

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY

**MINUTES of the FIRST MEETING of the FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY held in THE COUNCIL CHAMBER,
STIRLING COUNCIL OFFICES, VIEWFORTH, STIRLING on MONDAY 24
APRIL 2006 at 2.00pm**

Present:

Councillor George Matchett, Clackmannanshire Council
Councillor Pat McCafferty, Falkirk Council
Councillor John McNally, Falkirk Council
Councillor Ian Miller, Falkirk Council
Councillor Andrew Keddie, Fife Council
Councillor George Kay, Fife Council
Councillor Harry Blyth, Fife Council
Councillor Charlie McKean, Stirling Council
Councillor Corrie McChord, Stirling Council

In Attendance:

Ms Margaret Anderson, Head of Service, Housing and Social Work, Falkirk Council
Inspector Anne-Marie Carter, Central Scotland Police
Ms Irene Cavanagh, Chief Social Work Officer, Stirling Council
Ms Deirdre Cilliers, Chief Social Work Officer, Clackmannanshire Council
DCI Tom Crozier, Fife Constabulary
Mr Patrick Delargy, Senior Manager (Operations), SACRO
Ms Janice Hewitt, Director of Community Services, Stirling Council
Ms Pam McFarlane, Sheriff Clerk (Falkirk), Scottish Court Service
Mr Harry Mennie, Operational Service Manager, APEX
Ms Michelle Miller, Senior Manager, Social Work Services, Fife Council
Ms Karen Norrie, Addictions Adviser, Scottish Prison Service
Ms Anne Pinkman, Head of Criminal Justice Service, Stirling Council
Mr Ian Shovlin, Service Manager (Criminal Justice), Clackmannanshire Council
Ms Rhona Sweeney, Head of Intervention and Integration, Scottish Prison Service
DS Jim Westwood, Fife Constabulary
Ms Claire Dunbar, Committee Officer, Stirling Council (Acting Clerk)

Apologies:

Apologies for absence were received from Councillor Margaret Kennedy (Fife Council), Alan McCloskey (Victim Support), Bob Sinclair (Sheriff Clerk (Stirling)), Geri Watt (Area Procurator Fiscal, Forth Valley) and Chief Constable Peter Wilson (Fife Constabulary)

Articles 12(3) and 12(4) of The Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006 provided that until such time as the Authority appointed a Convener, its first meeting would be chaired by the eldest Member appointed by the local authority designated by Scottish Ministers to make the preliminary arrangements.

The meeting was therefore chaired by Councillor Charlie McKean from Stirling Council, who welcomed everyone to the meeting.

CJA1 BACKGROUND PAPER

A background paper on the remit and membership of the new Community Justice Authorities had been re-circulated for information.

Decision

Noted.

CJA2 ADOPTION OF STANDING ORDERS

It was appropriate for the Authority to approve Standing Orders in order to regulate its business and proceedings at meetings. It was recommended that the Authority adopted the Standing Orders attached as Appendix 1 to the submitted report.

The proposed Standing Orders were based on the model Standing Orders circulated to Authorities by the Scottish Executive. Where possible, these had been amended in accordance with current practice within each of the Councils/other Joint Boards.

If adopted, the Standing Orders would have immediate effect and would apply to the proceedings for the remainder of the meeting.

The Standing Orders could be developed further, should the Authority decide to establish Standing Committees, to detail the remit, membership and quorum of those Committees.

Decision

The Authority agreed:-

1. to adopt, with immediate effect, the Standing Orders attached as Appendix 1 to the submitted report for the regulation of Authority business and proceedings at meetings of the Authority, and
2. to remit it to the Acting Clerk to make the necessary amendments to Standing Orders should the Authority decide to establish Standing Committees.

(Reference: Report by Acting Clerk dated 18 April 2006, submitted)

CJA3 APPOINTMENT OF CONVENER AND DEPUTY CONVENER

Article 4(1) of The Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006 required that the Authority appoint a Convener and a Deputy Convener from amongst its Members at its first meeting.

The Convener, or the Deputy Convener on the Convener's absence, would preside at meetings of the Authority.

The period of office would be until the next local government elections.

The Convener or Deputy Convener may not hold more than two consecutive periods of office.

Councillor Matchett, seconded by Councillor McChord proposed that Councillor Ian Miller (Falkirk Council) be appointed as Convener.

