appoint their own Conveners if Council has failed to do so.



- (h) In the event that an issue arises which falls within the remit of more than one Committee, the Conveners of said Committees will determine which Committee shall deal with the issue.
- (i) There will be no substitution of Members of Committees and Sub-Committees unless specific provision is made for the substitution of Members of a particular Committee or Sub-Committee within these Standing Orders or in any relevant Minute of Agreement, Constitution or similar document.

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## **27. Approval and Signing of Minutes**

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- (a) Minutes of Meetings of Committees with delegated powers shall be submitted to the next meeting of that Committee for approval and thereafter signed by the Convener of that Committee. It should be noted that Officers may implement any decision made within the delegated powers of such Committees immediately after the meeting.
- (b) Minutes of Meetings of Committees, which **do not** have delegated powers, will be submitted to Council for approval of the decisions contained therein. Following approval by Council, Officers will be able to implement any decisions contained within the Minutes.

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## **28. Creation and Membership of Committees and Sub-Committees etc.**

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- (a) Council will establish the following Committees:-
- Children's Services Committee
  - Community Safety and Environmental Services Committee
  - Social Justice Committee
  - Corporate Services Committee
  - Audit and Performance Review Committee
  - Community Participation Committee
  - Planning Committee
  - Licensing Committee
  - Appeals Committee
  - Tendering Committee
- (b) Council will re-constitute the following bodies:-
- Health Improvement and Social Justice Partnership (formerly Health Improvement and Social Justice Sub-Committee)
  - Joint Consultative Forum
  - Local Negotiating Committee for Teachers
  - Education Appeals Committees
  - Social Work Complaints Review Panel

- (c) Council will create such other committees from time to time as it considers appropriate.

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## **29. The Children's Services Committee**

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- (a) The remit and delegated powers of the Children's Services Committee will be as detailed in Appendix 3 to these Standing Orders.
- (b) The membership of the Children's Services Committee will be as follows:-
- 12 Elected Members to be nominated by Council to reflect the political composition of Council.

When the Children's Services Committee considers Education matters (in so far as they relate to the exercise by the Council of its roles and responsibilities as Education authority) the following persons will also be present:-

- Three religious representatives (with voting rights) to be nominated in accordance with the procedures laid down in Section 124 (3) of the Local Government (Scotland) Act 1973.
  - Two permanent class teachers (with voting rights), made up of one primary and one secondary teacher.
  - Two pupil representatives (non voting) on a rotating basis from the seven Secondary Pupil councils.
  - Nursery Head (non voting) delegated by all Nursery heads can be invited on an ad-hoc basis by the Committee to advise where nursery education/childcare matters are on the agenda.
  - Primary Head (non voting) delegated by all Primary heads can be invited on an ad-hoc basis by the Committee to advise where primary matters are on the agenda.
  - Secondary Head (non voting) delegated by all Secondary heads can be invited on an ad-hoc basis by the Committee to advise where secondary matters are on the agenda.
- (c) The quorum of the Children's Services Committee will be 5 Members, subject to the provision that when Education matters (as defined on Standing Order 29(b) above) are being considered at least half of those present must be Elected Members.
- (d) In addition to the power to establish Sub-Committees, the Children's Services Committee will have the power to establish Working Groups to examine and report on specific issues.
- (e) The Children's Services Committee will meet every second month.

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**30. The Community Safety and Environmental Services Committee**

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- (a) The remit and delegated powers of the Community Safety and Environmental Services Committee will be as detailed in Appendix 4 to these Standing Orders.
- (b) The membership of the Community Safety and Environmental Services Committee will comprise 10 Elected Members. The elected membership will reflect the political balance of the Council.
- (c) The quorum of the Community Safety and Environmental Services Committee will be 3 Elected Members.
- (d) In addition to the power to establish Sub-Committees, the Community Safety and Environmental Services Committee will have the power to establish Working Groups to examine and report on specific issues.
- (e) The Community Safety and Environmental Services Committee will meet every second month.

