

**Procedural standing orders of  
North Strathclyde Community Justice  
Authority**

## **Standing Orders of North Strathclyde Community Justice Authority**

### **Status of Standing Orders**

- 1 We North Strathclyde Community Justice Authority have prepared these standing orders under article 8 of the Community Justice Authorities (Establishment, Constitution and Proceedings) Scotland Order 2006. If there are any differences between these standing orders and the Order, the Order will apply.

### **Definitions**

- 2 In these standing orders, the following words have the following meanings.

1973 Act – the Local Government (Scotland) Act 1973, as amended.

Chair – the convener, deputy convener or other person chairing a meeting of the CJA or a subcommittee of the CJA.

CJA - the North Strathclyde Community Justice Authority set up under the Order.

Clerk – the clerk to the CJA appointed by the CJA.

Constituent authority – any of the councils of Argyll and Bute, Inverclyde, East Dunbartonshire, East Renfrewshire, Renfrewshire, and West Dunbartonshire.

Convener – the convener of the CJA appointed under article 4 of the Order.

Deputy convener – the deputy convener of the CJA appointed under article 4 of the Order.

Member – the person appointed by any of the constituent authorities from their own elected members to be a member of the CJA under article 3 of the Order and also includes a substitute member as defined below.

Sederunt – the list of persons attending a meeting.

Subcommittee – a subcommittee appointed by the CJA.

Substitute member – a person appointed by any of the constituent authorities from their own elected members to be a substitute member of the CJA under article 3 of the Order.

The CJA Members' Code of Conduct – the code of conduct approved at its meeting held on 23 June, 2006 or any replacement of that code of conduct.

The Order – the Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006 made in terms of section 3(1) of the Management of Offenders (Scotland) Act 2005.

### **Applying the Interpretation Act 1978**

- 3 The Interpretation Act 1978 applies to these standing orders in the same way as it applies to an Act of Parliament.

### **Start date**

- 4 These standing orders apply from 23 June, 2006. The CJA may make changes to these standing orders from time to time under standing order 43.

## Ordinary meetings

- 5 The CJA will agree the dates, times and places for its ordinary meetings. The CJA will meet from time to time in offices of the constituent authorities and will normally hold at least four meetings a year. The CJA will deal with the minutes of its previous meeting and of any subcommittees which have met since its previous meeting and with any other competent business. The convener, or in his/her absence the deputy convener, may in exceptional circumstances alter these arrangements or authorise special meetings to be called. A special meeting may be called at any time on a written request, signed by a majority of members of the CJA, being received by the clerk who will arrange for a special meeting to be held within fourteen days from when the clerk receives a written request, and at the time and place to be decided by the clerk in consultation with the convener.
  
- 6 The following bodies or persons may attend, or be represented at, any meeting of the CJA, and they or their representatives may, at the discretion of the convener presiding at the meeting, participate in the deliberations of the CJA, but may not vote –
  - (a) partner bodies within the meaning of section 3(23) of the Management of Offenders etc. (Scotland) Act 2005;
  - (b) the Chief Social Work Officer of each constituent authority; and
  - (c) such other bodies or persons as may, from time to time, be specified in these standing orders.

- 7 Meetings of the CJA shall be open to members of the public unless the CJA resolves by vote that any meeting, or discussion or vote in the course of a meeting, should be held in private. The CJA may also resolve to exclude from meetings partner bodies, Chief Social Work Officers or any other bodies or persons, or their representatives, otherwise entitled to attend in terms of standing order 6.
- 8 The CJA will recess for periods in the Summer and Winter during which no ordinary meetings of the CJA or of subcommittees will be held. The periods of recess will be determined by the convener after consultation with members of the CJA.
- 9 In a year in which an ordinary election of councillors is held for the local government election area of each constituent authority, the CJA will hold a meeting following upon such election on the date and at the time and place it has agreed on. At this meeting, the CJA will elect the convener and the deputy convener.
- 10 Subject to the provisions of standing order 11, the convener and deputy convener may not hold office as such for more than two consecutive periods of office, but may otherwise be eligible for reappointment.
- 11 A member appointed to the office of convener or deputy convener may, having held that office for two consecutive periods, be appointed as deputy convener, or convener as the case may be and may hold that office for a further period of two consecutive terms of office, provided that no member may hold the office of convener and deputy convener for more than four consecutive terms of office in total.

