

STANDING ORDERS
FOR THE OPERATION OF
CRAIGNISH COMMUNITY COUNCIL
WITHIN ARGYLL & BUTE

CRAIGNISH COMMUNITY COUNCIL

STANDING ORDERS

1. MEETINGS

FIRST MEETING AFTER AN ELECTION

1.1 The first meeting after an ordinary election of Craignish Community Council (hereinafter referred to as the Community Council) will be held within one month from the date of the election. At that meeting, the Elected Members will form their own number -

1.1.1 Elect the Chairman of the Community Council;

1.1.2 Elect the Secretary of the Community Council;

1.1.3 Elect the Treasurer of the Community Council;

1.1.4 Elect such other Office Bearers that are felt necessary;

1.1.5 If there are no nominations for the office of Secretary and/or Treasurer, then the Community Council may co-opt these appointments, subject to the procedures for co-option in Section 4, sub-section (ii) of the adopted Scheme for the Establishment of Community Councils in Argyll & Bute at that or the following meeting; 1.1.6 Deal with any competent business, keeping to the terms of any law and these Standing Orders.

ORDINARY MEETINGS

1.2 Ordinary Meetings of the Community Council will be held a minimum of four times each year, including the Annual General Meeting, on the dates and at the times which the Community Council decide. These meetings will normally be held in Craignish Village Hall, but the Community Council or the Chairman may decide that a meeting should be held somewhere else within the Community Council area.

SPECIAL MEETINGS

1.3 A Special Meeting of the Community Council may be called at any time

1.3.1 If the Community Council receives a request, from twenty electors, whose names appear in the Register of Local Government electors, currently in force, for an address within the Community Council area; or

1.3.2 If a request is received from 50% or four, whichever is the greater, members of the Community Council; if they do, they must all sign a notice which must be given to the Secretary of the Community Council and the notice must set out the business to consider at that meeting; in this case, the meeting will be held within fourteen days of the date when the Secretary of the Community Council receives the notice.

ANNUAL GENERAL MEETING

1.4 An Annual General Meeting must be held each year, on a date and at a time the Community Council decide, providing it is not held later than 30th June. The business of the Annual General Meeting will include receiving the Annual Report of the Community Council and an audited statement of accounts, as well as any other matters of interest to the community.

2. HOW MEETINGS ARE CALLED

Public Notice

2.1 Twelve clear days at least before a meeting of the Community Council, the Secretary will display (a) notice(s) at (an) appropriate location(s) within the Community Council area saying when and where the meeting will be held. If the meeting is called at shorter notice in case of urgency then the notice will be displayed at the time it is called. ["Clear days" excludes the day of publication and the day of the meeting and does not include Saturdays, Sundays or public holidays].

2.2 If a Special Meeting is called by the requisite number of Electors/ Members of the Council, the notice must be signed by those Electors/Members and must set out the business which they wish the Community Council to consider; and only that business can be considered at the meeting.

A Summons must be sent to each Member

2.3 Twelve clear days at least before a meeting of the Community Council, the Secretary will also issue a summons to each Member asking that Member to attend the meeting. The summons will set out the business which the Council will be asked to consider at that meeting. It will be signed by the Secretary and left at, or sent by post or e.mail, to each Member's usual residence, or to another address which any Member may give in writing to the Secretary.

2.4 If a member does not receive a summons the meeting will still be valid.

2.5 A copy of the summons will also be sent the Local Authority Elected Member(s) for the Community Council area.

3. THE AGENDA AND REPORTS FOR MEETINGS

Agenda

3.1 The summons will include an Agenda of the items of business for the meeting.

3.2 These will be set out in the order in which the Community Council will consider them, but this could be changed at the meeting.

3.3 An item of business may only be considered at a meeting of the Community Council if:-

3.3.1 A copy of the Agenda, including the item, is available for any members of the public who wish to look at it.

3.3.2 The Chairman is of the opinion that the item should be considered at the meeting as a matter of urgency because there are special circumstances; in which case the special circumstances will be recorded in the minutes of the meeting. The public can see copies of the agenda and most reports

3.4 Copies of the Agenda and copies of any report for a meeting will be open and available from the Secretary for at least 12 clear days before the meeting for any members of the public who may wish to look at these.

Reports can sometimes not be available to the public

3.5 When the Secretary believes there is a proper reason she/he may exclude from the copies of reports which are to be available for members of the public who wish to look at them, the whole of a report (or any part of a report) which relates only to items of business which she/he thinks are likely to be considered when the meeting is not to be open to the public. Every copy of any report in that category (or part of that report) will be marked "Confidential" and every copy (or the appropriate part) will say that it contains confidential information.