Decision

The Authority unanimously agreed to appoint Councillor Ian Miller as its Convener.

Councillor Matchett, seconded by Councillor Blyth proposed that Councillor Andrew Keddie (Fife Council) be appointed as Deputy Convener.

Decision

The Authority unanimously agreed to appoint Councillor Andrew Keddie as its Deputy Convener.

(Reference: Report by Acting Clerk dated 18 April 2006, submitted)

CJA4 APPOINTMENT OF CHIEF OFFICER

A combined advertisement for Chief Officer posts for all of the Community Justice Authorities had been submitted to the national press by the Scottish Executive for publication week beginning 27 February 2006.

Stirling Council had agreed to act as the lead contact for the Chief Officer post for the Fife and Forth Valley Community Justice Authority. The closing date for applications was Friday 31 March 2006. 20 applications had been returned.

The initial sift of candidates was carried out on behalf of the Authority by the 4 Council Directors (or nominees). A sift matrix was used based on the key roles and responsibilities of the Chief Officer. A total of 8 candidates met the criteria

and were shortlisted for interview. The interview date was set for Friday 28 April 2006.

The Director of Community Services, Stirling Council advised that one candidate had now indicated that she could not attend for interview on that date. The Authority agreed that it would not be appropriate to interview this candidate on the next date suitable to her, which was two weeks later.

The interview panel would be made up of one elected Member from each Council, one adviser from one of the Councils (Janice Hewitt), an adviser from the Scottish Prison Service (Rona Sweeney), a Social Work adviser, an HR adviser and a Clerk.

Letters had been sent to both the successful and unsuccessful candidates. Successful candidates were given a topic for presentation. Directors of the 4 Councils had devised a list of questions for consideration by Elected Members. Procedures to be followed during the interviews had been prepared by Stirling Council and were tabled.

As the interview panel would not have delegated powers, the offer to the successful candidate would have to be ratified (by email/telephone/special meeting) by a quorum of the Authority.

Outstanding issues remained regarding the base for the Chief Officer although it was suggested that the Chief Officer could be located either with the Convenor of the Authority or in West Fife/East Falkirk. Tentative enquiries were currently being made by officers and it was agreed that an update report be submitted to the next meeting of the Authority. Councillor Matchett proposed that Clackmannanshire be included in the search for suitable properties. This was agreed.

The salary grade of Chief Officer posts was determined by the Scottish Executive between £48-£60k. It was for Members of the Fife and Forth Valley Community Justice Authority to agree at what salary they wished to appoint the Chief Officer.

Pension arrangements and employees liability insurance would be considered further by the lead Authority for Legal/Finance and HR issues (which was the subject of a later report on the agenda for this meeting).

Decision

The Authority:-

1. Approved the process for the appointment of the Chief Officer;
2. Agreed that the interview panel would interview 7 shortlisted candidates on 28 April 2006 and that the candidate who was not able to attend on that date would not be interviewed;
3. Agreed that a decision on the salary grade for the Chief Officer be determined on the appointment of the successful candidate;

4. Agreed that the search for a suitable working base for the Chief Officer would include West Fife/East Falkirk and Clackmannanshire and an update report would be submitted to the next meeting of the Authority, and
5. Noted that Pension arrangements and employees liability insurance would be considered further by the lead Authority for Legal/Finance and HR issues (which was the subject of a later report on the agenda for this meeting).

(Reference: Report by Director of Community Services, Stirling Council dated 18 April 2006, submitted)

CJA5 LEAD AUTHORITY FOR LEGAL/FINANCE AND HR ISSUES

The Authority required to nominate lead authorities to provide advice or services for:

- Legal matters
- Finance
- Human resources

A report submitted by the Head of the Criminal Justice Service, Stirling Council, proposed two options for the Authority's consideration:

Option 1

That the local authority which the elected Convener of the Fife and Forth Valley CJA represented should provide for all three functions. Like the Convener, whose term of the office would be time limited, all functions would transfer to the local authority of any future Convener.

Option 2

That Legal Services should be provided from the local authority which the Convener of the Fife and Forth Valley CJA represented. As with option 1 this function would transfer to the local authority of any future Convener.

The two remaining functions, finance and human resources, should be provided by one of the three remaining local authorities. Like option 1, the commitment of the local authority who agreed to provide the finance and human resource services should also be time limited, and should rotate across the three local authorities.