## **Notice of meetings**

12 a The clerk must call all meetings by doing the following.

Publishing a notice at least three clear days before the meeting of the CJA at the constituent authorities' offices, giving the time and the place of the meeting. If the meeting is called by members of the CJA, the notice must be signed by those members and must set out what business will be dealt with.

- Sending members a summons to go to the meeting, setting out what business will be dealt with. The clerk must sign the summons and leave it at or post it to the home address of every member of the CJA (or any other address any member may give) at least three clear days before the meeting.
- b If any member does not receive a summons to any meeting, the meeting will still be valid.

## **Restriction on business**

13 a No business will be dealt with at a meeting of the CJA other than that shown in the summons, unless:

- it is an item of business that, by law, needs to be dealt with at a meeting of the CJA; or
  - due to special circumstances (which will be recorded in the minutes of the meeting), the chair believes that the item of business should be considered at the meeting as a matter of urgency.
- b However, if a special meeting is called because members ask, only business listed in the request may be dealt with.

## **Quorum**

- 14 a The quorum of the CJA (minimum number of members who need to be at a meeting for the meeting to take place) is four members (or their substitutes). If four members are not at a meeting 15 minutes after the time shown in the summons, the meeting will be postponed until any time and date the clerk may decide with the chair. The clerk will make a note of why the meeting has been postponed.
- b If fewer than four members of the CJA are entitled to vote on an item because of the terms of a declaration of an interest by a member under section 5 of the CJA Members' Code of Conduct, that item cannot be dealt with at the meeting and will be continued to and considered at the next meeting of the CJA.

## **Failure to go to meetings**

- 15 If a member does not go to any meetings of the CJA for 12 months, the clerk must tell the CJA (unless the CJA has given the member permission not to attend). If the CJA is not satisfied about why the member has failed to attend, it will tell that member's constituent authority so that they can consider ending the appointment of that member and appointing a replacement member.

## **Substitute members**

- 16 A substitute member can go to meetings of the CJA or its subcommittees as long as the constituent authority has told the clerk about the appointment, in writing.

## **Minutes of meetings**

- 17 The clerk will take minutes of all CJA meetings. The minutes will record the names of the members who came to the meeting. Members who intimate their apologies for non-attendance at a meeting will have their apologies recorded in the minutes. The minutes will then be printed and, as far as possible, sent to members at least three clear days before the next ordinary meeting of the CJA. The clerk must correct the minutes (if necessary) and then present them to the next meeting. If they are a true record of the proceedings of the meeting they relate to, the person chairing the meeting they are presented to must sign them.

## **Access for the public and press**

- 18 a Subject to standing order 7 every meeting of the CJA and its subcommittees will be open to the public (including the press). However, standing orders 18b, 18c and 18d apply.
- b The CJA may keep any members of the public out of a meeting or ask them to leave if they are preventing (or are likely to prevent) the CJA from carrying out its work. If a member of the public interrupts any meeting, the chair may warn that person. If they continue to interrupt the meeting, the chair may order the person to be removed from the meeting room. If there is general disturbance in any part of the meeting room that is open to the public, the chair may order that part to be cleared.
- c A CJA meeting is not open to the public if it is likely that they would hear confidential information. Nothing in the standing orders authorises or demands that confidential information is revealed contrary to the 1973 Act.
- d The CJA may decide to keep the public out of a meeting if it is likely that they would hear information that was defined as 'exempt' in schedule 7A of the 1973 Act.

- e Under this standing order, the CJA does not have to allow photographs to be taken or allow access for radio or television broadcasting (this will need the CJA's approval beforehand).