3.6 Reports from Members for a meeting must be given to the Secretary as early as possible and certainly not later than noon two working days before the day on which the notice of the meeting is to be issued. If the Secretary does not receive a particular report by that time, she/he may leave it off the Agenda.

4. HOW MANY MEMBERS MUST ATTEND A MEETING

Quorum

4.1 There must be a minimum number of Members present at a meeting of the Community Council. This is known as the quorum. The quorum of the Community Council will be three Elected Members or one third of all Members, whichever is the greater. No business can be considered at a meeting of the Community Council unless a quorum is present. An item of business cannot be dealt with if, because a number of Members declare an interest, less than a quorum of Members are entitled to vote on that item.

What happens if there is no quorum

4.2 If, ten minutes after the time set for the start of a meeting of the Community Council, a quorum is not present, the meeting will be abandoned and the Secretary will record that no business was considered because there was no quorum.

4.3 If at any time during a meeting there is a question about whether or not there is a quorum, the Chairman will, after allowing an interval of 5 minutes, ask the Secretary to count the number of Members present.

4.4 If a quorum is not present, the meeting will be adjourned to another time the same day, or to another date and time as the Chairman may decide then or afterwards.

5. WHO PRESIDES AT MEETINGS

5.1 At a meeting of the Community Council the Chairman, if present, will preside.

5.2 If the Chairman is absent from a meeting the Vice-Chairman (if such an Office Bearer has been elected) will preside; if they are both absent, an Elected Member chosen by the Members will preside.

5.3 If at any time during the meeting the Chairman is present she/he will preside and similarly, in the absence of the Chairman, the Vice-Chairman (if such an Office Bearer has been elected) will preside during any time she/he is present.

6. WHAT HAPPENS IF A MEMBER FAILS TO ATTEND MEETINGS

6.1 If a Member, throughout a period of six consecutive months, does not attend any meeting of the Community Council or any Committee or Sub-Committee of the Council, or any joint Committee to which any function of the Community Council has been delegated, and unless the Member has been granted leave of absence by the Community Council, the Secretary will inform the Community Council. In that event, the Community Council will consider whether the failure to attend was due to a reason approved by them. If they are not satisfied as to the cause of the failure, the Member will cease to be a Member of the Council.

7. MEMBERS OF THE PUBLIC ARE NORMALLY ALLOWED TO ATTEND MEETINGS

7.1 Every meeting of the Council, its Committees and Sub-Committees will be open to the public, except in special circumstances which are set out below.

When are the public sometimes not allowed to be present

7.2 The public may be excluded from a meeting of the Community Council or a Committee or Sub-Committee when an item of business is being considered if it is likely, because of the business itself or what might be said, that confidential information would be given to members of the public; providing that,

7.3 The Community Council must firstly pass a resolution at any public meeting, to exclude the public when they are considering an item of business if it is likely, because of the business itself or what might be said, that confidential

information would be given to members of the public. The resolution to exclude the public will make clear the proceedings or which part of the proceedings of the meeting it applies to and state the description of the exempt information. This decision must also appear in the subsequent minutes of the public meeting.

7.4 It is always open to the Community Council in order to stop or prevent disorderly conduct or other misbehaviour at a meeting, to exclude or eject members of the public whose presence or conduct is impeding or is likely to impede good conduct of the meeting. If a member of the public interrupts any meeting, the Chairman may warn the person. If they continue the interruption the Chairman may order that they are removed from the meeting.

7.5 The Chairman calls an informal meeting of Community Councillors at which no formal decisions will be made or minutes taken.

8. THE ORDER BUSINESS IS CONSIDERED AT MEETINGS

8.1 The items of business at ordinary meetings of the Council will be considered in the following order, but the order may be changed if the Chairman decides.

8.1.1 The Secretary will record the names of the Members present, and apologies will be given from any Members who have advised the Chairman or the Secretary they will not be present;

8.1.2 Motions which it is proposed should be considered without previous notice at the end of the meeting will be read to the meeting by the Secretary;

8.1.3 Other items of business which it is proposed should be considered as a matter of urgency will be announced;

8.1.4 Declarations of interest by Members, if any;

8.1.5 Minutes of the previous meeting or meetings of the Community Council will be considered as a correct record;

8.1.6 Minutes or reports by Committees will be considered in respect of any items on which the Committee has not already acted under delegated powers;

8.1.7 Other business which is included on the Agenda;

8.1.8 Questions submitted by Members in terms of Standing Order 14;

8.1.9 Notices of motion previously submitted in terms of Standing Order 12;

8.1.10 Notices of motion intimated at the start of the meeting in terms of Standing Order 14, provided the Chairman is of the opinion that it is a matter of urgency and the council agree to consider the motion;

8.1.11 Urgent Business, intimated at the start of the meeting, provided the Chairman is of the opinion that it is a matter of urgency and the Council agree to consider the business.

