

## Standing Orders Review 2022 – Proposed Amendments

Item No.	Standing Order	Proposal	Revised Text	Recommendation
	3	<b>Proposal</b> Para 3(b) - Amend to reflect Schedule 7 – 1(4) of the Local Government (Scotland) Act 1973 whereby requisitions are to the proper officer. It may be appropriate to deem the Chief Executive or the Chief Officer: Regulatory and Regeneration as the Proper Officer.	“A Special Meeting can be called by the Chief Executive providing he/she has received a written requisition...”	Agree Change
	6	<b>Proposal</b> Add a proviso that permits the Chief Executive not to submit an Open Forum question where it could be unlawful, defamatory or contrary to Data Protection principles.	“Where the Chief Executive receives a written question, then unless it is likely to be defamatory or in breach of a provision of law, including a breach of Data Protection principles, the Chief Executive”	Agree Change
	8	<b>Proposal</b> Amend wording to clarify when any urgent items of business will be notified to Council /Committees.	“...meeting. The Convener will advise Council of the terms of any request following Declarations of Interest, if any. If the Convener agrees...”	Agree Change
	9	<b>Proposal</b> Add a new requirement (9(g)) for Motions to identify the source of funding other than for inconsequential costs.	“Any motion which is likely to give rise to financial consequences other than minor and inconsequential financial consequences not otherwise addressed in terms of a report before the meeting, will indicate the source of funding for such financial consequences”	Agree Change

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	13	<b>Proposal</b> Standing Order 13 (a) and 13(b) to be amended to clarify that only members who sit on a particular committee may ask a question under Standing Order 13.	13 (a) “Except when in debate any Member, or in the case of Committees, any member of that Committee, may put a question  13(b) “Any Member, or in the case of Committees, any member of that Committee, may also put a question to any office holder,”	Agree Change.
	13	<b>Proposal</b> Standing Order 13(c) – amend provision to allow for the difference between a provision which may be illegal and one which is either unlawful or defamatory. Removes possible legal argument proposed wording which could result in sanction against the Council is not strictly speaking illegal.	(c) If notice is given of any question that, in the opinion of the Monitoring Officer, is likely to be defamatory or in breach of a provision of law, including a breach of Data Protection principles, the Monitoring Officer shall immediately submit such notice of question to the Convener and it shall not be accepted and placed on the agenda without his/her sanction. This will only be used when there is clear illegality or a clear likelihood of defamation. In the event of non-acceptance the Monitoring Officer shall so inform the Member who submitted the notice of question. If any question is asked or statement made by any Member or member of the public during the course of a meeting which is determined by the Monitoring Officer to be contrary to law, is likely to be defamatory or in breach of Data Protection principles,	Agree Change.

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			then the question or statement will not be recorded in the Minutes.	
	14	<b>Proposal</b> Admission of Press and Public Clarification as One Stop Shops no longer exist.	“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 all Public Libraries and public areas of certain other Council premises, specifically Aurora House, Clydebank Town Hall, the main Dumbarton Office, Church St, and Dumbarton Municipal Building not less than three clear days before the date of each meeting.”	Agree change.
	19	<b>Proposal</b> To require any Motions which would be moved on the day in relation to an existing item of business which may have substantial budgetary implications to be submitted to the Chief Officer: Resources to allow proper consideration of the financial impact of the proposals/ There are concerns that financial proposals of motions moved on the day may not be immediately ascertained leading to poor decision making and potentially harmful financial impact.	Standing order 19 becomes 19(a) and a new 19(b) is created:-New Clause 19b Created: “(b) (i) Any motion or amendment which seeks to substantially add to, take from or otherwise alter or amend the annual budgets submitted to Council shall require to take the form of an alternative budget which shall detail the cost of the proposal(s) being advanced or the savings proposed to be achieved and the consequential impact of that cost or those savings on the annual budget. Any such amendment must be submitted to the Chief Officer: Resources by noon on the second last clear day before the meeting takes place to enable the Chief Officer: Resources to consider the financial implications thereof.	Agree Change