It was noted that Clackmannanshire Council had advised that they were not in a position to act as a lead authority for any of the three functions.

The Authority agreed that as this was likely to be a busy year for the Authority and constituent Councils alike, it would be preferable for the remaining three Councils to each lead on one of the services under consideration. This position would be reviewed after the Council elections in 2007.

Decision

The Authority agreed that advice/services would be provided as undernoted-

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|-----------------|------------------|
| Legal matters | Falkirk Council |
| Finance | Stirling Council |
| Human resources | Fife Council |

This position would be reviewed after the Council elections in 2007.

(Reference: Report by Head of Criminal Justice Service, Stirling Council dated 18 April 2006, submitted)

CJA6 ARRANGEMENTS FOR THE PREPARATION OF THE FIRST COMMUNITY JUSTICE AUTHORITY AREA PLAN FOR 2007/08

One of the first tasks which the Scottish Executive had set the newly formed Community Justice Authorities was the preparation of an area plan for the period 2007 to 2008. The Scottish Executive's requirements were set-out in correspondence from the Justice Department dated the 3 April 2006, which was attached as Appendix 1 to the submitted report.

The timescale for completion of the first area plan was 30 September 2006, which was a challenging timescale for all Community Justice Authorities, but was particularly challenging for Fife and Forth Valley, being one of only 3 Community Justice Authorities which involved boundary changes from the original Criminal Justice Groupings.

Officers had attempted to negotiate a slightly longer period of time to complete the first area plan, however, the Scottish Executive remained insistent that the deadline be adhered to by all Community Justice Authorities.

The area plan was expected to give substance to the specific obligations contained in the Management of Offenders, etc. (Scotland) Act 2005. These obligations required local authorities, Community Justice Authorities and the Scottish Prison Service to co-operate with one another in carrying out their respective functions in relation to managing offenders, and to include statutory partner bodies in this process. Within each Community Justice Authority area the statutory partners were the Police, Health Board, relevant voluntary sector organisations, the Scottish Court Service, the Procurator Fiscal Service and the local Victim Support Service.

Detailed guidance was produced on the expected content of plans (also contained in Appendix 1). The Scottish Executive had indicated that, in order to meet the timescale of 30 September 2006, they expected Community Justice Authorities to start work on the preparation of the area plan in advance of the Chief Officer taking up post. In recognition of the extent of consultation needed with partner organisations, the Scottish Executive had advised Community Justice Authorities to appoint Interim Support Officers to begin to prepare the plan.

Senior Officers from across the 4 constituent local authorities had met to consider how the work on this plan could be progressed. It was proposed that the Community Justice Authority convene a major consultation event to be held over the course of the next 2 months, involving all statutory and non statutory partner agencies. It was anticipated that this event would assist in identifying priorities for inclusion in the first area plan and would also begin to forge the necessary links with other agencies which would be necessary to give effect to the plan.

Senior Officers from the 4 constituent local authorities had also proposed that attempts be made as a matter of urgency to recruit an Interim Support Officer from within the constituent authorities, on an immediate secondment basis. This arrangement would have the potential advantage of being able to be implemented speedily. Selection for this post would take place in accordance with the Recruitment and Selection Policy for the lead authority for HR.

Decision

The Authority agreed:-

1. To note the requirement to prepare a first area plan by 30 September 2006;
2. To approve the proposal contained in paragraph 2.4 to the submitted report for a consultation event;
3. To approve the arrangements proposed in paragraph 2.5 for the recruitment of an Interim Support Officer to commence work on the preparation of the plan, and
4. That an update report be submitted to its next meeting.

(Reference: Report by Head of Service (Housing & Social Work), Falkirk Council dated 18 April 2006, submitted)

CJA7 FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY SEMINAR

As indicated in the paper above, a seminar was to be arranged to promote the creation of the Fife and Forth Valley Community Justice Authority (CJA). The purpose of the Seminar was to highlight the:

- Remit of CJA
- Requirements of the key partner agencies
- National Offender Strategy
- Fife and Forth Valley CJA Area Plan 2007-08

Invitations would be sent to CJA Members, criminal justice and other local authority staff, Scottish Prison Service and all key partner organisations.

Given the potential numbers involved it was proposed to run the Seminar twice on two separate dates, hopefully during June 2006. A central location had been identified.