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**31. Social Justice Committee**

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- (a) The remit and delegated powers of the Social Justice Committee will be as detailed in Appendix 5 to these Standing Orders.
- (b) The membership of the Social Justice Committee will comprise 10 Elected Members and will reflect the political balance of the Council.
- (c) The quorum of the Social Justice Committee will be 3 Elected Members.
- (d) In addition to the power to establish Sub-Committees, the Social Justice Committee will have the power to establish Working Groups to examine and report on specific issues.
- (e) The Social Justice Committee will meet every second month.
- (f) The Social Justice Committee will be the parent Committee of the Health Improvement and Social Justice Partnership.

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**32. Corporate Services Committee**

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- (a) The remit and delegated powers of the Corporate Services Committee will be as detailed in Appendix 6 to these Standing Orders.
- (b) The membership of the Corporate Services Committee will comprise 10 Elected Members and will reflect the political balance of the Council.
- (c) The quorum of the Corporate Services Committee will be 3 Elected Members.
- (d) In addition to the power to establish Sub-Committees, the Corporate Services Committee will have the power to establish Working Groups to examine and report on specific policy objectives or issues.
- (e) The Corporate Services Committee will meet every second month.

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**33. Audit and Performance Review Committee**

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- (a) The remit of the Audit and Performance Review Committee will be as detailed in Appendix 7 to these Standing Orders. This Committee will not have any delegated powers.
- (b) The membership of the Audit and Performance Review Committee will comprise 7 Elected Members and will reflect the political balance of the Council.
- (c) The quorum of the Audit and Performance Review Committee will be 2 Elected Members.
- (d) In addition to the power to establish Sub-Committees, the Audit and Performance Review Committee will have the power to establish Working Groups to examine and report on specific issues.
- (e) The Audit and Performance Review Committee will meet every third month.

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**34. Community Participation Committee**

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- (a) The remit of the Community Participation Committee will be as detailed in Appendix 8 to these Standing Orders. This Committee will not have any delegated powers.
- (b) The membership of the Community Participation Committee will be the same as the former Community Initiatives Committee (comprising 7 Labour Members and 3 Opposition Members plus community representation), pending the Decentralisation Review.

- (c) The quorum of the Community Participation Committee will be 3 Elected Members.
- (d) In addition to the power to establish Sub-Committees, the Community Participation Committee will have the power to establish Working Groups to examine and report on specific policy objectives or issues.
- (e) The Community Participation Committee will meet every second month.

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### **35. Planning Committee**

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- (a) The remit and delegated powers of the Planning Committee will be to consider contentious Development Control Applications and other related issues, including enforcement provisions, except in relation to:-
  - the setting of fees and charges;
  - policy matters e.g. Local Plans; and
  - any matter delegated to another Committee.
- (b) The membership of the Planning Committee will comprise 8 Elected Members and will reflect the political balance of the Council.
- (c) The quorum of the Planning Committee will be 2 Elected Members.
- (d) In addition to the power to establish Sub-Committees, the Planning Committee will have the power to establish Working Groups to examine and report on specific policy objectives or issues.
- (e) The Planning Committee will meet once per month.

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### **36. Licensing Committee**

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- (a) The remit and delegated powers of the Licensing Committee will be to consider contentious Civic Government and other non-liquor licensing and related issues, including enforcement provisions, except in relation to:-
  - the setting of fees and charges;
  - policy matters; and
  - any matter delegated to another Committee.
- (b) The membership of the Licensing Committee will comprise 8 Elected Members and will reflect the political balance of the Council.
- (c) The quorum of the Licensing Committee will be 2 Elected Members.

- (d) In addition to the power to establish Sub-Committees, the Licensing Committee will have the power to establish Working Groups to examine and report on specific policy objectives or issues.
- (e) The Licensing Committee will meet every second month.

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### **37. Appeals Committee**

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- (a) The remit and delegated powers of the Appeals Committee will be to consider and decide upon Appeals submitted under the Council's Disciplinary and Grievance Procedures for Local Government employees and Craft Operatives.
- (b) The membership and operation of the Appeals Committee will be as previously determined by Council (comprising 7 Elected Members) until Council determines otherwise.
- (c) The Appeals Committee will meet as and when required.
- (d) The quorum of the Appeals Committee will be 2 Elected Members.