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			<p>(ii) Motions or amendments which, if approved, would involve the Council incurring revenue or capital expenditure must:-</p> <ul style="list-style-type: none"> <li>• contain information regarding the full amount of such expenditure; and</li> <li>• state whether the expenditure is recurring or one-off.</li> </ul> <p>(iii) The Chief Officer: Resources shall advise, where possible, on the financial implications of such motion or amendment. In the event that the Chief Officer: Resources is unable to give advice on the matter at the meeting, the matter will not be determined until such time as they have had the opportunity to consider the implications and give advice on them.”</p>	
	20	<p><b>Proposal</b></p> <p>In Paragraph 20(d) reflect good practice that changes brought about by a change of law or circumstances outwith the</p>	<p>“....brings a report to Council advising changes to Standing Orders due to special circumstances or consequential changes to reflect changes in law or circumstances outwith the Council’s control and in such...”</p>	Agree Change

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		Council's control may result in a change to standing orders outside the usual period.		
	26	<b>Proposal</b>  Clarify the processes around Roll Call voting.	26) Method of Voting  The votes will be taken by show of hands except:-  (i) where the Council agrees that voting will be by way of roll call. If two Members move the contrary then the issue of whether there will be a roll call vote will be resolved by a vote under 24(a) hereof with the vote following immediately on the second Member so moving, without debate. Such vote will itself be by show of hands; 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 and such determination shall not be subject to debate or a vote under Standing Order 24(a).	Agree change.
	28	<b>Proposal</b>  Make it clear that the ability to Suspend, Delete or Amend a Standing Order in the course of a meeting is subject to Standing Order 20(d)	"Subject always to the provisions of Standing Order 20(d), any one or more of the Standing Orders..."	Agree Change
	29	<b>Proposal</b>	(a) Insert new provision 29(n):- "Subject to Standing Order 2, Standing Order 30, and	Agree Change

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		Clarify the relationship between different provisions in respect of the setting and amendment of dates of Council and Committee.	Appendix 2a, the setting of dates of Council and Committees and amendment to any timetable of meetings. “	
	30	<p><b>Proposal</b></p> <p>Clarify that only members of a particular Committee shall be afforded the rights of participation etc. afforded by the Standing Orders in relation to that Committee.</p> <p>This proposal addresses an ambiguity whereby it may appear that any Member of the Council may participate fully in all Committees as if a member of that Committee.</p> <p>See also proposed amendment to Standing Order 13(a) and 13(b).</p>	<p>Add at end of Paragraph 30(a):-</p> <p>“ The term “Member” shall be deemed to apply only to members appointed to such Committee. “.</p>	Agree change.
	30	<p><b>Proposal</b></p> <ol style="list-style-type: none"> <li>1) Clarify the dependencies in respect of determination of committee dates.</li> <li>2) Provide that changes to time or venue must be at least 2 days prior to the calling of the meeting.</li> </ol>	<p>(c) The Ordinary Meetings of Committees will commence at times as may be determined by the Council and , subject to Standing Order 2 and Appendix 2a will meet according to a timetable determined by the Council from time to time. Without prejudice to the foregoing, the Convener of a Committee or Sub-Committee will, have the power (i) in cases of urgency, and (ii) at least two clear working days prior to the</p>	Agree change.

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		The proposal would provide clarity and avoid the risk that as per of last minute changes and the possibility of extreme late calling of changes to meetings.	scheduled date for the issue of the circular calling the meeting , to rearrange the date, time and place of a Committee or Sub-Committee subject to obtaining the agreement of the Council Leader and the Leader of the Opposition.	
	33	Other Constituted Bodies	Various changes to reflect current makeup of the constituted bodies.	Agree changes
	35	Change Title – correction of Typo	<b>Officers' Delegated Powers</b>	Agree change
	36	Add at end of 36(2) a provision that provides authority to officers award in line with delegation and to remit to Council or Committee where that is not possible.	Upon approval by Members, or if within limits delegated to Chief Officers, then no further approval will be required by Members except where, in the reasonable opinion of the relevant Chief Officer upon receipt of tenders, the total contract sum is likely to exceed the approved budget, or the terms on which the tender is submitted are outwith the Chief Officer's judgement of the basis on which the delegation could be deemed to have been granted. In the event of the financial or other terms of a Tender falling outwith delegated powers, the relevant Chief Officer will submit a report to either Council, the relevant Service Committee or the Tendering Committee.	Agree change
	36	Add at end of paragraph 36(3) a provision that clarifies that no provision permitting an action in these Standing Orders	Add at the end of Standing Order 36(3):- "and no provision of these Standing Orders shall relieve officers	Agree change