Decision

Noted.

(Reference: Report by Head of Criminal Justice Service, Stirling Council dated 18 April 2006, submitted)

CJA8 PROGRAMME OF MEETINGS

It was recommended that the Authority set a programme of meetings for each upcoming year.

It was suggested that the Authority could meet quarterly, in line with other Community Justice Authorities across Scotland.

An early second meeting of the Authority would be required in order to progress work on its first Area Plan. It was therefore suggested that the next meeting should be held in June 2006, with quarterly meetings thereafter.

The Acting Clerk, in consultation with the Convener, would be able to set dates, having first checked Members' diaries. It was further proposed that the meetings would rotate around the constituent Council offices and that each meeting would have a 9.30 for 10.00am start.

A full programme of meetings for 2007 could be set at the end of this year.

Decision

The Authority agreed:-

1. To meet on a quarterly basis;
2. That for the remainder of 2006, meetings of the CJA would be held in June, September and December;
3. That the meetings would rotate around the constituent Council offices and that each meeting would have a 9.30 for 10.00am start;
4. To delegate it to the Acting Clerk in consultation with the Convener to set a programme of meetings for 2006, having due regard to Members' existing commitments, and
5. That a programme of meetings for 2007 would be set at its November 2006 meeting.

(Reference: Report by Acting Clerk dated 18 April 2006, submitted)

The meeting was declared closed at 2.40pm

Fife & Forth Valley
Community Justice
Authority



FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY

STANDING ORDERS

FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY

STANDING ORDERS

Status of Standing Orders

- 1 (1) Article 8 of The Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006 provides that a Community Justice Authority (hereafter known as CJA) may make and revise Standing Orders regulating the procedures and business of the Authority and any Committees that may be established under that Order.

Commencement

- 2 These Standing Orders will apply from 24 April 2006.

Definitions

- 3 In these Standing Orders the following words and expressions will have the following meanings:-

“Community Justice Authority” means a Community Justice Authority established by Article 2 of the Community Justice Authorities (Establishment, Constitutions and Proceedings) (Scotland) Order 2006

“Chief Officer” means the person appointed by the CJA to ensure that the CJA discharges its functions effectively

Name, Boundary and Membership of Fife and Forth Valley Community Justice Authority

- 4 (1) The CJA will be known as Fife and Forth Valley Community Justice Authority. The Authority may resolve at a meeting to change its name and, on doing so, shall notify the Scottish Ministers of the new name.
- (2) The area of the Authority shall correspond with the areas of the following Local Authorities: Clackmannanshire, Falkirk, Fife and Stirling.
- (3) There shall be 10 Members of the Authority. There will be 4 Members from Fife Council, 3 from Falkirk Council, 2 from Stirling Council and 1 from Clackmannanshire Council.
- (4) The relevant Local Authority may appoint a substitute Member if any Member is unable to attend any meeting or if there is a vacancy. The substitute Member will have the same voting rights as the substantive Member.
- (5) If any Member is unable to attend 3 consecutive ordinary meetings of the CJA, the Chief Officer will write to the relevant Local Authority asking if they wish to appoint a replacement Member.

Ordinary and Special Meetings of the Community Justice Authority

- 5 (1) The first meeting of the Fife and Forth Valley Community Justice Authority after the appointment of Members of the relevant Councils will be called by representatives of the Local Authority designated by Scottish Ministers. The first meeting will be Chaired by the oldest of the Members appointed by the designated Local Authority. At that meeting the CJA will appoint the Convener and Deputy Convener, and may agree to the formation of any Committees of the CJA.
- (2) The CJA may on a two-thirds majority of Members voting, agree to replace its Convener/Deputy Convener, providing that prior notice is given at one meeting of the Authority that the matter will be considered at its next meeting.
- (3) The CJA will meet on the days, at the times and in the places, fixed by the CJA. The Convener, or in his/her absence the Deputy Convener, may in exceptional circumstances authorise Special Meetings to be called. A Special Meeting may also be called at any time on a written request, signed by at least one- third of Members of the CJA and specifying the business to be transacted, being submitted to the Chief Officer. The Chief Officer will then arrange for a Special Meeting to be held within 10 clear working days.
- (4) The following bodies or persons may attend, or be represented at, any meeting of the Authority, and they or their representatives may, at the discretion of the Convener, participate in the deliberations of the Authority, but may not vote:-
 - (a) Partner bodies within the meaning of the Section 3(23) of the Management of Offenders etc. (Scotland) Act 2005;
 - (b) the Chief Social Work Officer of each relevant Local Authority; and
 - (c) such other bodies or persons as may, from time to time, be agreed by the Authority.
- (5) Meetings of the CJA will be open to members of the public unless the Authority resolves that any meeting, or discussion or vote in the course of a meeting, should be held in private. The Authority may also resolve to exclude Partner Bodies, Chief Social Work Officers or any other bodies or persons, or their representatives, otherwise entitled to attend in terms of Standing Order 5 (4).