9. THE POWERS AND DUTIES OF THE CHAIRMAN

9.1 At all times, Members of the Council will respect the authority of the Chairman. If the Chairman speaks any member who is speaking to the meeting will stop.

9.2 The Chairman's duty is to preserve order and ensure that Members are given a fair hearing by the Community Council. If two or more members try to speak at the same time, the Chairman will decide who is to speak first.

9.3 The Chairman will decide all matters of order, competency, relevancy and urgency and that ruling will be final. What might happen if a Member misbehaves

9.4 If a Member persistently misbehaves by disregarding rulings by the Chairman, or behaves improperly or offensively, or wilfully obstructs the business of the Community Council, the Chairman may take any of the following courses of action either separately or in sequence -

9.4.1 Warn the Member about her/his behaviour

9.4.2 Tell the Member not to speak during the remainder of the debate on the item being discussed;

9.4.3 Move that the Member should not speak again during the meeting. The motion will not require to be seconded, and will be decided without discussions; if the motion is carried the Member will not speak again during that meeting;

9.4.4 Move that the Member should be suspended for the remainder of the meeting. The motion will not require to be seconded, and will be decided without discussion; if the motion is carried the Member will leave the meeting immediately;

9.4.5 Adjourn the meeting for a short time as seems reasonable to the Chairman in the circumstances.

9.5 If there is disorder at any meeting of the Council, the Chairman will be entitled to adjourn the meeting to another time the same day, or to another date and time as she/he may decide then or afterwards, and leaving the Chair in these circumstances will mean that the meeting is adjourned immediately.

10 HOW VOTES ARE TAKEN

10.1 Except where the adopted Scheme for the Establishment of Community Councils in Argyll & Bute, or by the adopted Constitution of the Craignish Community Council, or the Standing Orders say something different, all questions coming or arising before the Council will be decided by a majority of the voting Members present.

10.2 A vote will be taken by a show of hands except in the following circumstances.

Calling the roll

10.3 A Member may ask for a vote to be taken by calling the roll. If a third of the voting Members present agree then the vote will be taken in that way and the names of those voting for or against the motion or amendment will be taken down and recorded in the minutes.

What happens if votes are equal

10.4 In the case of an equality of votes, the person presiding at the meeting will have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a Member to any particular office or Committee in which case the decision will be decided by lot [i.e. by chance].

Different arrangements apply to appointments

10.5 When Members are to be appointed to any positions to be filled by the Council, and where the number of candidates nominated exceeds the number of vacancies, the Members to be appointed will be determined by a vote or votes in each of which Members will be entitled to vote for as many candidates as there are vacancies; but they may not cast more than one vote for any candidate. The name of the candidate having least votes will be deleted from the list and a fresh vote, or votes, will be taken. This process of elimination will be continued until the number of candidates equals the number of vacancies.

10.6 Where only one vacancy requires to be filled, and any candidate has an absolute majority of the votes, the candidate will be declared appointed. Otherwise, the name of the candidate having least votes will be deleted from the list. This process of elimination will be continued until one candidate has a majority of the votes.

10.7 If in any vote among more than two candidates there is equality of votes among the candidates having least votes, the candidates whose names will be eliminated will be determined by an additional vote. The candidate having least votes will be deleted from the list. Where in any additional vote there is equality in votes, the candidate to be eliminated will be determined by lot.

10.8 The provisions of the preceding paragraphs will apply in the case of the appointment of any other person (other than a Elected Member) except that where there is an equality of votes the person presiding will have a second or casting vote.

11 PROCEDURAL MOTIONS

Adjourning a meeting

11.1 The Chairman may adjourn any meeting for a reasonable interval if she/he decides there is a good reason to do so.

11.2 The Community Council may adjourn any meeting for a reasonable interval or to another date as the Community Council may agree then, or that failing, the Chairman may decide then or afterwards. The vote on such a motion, on being seconded, will be taken without amendment or discussion and by show of hands. A similar motion to adjourn to another day will not be competent within a period of one hour after the decision on the earlier motion.