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		relieves officers of the requirement to comply with the Financial Regulations.	of the requirement to comply with the provisions of such Financial Regulations.”	
	36	<p>The amendments to Para 36(4) seek an increase in the delegated limits of expenditure.</p> <p>The levels proposed align with the Public (Contracts) Scotland Regulations 2015 levels (formerly European thresholds) for Supplies and Services (including Light Touch Regime (largely social work and care)</p>	<p>The provision of Supplies, Works or Services will be regulated by these Standing Orders except where there is an emergency involving dangerto life or property or where the estimated expenditure, inclusive of all consequential costs over the period of the contract, is less than £213,477 for Goods and Services, £663,540 for Light Touch Services and £2,000,000 for Construction (all inclusive of VAT) .In either of those cases the Chief Officer concerned may authorise the expenditure immediately. The sums for Goods and Services and Light Touch Regime Services will, from year to year, be amended in line with the thresholds applicable under the Public Contracts (Scotland) Regulations 2015 and the sums for Works will be amended in line with any amendment to the threshold for Public Works applicable under the Procurement Reform (Scotland) Act 2014. Such amendment to values will apply notwithstanding the provisions of Standing Order 20(d).</p>	Agree change
	41	In Paragraph 41(g) replace the word “arbiter” with “party” to avoid the suggestion that the Council is bound to	“(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	Agree change



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		use arbitration in all circumstances where a matter is referred for third party decision.	independent party for decision.”	
	Appendix 1	<p><b>Procedures For Open Forum Questions</b></p> <p><b>Proposal</b></p> <p>To insert new qualifying criteria to Open Forum questions, firstly to prevent repetitive questions and secondly to avoid questioners seeking to seek to benefit where they have a commercial or other direct financial interest in the outcome of discussions.</p> <p>It is perceived that the Open Forum process that is intended to permit public and community concerns has been used on a number of occasions to advance personal interests. The proposed amended rules still permit questions which might impact on individuals but avoids the situation where they might be seen as furthering personal gain.</p> <p>Typo corrected in the second last bullet point – insertion of “a” before the word “matter”</p>	<p>Insert new Bullet points fifth, sixth and seventh in Appendix 1 Paragraph 3</p> <ul style="list-style-type: none"> <li>• Questions must not seek to promote the material or financial interests of an individual.</li> <li>• Questions must not seek to influence the outcome of commercial negotiations or decision making which the questioner, or a relative or a close friend or client of the questioner has a material interest.</li> <li>• Questions should not seek to repeat or extend the terms of a substantially similar question relative to the same subject matter which has been answered in the preceding 12 months</li> <li>• Questions must not relate to a matter where there is a process defined by law, such as a licensing application process or planning process.</li> </ul>	Agree Change

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	Appendix 2k	<b>Proposal</b> Para 1.1 Correct typo. Add word “as” after “Leader of the Opposition as well”	“Leader of the Oppositionas well as one Opposition (other)”	Agree Change
	Appendix 3	Proposal Change Title of Appendix.	<b><u>“GUIDANCE ON CONDUCT IN MEETINGS (STANDARDS COMMISSION FOR SCOTLAND )”</u></b>	Agree Change
	Appendix 3	In para 2 correct a Typo to change the word from “nice” to “nine”.	2. “The Councillors’ Code of Conduct sets out nine key principles, which include integrity, honesty and respect.”	Agree Change