Calling of Meetings

- 6 (1) Meetings will be called by the Chief Officer at least 5 clear working days before an ordinary meeting. The Notice will contain the agenda of business to be dealt with at the meeting. If the meeting is called as a result of a request by Members of the CJA, the signed request and the agenda of business will be published.
- (2) A summons to attend the meeting containing the agenda will be sent to every Member of the CJA to their Local Authority address or to another address specified by them at least 5 clear working days before the meeting.
- (3) Notice of the meeting containing the agenda shall be sent to those entitled to attend under the provisions of Standing Order 5 (4) to the address specified by them at least 3 clear working days before the meeting.
- (4) Public notice of meetings will be displayed on noticeboards at the offices of Clackmannanshire, Falkirk, Fife and Stirling Councils no later than 3 clear working days before the meeting.

- (5) When a Special Meeting has been called, the Notice of Meeting required will be at least 3 clear working days.

Cancellation of Meetings

- 7 Meetings of the CJA cannot be cancelled once the notice calling the meeting has been issued. When a meeting is cancelled on the instruction of the Convener in advance of the notice, the Chief Officer will advise Members in writing of the cancellation as soon as possible.

Quorum

- 8 (1) The quorum of the CJA is 7. If fewer than 7 Members are present ten minutes after the time appointed for the start of the meeting, the meeting will be adjourned and this will be recorded in the Minutes.
- (2) After a meeting has started, if the number of Members present falls below the quorum the Chief Officer will draw this to attention of the Convener. If after a lapse of two minutes there are fewer than 7 Members present, the meeting will immediately adjourn. No business may be transacted at a meeting of the CJA unless a quorum is present.

Business to be dealt with at Meetings

- 9 At a meeting of the CJA no business other than that specified in the agenda will be considered. However, business which has not been specified in the agenda may be intimated by the Chief Officer at the start of the meeting and considered at the end of the meeting, provided that in the opinion of the Convener it is relevant, competent and urgent.

Order of Business

- 10 The order of business will be as follows:-
- (a) The Convener or in his/her absence the Deputy Convener, whom failing another Member of the CJA chosen by the Members present, will take the Chair.
 - (b) Apologies
 - (c) Notification of Items of Urgent Business
 - (d) Formal approval of Minutes of previous meetings of the CJA. No debate will be permitted except on whether the Minutes are a correct record of the proceedings.
 - (e) Formal approval of Minutes of meetings of Committees and ratification of Committee decisions.

- (f) A Member may without prior notice put a question to the Convener of the CJA or the Convener of the relevant Committee about any Minutes submitted
- (g) Deputations may be received in terms of Standing Order 15
- (h) Written Questions in terms of Standing Order 16
- (i) Appointments to Committees and other Organisations
- (j) Items of Business
- (k) Motions of which notice has been given in terms of Standing Order 17 (1) will be considered in the order in which they stand on the agenda
- (l) Items of business that the Convener has accepted for consideration as matters of urgency

Power to vary order of business

- 11** The CJA may at any meeting, if necessary on a Motion duly moved and seconded and voted on by a show of hands, vary the order of business to give precedence to any item on the agenda.

Convener – Powers and duties – Casting vote

- 12(1)** Deference will at all times be paid to the authority of the Convener. When he/she speaks any Member who is addressing the CJA will give way. It is the duty of the Convener to preserve order and to ensure that Members obtain a fair hearing. He/she will decide all matters of order, competence and relevance.
- (2) The Convener will also decide between two or more Members wishing to speak by calling on the Member whom he/she first observes.
- (3) Where a vote is tied the Convener will have a second or casting vote, except in relation to the appointment of a Member to any particular office or Committee when the decision will be by lot.