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### **38. Tendering Committee**

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- (a) The remit of the Tendering Committee will be to consider and approve all tenders for works exceeding £60,000 in value, in accordance with the rules and procedures specified elsewhere in these Standing Orders. A tender for works for less than £60,000 in value may be submitted to the Tendering Committee for approval, at the discretion of the relevant Director.
- (b) The membership of the Tendering Committee will comprise 7 Elected Members and will reflect the political balance of the Council.
- (c) The quorum of the Tendering Committee will be 2 Elected Members.
- (d) The Tendering Committee will meet as and when required.

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### **39. Health Improvement and Social Justice Partnership**

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The remit, membership and operation of the Health Improvement and Social Justice Partnership will be as previously determined by Council, as stated in its Minute of Agreement, until Council determines otherwise.

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**40. Joint Consultative Forum**

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The remit, membership and operation of the Joint Consultative Forum will be as previously determined by Council, as stated in its Constitution, until Council determines otherwise.

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**41. Local Negotiating Committee for Teachers**

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The remit, membership and operation of the Local Negotiating Committee for Teachers will be as previously determined by Council as stated within its Minute of Agreement until Council determines otherwise, with the exception of the reporting procedure whereby it will report to the Children's Services Committee instead of the former Education Committee.

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**42. Education Appeals Committee**

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The remit, membership and operation of the Education Appeals Committee will be as previously determined by Council, until Council determines otherwise.

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**43. Social Work Complaints Review Panel**

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The remit, membership and operation of the Social Work Complaints Review Panel will be as previously determined by Council, until Council determines otherwise, with the exception of the reporting procedure whereby it will now report to the Children's Services Committee or the Social Justice Committee as appropriate.

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**44. Working Groups**

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- (a) The Council and its Committees may establish any working group as may be required from time to time but each working group will have a limited time span as may be determined by Council or the parent Committee.
- (b) The membership, chairperson and quorum of working groups will be determined by Council or the parent Committee, which membership will comprise Elected Members and, where appropriate, officers from this Council and/or representatives from community groups/partner agencies.
- (c) A working group will not have any delegated powers to implement its findings but will prepare a report for consideration by Council or the parent Committee.

## PART III

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### 45. Officers

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- (a) The undernoted powers are delegated to Officers of the Council:-
- (i) The Chief Executive or appropriate Chief Officer will have delegated responsibility for all matters in respect of the operation, development and implementation of policy for the service area assigned to them unless specifically reserved to the Council or other Committees or contrary to the principles listed in 6(b) below, together with such Statutory Duties as may have been specifically and personally assigned to them.
  - (ii) The Chief Executive and/or the relevant Directors will be responsible for the appointment of all posts below the level of Director. However, the Chief Executive will, where he/she considers it appropriate, involve elected members in the appointment process to such an extent as he/she considers appropriate.
  - (iii) Such delegations are at all times to be exercised with due care and attention and in accordance with all relevant law, and the Council's Standing Orders, Financial Regulations, policies and procedures.
  - (iv) Where clarification is required, the Chief Executive will determine which matters are operational or otherwise.
- (b) Officers will exercise those powers referred to above in accordance with the following scheme:-
- (i) The Chief Executive and other such officers as aforesaid may, except insofar as the function is by law required to be exercised personally by a named or designated officer, authorise other officers to exercise such functions.
  - (ii) Chief Officers will at all times maintain an up to date list of their delegated powers, to be lodged with the Chief Executive on completion, and on any amendment.
  - (iii) Delegated powers should generally not be exercised where any decision by an authorised officer would represent a departure from Council policy or procedure or would be contrary to a standing instruction of Council (or Committee), or would itself represent a significant development of policy or procedure.
  - (iv) Such decisions will be referred to Council, or the appropriate Committee, except in the case of urgency, where the officer may, after consultation with the relevant Service Convener, exercise such delegated powers.



