South West Scotland
Community
Justice
Authority

South West Scotland CJA

Standing Orders

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South West Scotland Community Justice Authority
Standing Orders

1. Status of Standing Orders

1.1 The Community Justice Authorities (Establishment, Constitution and proceedings (Scotland) Order 2006 article (8) provides that a Community Justice Authority (hereafter know as "the CJA") may make and revise standing order regulating the procedures and business of the authority and any committees that may be established under that Order.

2. Name, Boundary and Membership of South West Scotland Community Justice Authority

2.1 The CJA will be known as South West Scotland 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.

2.2 The area of the authority shall correspond with the area of the following local authorities: Dumfries and Galloway Council, East Ayrshire Council, North Ayrshire Council and South Ayrshire Council.

2.3 There shall be four members of the authority.

2.4 A relevant local authority may, if a member that it has appointment is unable to attend any meetings of the authority, or at any time when there is a vacancy among the members to be appointment by that relevant authority, appoint another member of the relevant local authority to attend in that member'' place, and for the purposes of these Standing Orders, the person so appointed shall, while holding that appointment, be deemed to be a member of the authority.

3. Ordinary and special meetings of the CJA

3.1 At the first meeting the CJA will appoint the Convenor and Vice Convenor, and agree to the formation of any committees of the CJA.

3.2 The CJA may at any time on a majority of members voting, agree to alter its Convenor.

3.3 The CJA will meet at such places and times as the CJA may determine. At these meetings the CJA will deal with the minutes of committees which have met since its previous meeting and with any other competent business. The Convenor, or in his/her absence the Vice Convenor, 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 Chief Officer of the CJA (hereinafter referred to as "the chief officer") who will arrange for a special meeting to be held within fourteen days.

3.4 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 Convenor presiding at the meeting, participate in the deliberations of the authority, 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 relevant authority; and
(c) such other bodies or persons as may, from time to time, be specified in these standing orders.

3.5 Meeting of the authority shall be open to members of the p8blic 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 3.4

3.6 Any information regarding proceedings of the CJA, from which the public have been excluded, shall not be disclosed to any person unless or until such disclosure has been authorised by the CJA or the information has been made available to the public under the Freedom of Information (Scotland) Act 2002.

Without prejudice to the foregoing, no member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a member, where such disclosure would be to the advantage of the member or anyone known to him/her or which would be to the disadvantage of the CJA.

4. Calling of Meetings

4.1 Meetings will be called by the chief Officer at least three clear 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.

4.2 A summons to attend the meeting containing the agenda of business will be sent by first class post to:-

- The Council address of every member of the CJA at least three clear days before the meeting or sent to another address nominated by them.

- Notice of the meeting containing the agenda of business shall be intimated to those entitled to attend, under the provisions of standing order 3.4, at the address nominated by them at least three clear days before the meeting.

- For the avoidance of doubt, electronic intimation shall comply with this standing order.

4.3 Public notification of meetings shall be given by the Chief Officer posting a notice at the principal Council offices of the four members of the CJA at least three clear days before the meeting, or if the meeting is convened at shorter notice, then at the time the meeting is actually convened. The notice of the meeting shall comprise:-

(i) the date, time and place of the meeting; and
(ii) the list of items of business to be transacted

4.4 When a special meeting has been called, the notice of meeting required will be at least three clear days.

4.5 Want of service of a summons on any member of the CJA shall not affect the validity of any meeting.

5. Quorum

5.1 The quorum of the CJA is three. If fewer than three members are present ten minutes after the time appointed for the start of the meeting the meeting will be adjourned and this recorded in the minutes.

5.2 After a meeting has started, if the number of members present falls below the quorum the Chief Officer will draw this to the attention of the Convenor. No business may be transacted at a meeting of the CJA unless a quorum is present. Any business not yet considered shall be postponed and considered at the next meeting of the CJA.

6. Business to be Dealt with at Meeting

6.1 At a meeting of the CJA no business other than that specified in the summons will be considered, except business which requires to be dealt with by law or by these Standing orders. Business which has not been specified in the summons 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 Convenor it is relevant, competent and urgent.