Question of Order

- 13** A Member who is addressing the CJA when a question of order is raised will give way until the question has been decided by the Convener.

Disregarding authority of Convener/disorderly conduct etc.

- 14(1)** If any Member of the CJA disregards the authority of the Convener or is guilty of obstructive or offensive conduct the Convener will stand, at which point all Members must stop talking. The Convener can then do any or all of the following:-
- (i) direct the Member to stop speaking during the remainder of the debate on the matter under discussion;

- (ii) direct that the Member should stop speaking for the remainder of the meeting;
 - (iii) direct that the Member should leave the meeting;
 - (iv) adjourn the meeting for a reasonable period.
- (2) The Authority can exclude members of the public whose presence or actions are stopping the good conduct of the meeting. If a member of the public interrupts any meeting, the Convener may warn the person. If they continue to interrupt the meeting the Convener may ask that they leave the meeting or may adjourn the meeting.

Deputations

- 15(1)** The CJA may receive deputations on any relevant matter but not on a matter falling within the terms of reference of a Committee, unless it relates to a Paragraph in Minutes to be submitted for approval by the CJA on the day on which the deputation has asked to be heard.
- (2) Deputations will not exceed five persons. Not more than two Speakers will be heard and neither of them may speak for more than five minutes except with the consent of the CJA.
 - (3) Representations from deputations and in correspondence which are not considered at the meeting at which they are first submitted will either be placed on the agenda for consideration at the next Ordinary Meeting of the CJA or remitted by the Chief Officer to the relevant Committee for consideration and report. All deputations will be taken at the stage of the meeting identified in Standing Order 10 (g).
 - (4) Notice of intention to make a deputation must be received by the Chief Officer at least 10 working days prior to the meeting of the CJA.

Written Questions

- 16(1)** Members may submit written questions on any competent and relevant matter not contained in the Minutes being considered by the CJA for answer at a meeting of the CJA by the Convener, the Convener of any Committee (or in his/her absence the Deputy Convener), Spokesperson for a Partner Agency, the Chief Officer or any other appointed person. No Member can put more than one written question to any meeting.
- (2) All questions asked in terms of Standing Order 16 (1) must be in writing, signed and delivered to the Chief Officer not later than 1000 hours on the last working day but one before the meeting. All questions will be read and answered at the stage specified in Standing Order 10 (h).
 - (3) After a written question has been answered the questioner may ask one supplementary question, if necessary, to seek clarification of the answer given. No discussion will be allowed on any question or answer.

Notices of Motion

- 17(1)** Every formal Notice of Motion will be in writing, signed by the Member giving the Notice and counter-signed by one other Member. The Notice must be delivered to the Chief Officer at least 10 working days prior to a meeting of the CJA. All Motions received within this timescale will be included in the agenda for that meeting in the order in which they are received. Those not received within this timescale will not be included.
- (2) Formal Notices of Motion not submitted in time in accordance with Standing Order 17 (1) may be submitted to the CJA at the end of the meeting if (a) they are delivered to the Chief Officer before the start of the meeting, (b) they have been read by him/her to the meeting as soon as possible after the start of the meeting, and (c) they are considered by the Convener to be competent, relevant and urgent.
- (3) Every formal Notice of Motion submitted in terms of Standing Order 17 (1) and (2) above will require to be moved and seconded formally at the meeting when they are to be considered. If such a Motion is not moved and seconded formally it will fall.
- 18** Standing Order 17 will not apply to motions moved by Members in pursuance of a minute or report.

Debates

- 19** Members of the Authority may debate an issue where there is a report or a Motion (in terms of Standing Order 17 before it for consideration.

Consideration of Reports

- 20(1)** At the discretion of the Convener, the Officer responsible for a written report before the Authority may be invited to introduce their report. Any presentations to the Authority will be notified in advance on the agenda.
- (2) Members will then have the opportunity to ask questions, seek clarification, or request further information. Where there is no presentation or introduction, the Authority will move directly to this stage. It will not be competent to move a proposition (either a Motion or Amendment) at any of these stages, until the Convener opens the matter up for debate.
- (3) When the matter has been discussed and no consensus reached then the Authority will proceed to Standing Order 21.