### **Order of business**

19 The business of the CJA at ordinary meetings will take place in the following order -

- a The chair will be taken in terms of standing order 20.
- b The sederunt will be taken.
- c Approval of the Minutes of the previous meeting, of any special meeting and of any subcommittee held since then.
- d Business that must be dealt with by law.
- e Business left over from the last meeting.
- f 'Motions' (proposals of items to discuss) of which notice has been given under standing order 21 a. Motions will be considered in the order in which they have been received.
- g Special business including any items of urgency that the chair has accepted for consideration as matters of urgency.
- h Ordinary business, including correspondence, communications and reports by officials as specified in the summons relating to the meeting.
- i 'Deputations' (a group of people who want to raise a particular issue).
- j Setting the date and place of the next meeting.

Notwithstanding the foregoing, the chair at meetings of the CJA, may at his discretion, alter the order of business to facilitate the conduct of the meeting.

### **Convener/Chair– power and duties**

- 20 a The convener will chair any CJA meeting if he or she is present.
- b If the convener is absent from a CJA meeting, the deputy convener will chair the meeting.
- c If the convener and deputy convener are absent, another member (chosen by the members present) will chair the meeting. The chair, if not the convener, will have the same powers and duties as the convener in relation to a meeting and its business.
- d Members must always respect the authority of the chair.
- e The chair must keep order and make sure that members have a fair hearing.
- f The chair will decide, and the chair's decision will be final, on all matters of conduct and order;
- whether the CJA has the authority to deal with the business put before it; and
  - whether the business is relevant.
- g If two or more members want to speak, the chair will decide which member will speak first.
- h If disorder arises at any meeting, the chair will be entitled to suspend the meeting to any other time or day that he or she may fix at the time or afterwards. In these circumstances, the chair will suspend the meeting by simply leaving the meeting.
- i The chair will ensure that these standing orders are observed.

- j The chair will decide what procedures will apply if the Order or these standing orders are silent on any matter.

**Giving notice of 'motions' (proposals of items to discuss)**

- 21 a Every notice of a motion must be in writing, and be signed by the member of the CJA giving the notice and by one other member. If the clerk does not receive a notice of a motion at least 14 days before any meeting of the CJA, the motion will not be included in (or sent with) the summons calling that meeting.
  
- b Notwithstanding the terms of standing order 21 a, the following motions and amendments may be moved without notice:-
  - i. Appointment of a chair at the meeting at which the motion is made.
  - ii. relating to the accuracy of the minutes.
  - iii. That an item of business specified in the summons shall have precedence.
  - iv. Remission to a subcommittee.
  - v. Adoption of reports and recommendations of subcommittees or officers or any consequent resolutions.
  - vi. For leave to withdraw a motion.
  - vii. That the CJA proceed to the next business.
  - viii. That the question be now put.
  - ix. That the debate be now adjourned.
  - x. Suspending standing orders in accordance with standing order 44.
  - xi. To suspend a member under standing order 32.

### **Failing to discuss a motion after notice has been given**

- 22 If the member who gave notice of a motion (or another member on his or her behalf) does not put forward that motion at the meeting when it comes to be considered, that motion will be considered as withdrawn and will not be dealt with without further notice unless the CJA has agreed that it can be postponed to another meeting.

### **Motions against a previous decision**

- 23 A motion or an amendment against a decision of the CJA will not be able to be considered within six months from the date of the decision.

### **A motion or an amendment to be put forward and supported**

- 24 Every motion or amendment must be put forward and seconded at the meeting at which it is to be considered. Also, if the chair demands, it must be put into writing and given to the chair so that he or she can read it before it is put to the meeting. At the meeting, no member may put forward or support more than one motion or amendment on a particular issue.

### **A motion or an amendment not to be withdrawn**

- 25 Once a motion or an amendment has been put forward and seconded, it cannot be altered or withdrawn without the permission of the members who put it forward and seconded it.

### **Members allowed to speak only once on a motion**

- 26 A member may not speak to the CJA more than once on any subject being discussed, apart from on a point of procedure or with the permission of the chair, in order to explain. However, the member who put forward the motion will have the right to reply.

### **Point of procedure**

27 A member who is speaking to the meeting when a point of procedure is raised must stop speaking until the chair has decided the point of procedure.