7. Non Attendance of Members

7.1 If a member of the CJA is unable to attend a meeting for whatever reason, he/she may tender his/her apologies either by intimating them to the Chief officer in advance of the meeting or by another member doing so prior to the commencement of business, and these apologies only shall be incorporated in the minute of the meeting.

8. Order of Business

8.1 The order of business will be as follows:-

(a) the Convenor or in his/her absence the Vice Convenor, whom failing another member of the CJA chosen by the members present, will take the chair.
(b) The sederunt shall be taken
(c) Minutes of the previous meeting and of any special meeting, having been circulated prior to the meeting, will be submitted, held as read, corrected if necessary and signed by the Convenor
(d) Deputations may be received
(e) Minutes of committees will be submitted and they will be held to be approved unless an objection is made by a member to any paragraph when it is submitted for approval by the CJA. When an objection is made it will be noted by the Chief Officer and considered after all unopposed minutes have been disposed of.
(f) A member may without prior notice put a question to the Convenor of the relevant sub-committee about any minutes submitted and will not be precluded from putting a question merely because an objection to the minutes has been made.
(g) Minutes or paragraphs of minutes previously objected to or continued will then be re-submitted and dealt with in their original order.
(h) Items of business
(i) Appointments to committees and other organisations

(j) Questions concerning any competent and relevant subject will be dealt with in terms of Standing Order 14.
(k) Motions of which notice has been given will be considered in the order in which they stand on the agenda.
(l) Items of business that the Convenor has accepted for consideration as matters of urgency.

9. Powers to Vary Order of Business

9.1 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 facilitate the conduct of the meeting.

10. Convenor – Powers and Duties – Casting Vote

10.1 Deference will at all times be paid to the authority of the Convenor. When he/she speaks any member who is addressing the CJA will give way. It is the duty of the Convenor to preserve order and to secure that members obtain a fair hearing. He/she will decide all matters of order, competence and relevance. The Convenor shall also determine all matters of procedure for which no provision is made in these standing orders.

10.2 The Convenor will also decide between two or more members wishing to spe3ak by calling on the member whom he/she first observes. He/she will be entitled in the event of disorder arising to adjourn the meeting to a time he/she may then or afterwards de3cide and his/her quitting the chair will indicate that the meeting is adjourned. In the event of the Convenor quitting the chair in other circumstances, the chair will be taken in terms of Standing Order 8.1(a).

10.3 Where a vote is tied the convenor will have a second casting vote.

10.4 These powers and duties also apply to the Vice-Convenor or other person chairing a meeting in place of the Convenor.

11. Question of Order

11.1 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 Convenor.

12. Member Disregarding Authority of Convenor, etc

12.1 If any member of the CJA disregards the authority of the Convenor or obstructs the meeting or conducts him or herself offensively and the Convenor calls this to the attention of the meeting, it will be the duty of the Vice convenor to move the suspension of that member. If the Vice Convenor is absent or refuses the duty, any other member may move the suspension. The motion to suspend (having been duly seconded) will be put by the convenor without discussion and voted on by a show of hands and if it is supported by a majority of the members voting the CJA will suspend that member for the remainder of the meeting. The Convenor will direct the member to leave the meeting and if he/she does not leave immediately the Convenor will direct the Chief Officer to remove the member and give such other directions are in his/her opinion necessary for restoring order.

13. Deputations

13.1 Deputations shall not normally be received the CJA unless an application for admission to the meeting, setting out the matters on which the deputation desires to be heard, shall have been lodged with the chief Officer 12 days prior to the date of the meeting. The Convenor will have the authority to accept or decline the application and also to accept or decline an application which is received following the issue of the calling notice.

13.2 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.

13.3 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 sub-committee for consideration and report.

14. Questions

14.1 Members may submit written questions on any competent and relevant matter not contained in the minutes being considered by the CJA for answer at meetings of the CJA by the Convenor, the Convenor of any committee (or in his/her absence the Vice Convenor), spokesperson for a joint board or the chief Officer or any other appointed person.

14.2 All questions asked in terms of paragraph 14.1 must be in writing, signed and delivered to the Chief Officer not later than 1600 hours on the last day but one before the meeting. All questions will be read and answered at the stage specified in Standing Order 8.1 (j).