Determination of issues where there is no consensus and consideration of Notices of Motion in terms of Standing Order 17

- 21(1)** A Member wishing to speak will when called upon address the Convener. He/she will speak only on the matter under consideration or on a question of order.
- (2) A Member proposing to submit a Motion or an Amendment on any subject under discussion will before addressing the meeting state its terms. Should he/she fail to

do so the Convener will ask him/her to state its terms. Every Motion or Amendment must be moved and seconded and will, when required by the Convener, be put in writing and handed to the Chief Officer.

- (3) A Member can only move or second one Proposition (a Motion, Amendment or Direct Negative) on any matter on which the Authority cannot reach consensus. However a Member can also move one Procedural Motion under Standing Order 21 (9) during consideration of the same item.
- (4) A Proposition once moved and seconded will not be withdrawn unless the mover and seconder agree.
- (5) The mover of any Motion or Amendment may speak in support of the Motion or Amendment for not more than 5 minutes, and the seconder for no more than 3 minutes, except to call attention to a point of order. However, the Convener may allow Members to engage in free debate within reasonable limits.
- (6) The mover of the original Motion or Amendment will have the right to speak for a further 3 minutes in reply to the debate after which the discussion will be closed. The mover of a Motion or Amendment must, in his/her reply, strictly confine himself/herself to answering previous speakers and may not introduce any new matter. No Member will be permitted to offer an opinion or to ask a question or otherwise to interrupt the proceedings and the question under discussion will then be put by the Convener.
- (7) Every Amendment must be relevant to the Motion to which it is moved. The Convener will decide on matters of relevancy and will have the power, with the consent of the meeting, to join Motions or Amendments (including the Direct Negative) which are consistent with each other.
- (8) All additions to, omissions from, or variations on a Motion will be considered as Amendments to the Motion and will be dealt with accordingly.
- (9) The following Procedural Motions will be permitted during discussion of any item. They will be moved, seconded and put without discussion:-
 - (i) "that the meeting is adjourned";
 - (ii) "that the question is now put to the vote";
 - (iii) "that the vote be taken by roll-call or by ballot in terms of Standing Order 25(3)";
 - (iv) "that Standing Orders be suspended"

Dissent

- 22** The mover of a Motion or Amendment which is not seconded may have his/her dissent to the decision of the CJA minuted.

Motion to lapse when meeting inquorate or proposer absent

- 23** A Motion will lapse either when the meeting becomes inquorate in terms of Standing Order 8 (2) while the Motion is being debated or when it is reached in the absence of the Proposer unless it is moved by another Member. Lapsed Motions may be revived only by a new Notice of Motion.

Motion contradictory to previous decision

- 24** A Motion which contradicts a previous decision of the CJA will not be competent within six months of that decision. The CJA may however resolve to consider such a Motion if new information is available or if a material change of circumstances has taken place.

Method of Voting (other than Appointments)

- 25(1)** A vote will be taken by a show of hands unless otherwise agreed in terms of Standing Order 25(3). Each Member will have one vote and except where specified the decision will be by simple majority. In the event of an equality of votes, the Convener will have a second or casting vote except in relation to the appointment of a Member to any particular office, Committee or Panel, when the decision will be by lot.
- (2) Decisions on the following issues can only be made by a two-thirds majority of those present and voting: -
- (i) the appointment of the Convener and Deputy Convener;
 - (ii) the adoption of these Standing Orders or any amendments thereto;
 - (iii) the suspension of Standing Orders, and
 - (iv) any change of name of the Authority
- (3) Subject to these Standing Orders voting will be by show of hands unless the CJA decides either that:-
- (i) the voting will be by means of a roll-call vote, when the names for and against the Motion or Amendment will be taken down in writing and entered into the Minute; or,
 - (ii) the voting will be by ballot.
- (4) Voting will begin when all competent Motions and Amendments have been put before the CJA. Members present at the meeting and eligible to vote will vote either “for” or “against” each Amendment, to be taken in the order moved or in the order determined by the Convener.
- (5) If an Amendment is not carried, any other Amendments will be voted on. If an Amendment is carried, it will take the place of the original Motion (and become the Substantive Motion) and any remaining Amendments will be voted on in the same manner. After all Amendments have been disposed of, Members will then vote “for” or “against” the Motion (either the original Motion or the Substantive Motion) remaining before the meeting.
- (6) Where the Direct Negative has been moved in addition to one or more Amendments, the Direct Negative will be taken last.
- (7) Where only the Motion and the Direct Negative are moved and seconded, a straight vote will take place “for” or “against” the Motion.