- (v) Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate Committee for noting.
- (vi) If any decision proposed under delegated powers might lead to a budget being exceeded, the officer must consult with both the relevant Service Conveners, as appropriate, and the Chief Executive, before exercising the delegated power.
- (vii) Chief Officers must ensure that the relevant Service Spokespersons, as appropriate, are consulted on matters of a controversial nature.
- (viii) Where appropriate, such matters should be referred to Council or the appropriate Committee for decision.
- (ix) In particular and without prejudice to the foregoing, Chief Officers will exercise particular care in determining whether a matter is to be regarded as controversial in the following circumstances:-
- Where determination of the issue may involve a decision contrary to local or national policy or the determination may lead to a breach of a relevant Code of Guidance.
  - Where it is proposed that any issue be determined contrary to significant objections or the strong recommendation of Statutory Consultees.
  - The Officer proposes to determine the matter, or act in a manner, contrary to the recommendation of other officers whom he/she is obliged to, or has chosen to, consult with.
  - There are perceived public safety or significant public policy issues dependent on the determination (save in the case of urgency as aforesaid).
  - Standing Orders, National or International regulation requires determination otherwise.
  - There are questions of legality or financial advisability/probity involved.

## PART IV

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### 46. Contract

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1. Part IV of the Standing Orders is made under Section 81 of the Local Government (Scotland) Act, 1973 and applies to all contracts for the supply of goods or materials or for the execution of works or for the provision of services. Where such contracts are regulated by any legislation or any Directive of the European Community and there is a conflict between the terms of that legislation or that Directive and the terms of this Standing Order, the terms of the legislation or Directive will prevail.
2. No tender will be invited or contract entered into unless the estimated expenditure has been previously approved by the Council, which will in the case of tenders or contracts falling within the limits delegated to Directors be deemed to be satisfied provided the sums to be expended have been provided for and approved as part of the Revenue Estimates for the year in question, or in the case of capital expenditure, either specifically approved in a report to Members, or included with other items under a generic heading and so approved. Where such expenditure is likely to be greater than the limits of the Director's delegated authority, a report specifically requesting consent to expend the sums involved will require to have been approved by Members.
3. The supply of goods or materials, the execution of works and the provision of services will be regulated by these Standing Orders except where there is an emergency involving danger to life or property or where the estimated expenditure is less than £60,000. In either of those cases the Director concerned may authorise the expenditure immediately.
4. The following are the methods by which the Council may invite tenders:-
  - (a) Ad Hoc or Open Tenders

At least fourteen days public notice will be given in at least one local newspaper and, if considered desirable, in any specialist journals stating the nature and purpose of the contract, inviting tenders for its execution and stating the last date when tenders will be accepted.

- (b) List of Contractors

Tenders for a contract will be invited from persons included in a list of persons who are able and willing to tender for such a contract and who have put forward their names for inclusion in that list after being invited to do so by public notice.

- (i) Directors have full powers to draw up and amend lists of Tenderers and make all interim and final payments.
  - (ii) The list will indicate whether a person has been included in it for all contracts, or for certain contracts of specified values or amounts or categories and will confirm that his/her technical capability and financial standing have been satisfactorily investigated.
  - (iii) The list will be amended at regular intervals and reviewed at least every three years following at least four weeks public notice in one or more local newspaper and, if considered desirable by the Director of the Department concerned, in any trade journals.
  - (iv) Directors will have full powers to permit any body, as may be approved by Council, to draw up a list of tenderers on terms similar to the foregoing.
- (c) Single Tenders
- (i) Subject to prior approval by the appropriate Committee a tender may be invited from a single or nominated contractor or the Council may negotiate with such a contractor where the seeking of such a tender or where such negotiation is considered desirable and in the best interests of the Council.
  - (ii) The appropriate Director/Head of Section will decide, in consultation with the Chief Executive, when a single tender is appropriate.

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#### **47. Cancellation**

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Every contract will contain a clause entitling the Council to terminate the contract and to recover from the contractor the amount of any loss resulting from such termination if the contractor or his/her representative (whether with or without the knowledge of the contractor) will have practised collusion in tendering for the contract or any other contract with the Council or will have employed any corrupt or illegal practices either in the obtaining or execution of the contract or any other contract with the Council.

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#### **48. Assignment**

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Except where otherwise provided in the contract a contractor will not assign or sublet a contract or any part thereof without the prior written consent of Council.

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#### **49. Tendering Procedures**

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- (a) The Council will not be obliged to accept the lowest or any other tender.