14.3 After a written question has been answered the questioner may ask one supplementary question, if necessary, to seek clarification of the answer given. One other member may ask one question for further clarification of the answer. No discussion will be allowed on any question or answer.

15. Notices of Motion

15.1 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 ten days prior to a meeting of the CJA. Those not received within this timescale will not be included in the summons calling the meeting.

15.2 Formal notices of motion not submitted in time in accordance with paragraph 15.1 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 prior to the meeting or as soon as possible after the start of the meeting, and 9c) they are considered by the Convenor to be competent, relevant and urgent.

15.3 Every formal notice of motion submitted in terms of paragraphs 15.1 and 15.2 above will require to be moved and seconded formally immediately after being read by the Chief officer. If such a motion is not moved and seconded formally it will fall.

15.4 No member shall move or second more than one motion or amendment upon a particular issue, although a member who moved or seconded a motion or amendment shall not be

precluded from moving or seconding a fresh amendment if the original motion or amendment is withdrawn.

Every amendment shall be relevant to the motion on which it is moved, and the Convenor shall have the authority to rule out of order any amendment which he/she may consider irrelevant or is substantially the same as the motion or another amendment.

16. Speeches

16.1 A member wishing to speak when called upon, will address the Convenor. He/she will speak only on the matter under consideration or on a question of order.

16.2 A member proposing to submit a motion or an amendment on any subject under discussion wi8ll before addressing the meeting state its terms. Should he/she fail to do so the convenor will ask him/her to state its terms. Every motion or amendment must be moved and seconded and will, when required by the Convenor, but put in writing and handed to the Chief Officer.

16.3 The mover of any motion or amendment may speak in support of the motion or amendment for not more than ten minutes. No other speaker may speak for more than five minutes or more than once in the same discussion except to call attention to a point of order.

16.4 The mover of the original motion will have the right to speak for a further five minutes in reply to the debate after which the discussion will be closed. The mover of a motion must, in his/her reply, strictly confine him/herself to answering previous speakers and may not introduce any new matter. No member will then 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 Convenor.

16.5 The limits of time specified in paragraphs 163 and 16.4 may be exceeded with the consent of a majority of the members present and the Convenor may determine without taking a vote whether such consent has been obtained.

17. Motions etc not Seconded – Dissent

17.1 The mover of a motion or amendment which is not seconded may have his/her dissent to the decision of the CJA minuted.

18. Motion to Lapse when Meeting Inquorate or Proposer Absent

18.1 A motion will lapse wither when the meeting becomes inquorate in terms of Standing Order No 5.2 while the motion is being debated or when it is reached in the absence of the proposer unless it is moved by a member having the written consent of the proposer. Lapsed motions may be revived only by a new notice of motion.

19. Motion Contradictory of Previous Decision

19.1 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 prior to the expiry of said six month period if new information is available or if some change of circumstances has taken place.

20. Motion for Adjournment

20.1 A motion to adjourn the meeting may be put at the end of any speech and will have precedence over all other motions. It must be moved and seconded without a speech and must at once be put by the Convenor in the form of “adjourn” or “not adjourn”.

20.2 A second or subsequent motion to adjourn the same item of business for the same reason may not be made within half an hour unless it is moved by the Convenor when it will be dealt with as in paragraph 20.1.

21. Closure of Debate – Procedure

21.1 At the close of any speech any member who has not spoken on the question before the meeting may move ""hat the question be now put"" If this is seconded and the Convenor is of the opinion that the subject has been sufficiently discussed a vote will be taken without further debate. No speeches may be made on this motion. It is carried the mover of the original motion will have the right to reply to the debate on that original motion following which the vote will immediately be taken.

22. Method of Voting

22.1 A vote will be taken by a show of hands. Each member will have one vote and except where specified the decision will be by simple majority.

22.2 When a motion and an amendment are before the CJA the proposal receiving the support of a majority of the members present and voting will be declared to be the decision of the CJA.