### **Right to reply**

28 When replying, the member who put forward a motion must only answer the previous speakers and must not introduce any new matter.

### **Closing a discussion**

29 After the member has finished replying, the discussion will end. After that, no member will be allowed to

- offer their opinion;
- ask a question or otherwise interrupt the proceedings; or
- speak to the meeting, apart from asking for the vote to be taken by roll call.

The chair will then close the matter being discussed.

### **The time limit on speeches**

30 The member putting forward a motion or an amendment may speak for no more than five minutes. Any speakers may then speak for no more than five minutes. The member who put forward the original motion will then have the right to speak for five minutes in reply. These time limits may be extended if the chair agrees.

### **Members may stand when speaking**

- 31 A member of the CJA may stand when speaking and should address the chair. He or she should speak only on the subject under discussion, or on a point of procedure.

### **Obstructive or offensive behaviour**

- 32 If any member at any meeting does not respect the authority of the chair, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the member for the rest of the meeting. The motion shall be considered without discussion. If the motion is passed, the chair will order the member to leave the meeting. The member must then leave the meeting room immediately. The officials will act on the instructions of the chair to make sure that any such order is carried out.

### **Closing a debate**

- 33 At the end of any speech, any member who has not spoken on the matter being discussed in the meeting may propose that the matter is closed. If this is seconded, the chair will take a vote if he or she believes that the matter has been adequately discussed. The debate will then end. No speeches may be made on the motion. If it is agreed, the member who put forward the original motion will have the right to reply.

### **Motion for 'adjourning' (suspending) a meeting**

- 34 A member may put forward a motion to adjourn a meeting at the end of any speech. This motion will apply over all other motions. The motion must be proposed and seconded without a speech. If the motion to adjourn is agreed, the meeting will be adjourned immediately (unless the times for adjourning the meeting and restarting it are set out in the motion). The meeting will then be adjourned until such other date as the clerk may decide with the chair.

### **Second motion for adjourning a meeting**

- 35 A second motion for adjourning the meeting cannot be made within half an hour unless the chair puts it forward. In this case, it will be dealt with under standing order 34.

### **A motion or an amendment that has not been supported**

- 36 A motion or an amendment that has not been seconded, or which may be withdrawn or no longer dealt with after being seconded, will not be included in the minutes.

### **Method of voting**

- 37 a At a meeting of the CJA or any subcommittee a vote on any matter will be taken by a show of hands, unless the chair, taking the advice of the clerk decides otherwise or at least one half of the members present ask for a roll-call vote (where the clerk will call each member's name who must then show whether they are in favour of the motion or the amendment, or whether they are not voting). In this case, the vote will be taken by calling the roll.
- b Once a vote has been taken and a member immediately questions whether the count is accurate, the chair will decide whether to have a recount. If there is a recount, the chair will decide whether to take it by a show of hands or by roll call.

- c Unless the law or these standing orders say otherwise, all matters considered by the CJA will be decided by a majority of the members voting. In particular, specific reference is made to regulation 6(3) of the Order which provides that at least two thirds of the members present and voting at a meeting are required for any decision relating to (i) the appointment of the convener and deputy convener; (ii) the adoption by the CJA of standing orders or any amendments thereto; and (iii) any change of name of the CJA.
  
- d If there is an equal number of votes, the chair will have a second or casting vote. However, this will not apply if the vote relates to appointing a member to any particular office or subcommittee of the CJA. In this case, the decision will be made by lot (which may be by 'cutting the cards' or 'tossing a coin' or some other method) to be determined by the chair at the meeting.

### **Taking a vote**

- 38 When a motion and one or more amendments have been proposed and seconded, the vote will first be taken between the motion and amendment first proposed. The successful proposal from that vote will be taken against the amendment second proposed and so on until there is only one amendment to be taken against the latest successful proposal. Whichever proposal is agreed will become the decision of the meeting.

### **Questions**

- 39 A member may put a question to the chair at a CJA meeting about any matter that is on the summons for that meeting. Unless the chair decides that the question is not relevant or that the CJA does not have the authority to discuss it, the chair will decide whether it will be answered verbally at the CJA meeting or in writing. If the chair decides that a question is out of order, the question will not be answered.