- (b) All tenders will be subject to checking by the appropriate Director and in the case of tenders in excess of £60,000, the Director will thereafter prepare and submit to Council or an appropriate Committee, a written report in respect of all tenders received and containing a specific recommendation as to the acceptance or otherwise for each tender and the reasons therefor.
- (c) Between the closing date and time for the receipt of tenders and the date on which a decision is taken regarding acceptance thereof, the appropriate Director may instruct members of his staff or consultants to contact any tenderer to clarify or validate the terms of the tender but not otherwise for any reason. A full written record will be kept of all such contacts and will be retained with the original tender together with written confirmation from the tenderer regarding any changes.

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## **50. Exception to Tender Requirements**

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Tenders will not be required in the following situations:-

- (a) Where the estimated expenditure is less than £60,000.

Estimated expenditure means the total expenditure incurred over the duration of the Contract including all finance and other charges. Officers who are authorised to enter into Contracts between £30,000 and £60,000 will be required to put them out to tender if practicable, and will also comply with these Contracts Standing Orders in all other respects.

- (b) Where goods or materials are proprietary articles and or services specific to one provider, and following due and diligent research no reasonable satisfactory alternative goods or services have been located.
- (c) Where the contract constitutes an extension of an existing contract, provided that the extension is approved by the Council, or the appropriate Committee or where the Council is otherwise contractually bound to proceed with a single supplier.
- (d) Where the contract is certified by the Chief Executive to be required so urgently as not to permit the invitation of tenders, subject to a full report being submitted to the next appropriate meeting of Council or the relevant Committee.
- (e) Where the contract consists of repairs to or the supply of parts for existing proprietary plan or machinery.
- (f) Where tenders have been invited on behalf of any consortium of which the Council is a member, in accordance with any method adopted by that body.

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## **51. Submission and Opening of Tenders**

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- (a) No tender will be considered unless contained in a plain envelope which will be securely sealed and will bear an approved label, provided by the Council, which will bear the word 'Tender' followed by the subject matter to which the tender relates. The tenderer will not put on the envelope any distinguishing mark, which might identify the sender. Such envelope will be addressed impersonally to the Head of Legal and Administrative Services in whose secure custody, or that of his/her nominee, it will remain until the time appointed for the opening of tenders. On receipt, each tender will be date stamped and the time of receipt recorded thereon.
- (b) The Director of the appropriate department when inviting tenders will compile a record sheet showing the name of the contract, the names of those invited to tender, and the closing time and date for submission. A copy of this record sheet must be passed to the Head of Legal and Administrative Services immediately on completion.
- (c) Tenders will be opened at one time by any of the following:-
  - (i) The Head of Legal and Administrative Services and his nominee;
  - (ii) Two nominees of the Head of Legal and Administrative Services; or
  - (iii) The appropriate officers of the Authorities' Buying Consortium or such other consortia as may be approved by Council, for issuing and receiving tenders on the Council's behalf; or
  - (iv) Any Councillor in the presence and under the guidance of an officer from Legal and Administrative Services.
- (d) Each tender will be initialled by both officers and the record sheet will be signed and witnessed after recording thereon the date and time of opening. The most senior officer will check the summary page of each tender to confirm that the total is similar to that shown on the Form of Tender. If there is a difference, a note of both prices will be made on the Tender Record Sheet. Where a schedule of rates is submitted with a tender, the most senior officer will initial each page of the schedule and a photocopy of the schedule will be kept with the tender record sheet.
- (e) The Head of Legal and Administrative Services will ensure that a register is maintained to record the issue and receipt of all tenders. Such register will also record the number and date of transfer of all valid tenders to the Director of the appropriate department.
- (f) All successful tenders will be accepted in writing by the relevant Director.

- (g) Any tender submitted after the specified time or not complying with these Standing Orders will not be considered and will be returned promptly to the tenderer by the Head of Legal and Administrative Services.