Closing a debate

11.3 The following closure motions will be permitted during discussion of another motion provided the Member moving the closure motion has not spoken during the debate. They will be moved, seconded and voted on without discussion. The Chairman will proceed as follows -

11.3.1 "That the question be now put"

If the Chairman considers the matter has not been discussed well enough she/he may refuse to accept the motion; if the motion is accepted it will be put to the vote. If the motion is carried, the movers of any amendment and of the original motion will be entitled to a right of reply and the Chairman will then put the original motion and amendment to the vote. If the closure motion is not carried, a similar motion may be made after every three additional Members have spoken.

11.3.2 "That the meeting do now adjourn"

If the Chairman is satisfied that the matter before the meeting has been well enough discussed, she/he may refuse to accept this closure motion and instead put the motion "that the question be now put". If the Chairman is of the opinion that the matter has not been well enough discussed and cannot reasonably be discussed any longer on that occasion, the adjournment motion will be put to the vote without giving the mover of the original motion or amendment a right of reply; if the adjournment motion is carried, the original motion and remaining business will stand over until a resumed meeting of the Council. If this closure motion is not carried, a similar motion will not be competent within a period of one hour after the decision on the previous closure motion.

12 HOW A MEMBER SUBMITS A MOTION FOR THE NEXT MEETING

12.1 If a Member wishes a motion to be considered at a meeting (other than one on a matter of urgency under Standing Order 14) it must be written down, signed by the Member and countersigned by another Member, and given or sent to the Secretary to be received by her/him at least 21 clear days before the next ordinary meeting of the Community Council. This is called giving notice of a motion.

12.2 These notices of motion will be included on the agenda for the next meeting in the order in which the Secretary receives them. If the Chairman considers that more than one of these motions deals with the same subject, only the motion received first will be considered.

13 HOW A MEMBER SUBMITS AN URGENT MOTION

13.1 A motion which does not relate to the business which is included on the agenda for a meeting may be considered at the end of a meeting even if a Member has not given notice of it under Standing Order 12. It will only be considered if the Chairman is of the opinion that it is a matter of urgency because of special reasons, which will be recorded in the minutes, and the Community Council agree to consider the motion. However, if a Member wishes a motion considered as a matter of urgency, it must be given to the Secretary not later than two hours before the start of the meeting. It will

be read to the meeting by the Secretary at the point stated at Standing Order 8.1.3. If the Chairman considers that the motion is not urgent then it will be included as an item of business for the next ordinary meeting, unless it is disposed of in some other way before then.

14 A MEMBER MAY ALSO SUBMIT QUESTIONS FOR A MEETING

14.1 A member may put a question to the Chairman or to a Chairman of a Committee, at any ordinary meeting of the Council. The question must be about any relevant and competent business which is not included on the agenda for the meeting. The Member must give the question in writing to the Secretary not later than 48 hours before the start of the meeting.

14.2 The Chairman or the Chairman of a Committee who is being asked to answer a question will decide whether to answer it orally or in writing at the meeting. Questions and any written answers, numbered in the order in which they have been received, will be tabled at the start of the meeting.

14.3 Arising from each answer given, the Member who asked the question may ask one supplementary question to clarify the answer given.

14.4 No discussion will be allowed, and it will not be competent to move any motion arising from a question or the answer given.

14.5 A member may not submit more than two written questions for any one meeting. If the Chairman is of the opinion that a question is out of order for any reason, it will not be answered.

14.6 Written questions and any written answers will be recorded in the minutes.

15 CAN A DECISION OF THE COMMUNITY COUNCIL BE CHANGED

15.1 No motion which seeks to alter or revoke a decision of the Community Council or has that effect will be considered within a period of 6 months of the original decision.

15.2 However, it will be competent to review a decision before the end of the 6 month period, provided -

15.2.1 that notice has been given on the agenda that the previous decision may be altered or revoked, unless it is inherent in the terms of a report of or minute of a Committee submitted to the Community Council; and

15.2.2 the Chairman is satisfied that a material change of circumstances has occurred. This means that the Chairman must decide first whether there has been a new development which has a bearing on the original decision or that some important piece of information was not available when the original decision was made. Secondly, the Chairman must decide whether this change is material, which means that if the change had taken place before the Council took their decision, or if they had known all the facts on which the decision was based, the change of circumstances would have influenced their judgment and they might reasonably have taken a different decision.

16 MINUTES OF MEETINGS

16.1 Minutes of Meetings of the Council will be prepared by the Secretary and will be included on the agenda for the next ordinary meeting of the Community Council. At that meeting they will be considered, corrected if need be, and where they are held to be a correct record of the meeting, they will be signed by the person presiding at that next ordinary meeting.