## **Declaring interests**

- 40 If a member has, under the CJA Members' Code of Conduct, an interest (whether financial or otherwise) in a matter they need to declare, and they are at a meeting of the CJA at which that matter is being considered, they must declare that interest as soon as possible at the meeting where that interest arises. The declaration must begin with the words "I declare an interest". If, under the CJA Members' Code of Conduct, the interest prevents that member from taking part in discussion and voting on the matter, they must leave the meeting room until that matter has been discussed.

## **Voting on appointments**

- 41 a If there is only one vacancy for a particular office or a subcommittee of the CJA and there are only two candidates, members will take a vote between these candidates. The one receiving the majority of votes will be appointed. If there is an equal number of votes, the decision will be made by 'cutting the cards' or 'tossing a coin' or some other method to be determined by the chair at the meeting. Notwithstanding the foregoing at least two thirds of members present and voting will be required for any decision relating to the appointment of the Convener and Deputy Convener.
- b 1 If there are more than two candidates, members will take a vote among all the candidates (each member being entitled to vote for only one candidate). If this vote has been taken and a candidate has an absolute majority of the members present and voting, that candidate will be appointed.

2 If no candidate has such a majority, the candidate with the fewest votes will be taken off the list of candidates. In second and further votes, the vote will be taken as in b1 until:

- one of the candidates receives the votes of a majority of the members present and voting (he or she will then be appointed); or
- there are only two candidates left.

A final vote will then be taken and the candidate who receives a majority of the votes will be appointed.

If on any vote two or more candidates at the bottom of the list have the same number of votes, the meeting will decide which of these candidates will be taken off the list. The decision will be made by lot by 'cutting the cards' or 'tossing a coin' or some other method to be determined by the chair at the meeting.

- c If there is more than one vacancy for a particular office or a subcommittee of the CJA, and there are more candidates than vacancies, each vacancy will be filled separately following the voting procedure set out in b1 and b2.
- d When appointing an officer, the CJA will follow the procedures set out in a, b1 and b2, or any other procedures the CJA agrees to follow before the appointment.

### **Signing deeds**

- 42 The clerk has the power to sign a document on behalf of the CJA by signing the document as clerk in front of a witness.

### **Amending and withdrawing standing orders**

- 43 Any motion to amend or withdraw these standing orders (when proposed and seconded) will not be discussed until the next ordinary meeting of the CJA. At least two thirds of members present and voting will be required for any decision relating to the amendment of these Standing Orders.

### **Suspending standing orders**

- 44 If a motion is made at any time during a meeting to suspend any of these standing orders, that standing order may be suspended relating to any business at that meeting, as long as at least two thirds of the members present and voting decide to do so.

### **Deputations (a group of people who want to raise a particular issue)**

- 45 If the clerk receives a written request that the CJA should receive a deputation on a particular matter, the clerk must first refer it to the convener. If the convener considers that the matter raised by the deputation is relevant and one which the CJA has the authority to decide on, the written request will be put on the agenda of the first appropriate meeting of the CJA. After that, the CJA may arrange to hear the deputation at a further meeting of the CJA.

If the CJA agrees that arrangements can be made to hear a deputation, the following conditions apply.

- a There must be no more than three people in the deputation.
- b Representatives of the deputation may speak for no more than 10 minutes, unless the chair says otherwise.
- c Members may ask the deputation only questions that are relevant to the subject of the deputation.

## **Subcommittees**

- 46 a The CJA may set up subcommittees in line with article 9 of the Order.
- b The CJA will appoint the convener of any subcommittee. If the convener is absent, the members present will appoint someone from among themselves to chair the meeting.
- c The quorum (minimum number of members who need to be at a meeting for the meeting to take place) of a subcommittee will be three members. If three members are not at a meeting 15 minutes after the time shown in the summons, the meeting will be postponed until any time and date the clerk may decide with the chair. The clerk will make a note of why the meeting has been postponed.
- 47 These standing orders shall apply to subcommittees set up under standing order 46.