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## **52. Specifications**

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All Specifications issued by and all contracts made with the Council will contain provisions and conditions to the following effect:-

- (a) The contractor will recognise the freedom of all his/her workpeople employees to be members of trade unions.
- (b) Unless the relevant Director specifies to the contrary, all contracts in writing with the Council shall require a clause to be added requiring contractors to confirm that they are and will comply with all relevant equal opportunities law but the omission of any such clause shall not thereby cause any such contract to be reduced on that basis.
- (c) The contractor will at all times during the continuance of a contract display for the information of his/her workpeople/employees in every factory, workshop or place occupied or used by him/her for the execution of the contracts, a copy of this Order.
- (d) The contractor will be prohibited from transferring or assigning or sub-letting directly or indirectly, to any person or persons whatever, any portion of his/her contract without the written permission of the Council. The contractor will be responsible for the observance of this clause by any approved sub-contractor.
- (e) The contractor will keep proper wages books and time sheets, showing the wages paid and (so far as practicable) the time worked by the workpeople in his/her employ in and about the execution of the contract, and such wages books and time sheets will be produced, whenever required, for the inspection of any officer authorised by the Council.
- (f) The contractor will in respect of all persons employed by him/her (whether in execution of the contract or otherwise) in every factory, workshop or place occupied or used by him/her for the execution of the contract comply with the general conditions required by this Order.
- (g) In the event of any question arising as to whether the requirements of this clause are being observed, the question will, if not otherwise disposed of, be referred to an independent arbiter for decision.

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**53. Work and Accounts**

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No account will be presented for payment unless its accuracy is certified by the Director or person nominated by the Director concerned.

## PART V

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### 54. Definitions

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- (a) In these Standing Orders the following words and phrases will have the following meanings respectively ascribed to them:-
- (1) Chief Executive will mean the Head of Paid Service of the Council as defined in terms of the Local Government and Housing Act 1989 s4(1)(a).
  - (2) The Chief Financial Officer will mean the proper officer so designated by the Council in terms of the Local Government (Scotland) Act 1973 s95.
  - (3) The Council will mean West Dunbartonshire Council (formerly known as Dumbarton and Clydebank Council) and being a Local Authority constituted under the Local Government Etc. (Scotland) Act 1994 s1 and Schedule 1 thereto.
  - (4) Elected Members and Member will mean, except where the expression will otherwise so require, a Councillor of the Council only, as the word "Councillor" is defined by reference to Local Government Etc. (Scotland) Act 1994 s5.
  - (5) Head of Legal and Administrative Services will mean such legally qualified person as the Council may from time to time appoint to hold said post.
  - (6) Legal Officer will mean the Head of Legal and Administrative Services or such other legally qualified person as may be nominated by him/her.
  - (7) The Interpretation Act 1978 applies to the interpretation of the Standing Orders as it applies to an Act. Any Act or other legislative provision referred to herein will be any Act or legislative provision as amended or repealed and reenacted with or without modification as may from time to time occur.
  - (8) Office holder will mean any of those Elected Members who for the time being have been appointed to the following positions:- Convener of the Council; Depute Convener of Council; Chair of any Committee of Council, any Service Spokesperson, Leader of the Council; Depute Leader of Council; and Leader of the Opposition.
  - (9) Party will mean any grouping of two or more Members.



- (10) Advisory committee will mean a committee appointed by the Council to advise the Council on any matter relating to the discharge of their functions in terms of Section 57 (4) of the Local Government (Scotland) Act 1973.
- (b) For the purpose of these Standing Orders the term “working days” will mean Monday to Saturday inclusive.
- (c) In determining the computation of time for the purposes of the Standing Orders where the last day upon which anything is permitted to be done is a Saturday, Sunday, or a Public Holiday or a day appointed for public thanksgiving or mourning the permission will be deemed to relate to the first day thereafter which is not one of the days before mentioned.
- (d) These Standing Orders will mean these Standing Orders in 5 parts. All other documents forming part of the Scheme of Administration will have the same standing as Standing Orders and can only be amended in the same manner as Standing Orders.
- (e) The Scheme of Administration will mean: these Standing Orders (includes Scheme of Delegated Powers); the Council’s Financial Regulations; the Scheme of Members’ Allowances; the Schedule of Meetings; any Code of Conduct approved by/for the Council or any particular Committee; the Approved List of Membership of Committees, Joint Boards, Outside Bodies etc.; the Member/Officer Protocol; and such other documents as may from time to time be approved by Council and resolved to form part of the Scheme of Administration.
- (f) In the event of any dispute or difference as to the interpretation or these Standing Orders and any other document forming part of the Scheme of Administration the Standing Orders will prevail.