Filling of Vacancies

- 26(1)** In making appointments to any position(s) to be filled by the CJA where the number of candidates exceeds the number of vacancies, the appointment 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 cannot cast more than one vote for any candidate.

The name of the candidate having the 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.

- (2) Where only one vacancy requires to be filled, and a candidate has an absolute majority of the votes, that candidate will be declared appointed.
- (3) Where the vote is among more than two candidates and there is an 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 then be deleted from the list. If there is still an equality of votes, the Convener will have a second or casting vote, except where the proposal relates to the appointment of a Member to any Office or Committee, in which case the decision will be by lot.
- (4) At any stage Members can, by unanimous agreement, exclude candidates who they consider have no prospect of being appointed.

Decisions of CJA

- 27** No decision made by the CJA will be subject to review by any Committee of the CJA, or Joint Committee of which the CJA is a member unless such review is specifically authorised by the CJA.

Ultimate Power of CJA

- 28** A Committee of the CJA may assist the Authority with the exercise of its functions but shall not have the power to exercise functions, or take decisions, on the Authority's behalf.

Budget Planning

- 29** The CJA will consider the draft annual budgets as part of their Strategic Area Plan.

Annual Accounts

- 30** The Annual Accounts of the CJA as prepared by the Chief Officer will be submitted to the CJA for its consideration.

Code of Conduct/Declaration of Interest

- 31(1)** All Members must observe the Councillors' Code of Conduct as issued by the Standards Commission for Scotland.
- (2) If any Member of the CJA has a financial or non-financial interest in any contract or other matter, as defined by Section 5 of the Councillors' Code of Conduct and is present at any meeting at which that matter is to be considered, he/she must as soon as practicable after the meeting starts disclose that he/she has an interest. He/she will then be precluded from taking part in consideration of that matter and must leave the meeting while that matter is under discussion.
- (3) Where a Member declares an interest and leaves the meeting in terms of Standing Order 31 (2) the fact will be recorded in the Minutes of the meeting.

Standing Orders to apply to Committee meetings etc

- 32(1)** A Committee will hold such meetings as the CJA may prescribe, but the Chief Officer will call additional meetings of a Committee at any time on being required to do so either by the Committee concerned or by its Convener. The Chief Officer will also call a meeting to be held within 10 clear working days of receiving a written request specifying the business to be transacted and signed by at least one-third of the whole number of Members of the Committee concerned.
- (2) The membership and quorum of Committees will be as decided by the CJA.
- (3) Without prejudice to the foregoing Standing Orders the Standing Orders of the CJA will apply to Committee meetings so far as relevant.

Membership of Committees

- 33** The Convener and the Deputy Convener will be members of all Committees, except where the CJA decides otherwise.

Election of Conveners and Deputy Conveners of Committees

- 34** Conveners and Deputy Conveners of Committees will be appointed by the CJA.

Member to submit matter in writing

- 35** Any Member may raise with the relevant Committee a matter of new business which is not already the subject of its consideration by writing to the Chief Officer who will place the matter on the agenda of business for the next meeting. The Member raising the matter will be entitled to appear at that meeting to explain or support his/her written submission but may not vote unless he/she is a Member of the Committee.

Non-Member of Committee invited regarding local or special interest

- 36** A Member of the CJA or statutory partner body who is not a Member of a particular Committee may be invited by the Convener of the Committee to attend a meeting while there is under discussion any item in which that Member has a local or other special interest. Such Member will be entitled to participate in the discussion on that item but may not vote.

Standing Orders etc to be observed

- 37** It will be the duty of the Convener, the Conveners of Committees and the Chief Officer to see that the Standing Orders and other rules approved by the CJA are observed.

Suspension of Standing Orders

- 38** The CJA may on a Motion duly moved and seconded, and with the consent of two thirds of the Members voting, suspend or dispense with any Standing Order to be specified in the Motion. Any such Motion may be submitted without previous notice and will be voted on by a show of hands without discussion.

Variation and revocation of Standing Orders

- 39** Any Motion to vary or revoke these Standing Orders will, when voted on, be approved by a majority of the Members present and voting.