16.2 No discussion or amendment will be competent on minutes submitted other than an amendment to the effect that they are not a correct record. Any amendment will include the words of the alteration which is proposed to the minutes. An objection to the correctness of a minute will be dealt with by way of an amendment to a motion approving the minutes.

16.3 Only Members of the Community Council who were present at the meeting to which the minutes relate may vote on the correctness of these minutes.

17. COMMITTEES AND SUB COMMITTEES

17.1 Committees and Sub-Committees may be appointed from time to time as required.

18. ARRANGING MEETINGS OF COMMITTEES AND SUB-COMMITTEES

18.1 The dates of ordinary meetings of Committees will be decided by the Community Council on the basis of a programme of meetings which will normally be decided each year.

18.2 The Chairman of a Committee (or in whose absence the Vice Chairman) may cancel or alter the place, date or time for a meeting of a Committee. The Chairman (or Vice Chairman) may call a meeting of the Committee on dates in addition to those already decided by the Council.

18.3 The Chairman (or in whose absence the Vice Chairman) of a Sub-Committee will call meetings of the Sub-Committee as these are required.

18.4 A special meeting of a Committee may be called by Members as provided in Standing Order 1.3.2.

19. HOW MANY MEMBERS MUST BE PRESENT AT COMMITTEES AND SUB COMMITTEES

19.1 No business will be considered at a meeting of a Committee or Sub-Committee unless at least one third of the whole number of voting Members are present; and there must, in any case, be at least three voting Members present.

19.2 What is said in Standing Orders 4.2, 4.3 & 4.4 will apply to a meeting of a Committee or Sub-Committee.

20. ATTENDANCE OF MEMBERS AT COMMITTEES AND SUB-COMMITTEES

20.1 Any Member may be present at a meeting of a Committee or Sub-Committee of which the Member has not been appointed. The Member is not entitled to take part in the discussions generally but is allowed to speak although not vote on any particular issue which is delegated to the Committee, provided prior notification is given to the Chairman.

OTHER MATTERS

21 INTERESTS OF MEMBERS IN CONTRACTS OR OTHER MATTERS

21.1 There is a requirement for Members, in certain circumstances, to declare an interest. If a Member has a pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting where the contract or other matter is being considered, she/he must disclose the fact at the beginning of the meeting or as soon as the interest becomes apparent to her/him. Before discussion takes place the Member will leave the meeting. There are certain special circumstances where this requirement does not apply. Any interest declared at a meeting will be recorded in the Minutes of the Meeting.

21.2 A Member may give a general notice of a pecuniary interest to the Secretary. Although the Member is thereby relieved of the duty to declare that interest individually at a meeting, the Member will nevertheless orally remind the meeting of that interest and will leave the meeting. Any reminder given will be recorded in the Minutes of the Meeting.

21.3 The Secretary will maintain a register of disclosures of pecuniary interests made by Members. An elector for the Community Council's area may look at the register.

21.4 The Code of Practice makes provisions about how Members should conduct themselves. The Code applies to all Members of the Community Council and any other persons who may be appointed or co-opted to any Committee or Sub-Committee.

22. DISCLOSING INFORMATION

22.1 Information whether contained in a document or otherwise which is considered confidential information within the meaning of Part 3.5 of these Standing Orders, will not be disclosed to any person unless and until disclosure has been authorised by the Community Council, Committee or Sub-Committee.

22.2 Any information discussed at a meeting of the Community Council, Committee or Sub-Committee, from which the public have been excluded will not be disclosed to any person unless disclosure has been authorised by the Community Council, Committee or Sub-Committee.

22.3 In addition to what it says in 22.1 & 22.2, no Member will disclose to any person any information coming to her/his knowledge by virtue of her/his office as a Member where such disclosure would prejudice the interests of the Community Council.

23. SUSPENDING OR ALTERING STANDING ORDERS

23.1 A Standing Order can only be suspended at a meeting of the Community Council, or a Committee or Sub-Committee if at least two-thirds of the Elected Members present agree.

23.2 None of these Standing Orders can be cancelled or altered unless a resolution to do so is passed after notice is given at a previous ordinary meeting of the Community Council. However, the Secretary may submit to any meeting of the Community Council a note of any alteration to Standing Orders which may be required because of a decision which the Community Council may have taken about the conduct of its business. In these circumstances, the Standing Orders may be amended at the meeting.

23.3 Standing Orders 23.1 & 23.2 cannot be suspended.