22.3 When a motion and one amendment only are before the meeting, a vote shall be taken between the motion and the amendment, with the amendment being taken first. When a motion and two or more amendments are before the meeting, the amendment last proposed, except when one of the amendments implies negation as hereinafter provided, shall be put against that immediately preceding, and then the one which is carried shall be put against the next preceding, and so on until there remains only one amendment, between which and the original motion the vote shall be taken.

22.4 Where a member desires to move the direct negative of the motion, this shall be first put to the vote against the motion. If this is carried, the motion and any amendment(s) shall not be put to the meeting. If it is not carried, the motion and amendment(s) shall be put to the vote in accordance with Standing Order 22.3.

23. Filling of Vacancies on Committees

23.1 In the case of an appointment to a committee where a vacancy requires to be filled and there are only two candidates, a vote will be taken and the candidate receiving a majority will be appointed. If there are more than two candidates, a vote will be taken among all the candidates, each member being entitled to vote for only one candidate. If any candidate has the support of an absolute majority of the members voting, that candidate will be appointed. If no candidate has a majority the candidate having the fewest votes will drop out. In the second and any subsequent votes the same course will be followed until one of the candidates obtains a majority and he/she will be appointed.

23.2 Where more than one vacancy requires to be filled and the number of candidates exceeds the number of vacancies, a vote will be taken among all the candidates, each member being entitled to one vote for each vacancy. The candidates for the number of vacancies receiving the largest number of votes will be appointed. Where no clear result emerges on the first vote because two or more candidates receive the same number of votes, the candidate having the fewest votes will drop out, and the voting will be repeated until a majority is secured by the number of candidates required to fill the vacancies.

23.3 No member of the CJA may be nominated for any post in the CJA, except membership of a committee of the CJA, or in any outside body unless the consent of the person nominated has been previously obtained or is given at the time of nomination.

24. Decisions of CJA

24.1 No decision made by the CJA will be subject to review by any committee of the CJA, unless such review is specifically authorised by the CJA.

25. Ultimate Power of CJA

25.1 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.

26. Suspension of Standing Orders

26.1 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.

27. Annual Estimates

27.1 The CJA will consider draft annual estimates of income and expenditure, revise them as necessary, approve them, authorise the expenditure included in the estimates and fix the funding required to finance the approved estimates, all in accordance with the strategic plan.

28. Annual Accounts – Procedure for Consideration

28.1 The annual accounts of the CJA as prepared by the Chief Officer will be submitted to the CJA for its consideration, revision if necessary, and approval.

29. Declaration of Interest

29.1 If any member of the CJA has a 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 and is precluded from taking part in consideration of that matter and he/she must leave the meeting while that matter is sunder discussion.

29.2 Should any member have a non-financial interest, as defined in the Councillors' Code of Conduct, in any matter to be discussed at a meeting of the CJA, that member shall declare

such interest in the manner provided for in Standing Order 29.1. Thereafter it shall be for that member to determine whether such interest is considered to be sufficiently significant to require the withdrawal of that member from the meeting.

29.3 Where a member declares an interest and leaves the meeting in terms of paragraph 29.1 the fact will be recorded in the minutes of the meeting.

29.4 All members must observe the Councillors' Code of Conduct as issued by the Standards Commission for Scotland.

30. Standing Orders to Apply to Committee Meetings, etc

30.1 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 Convenor. The Chief officer will call a meeting to be held within fourteen days of receiving a written request specifying the business to be transacted and signed by at least two of the members of the committee concerned.

30.2 The membership and quorum of committees will be as decided by the CJA.

30.3 If fewer members are present ten minutes after the time appointed for the start of a committee meeting than are needed to constitute a quorum the meeting ill be adjourned. After a meeting has started if the number of members present falls below the quorum the Chief Officer will draw this to the attention of the Convenor and the meeting will be adjourned immediately.

30.4 Without prejudice to the foregoing Standing Orders the Standing Orders of the CJA will apply to committee meetings so far as relevant.

31. Membership of Committees

31.1 The Convenor and the Vice Convenor will be members of all committees, except where the CJA decides otherwise.

32. Election of Convenors and Vice Convenors – Duties

32.1 Convenors and Vice Convenors of committees will be appointed by the CJA. The Convenor of each committee, or in his/her absence, the Vice Convenor, whom failing another member of the committee chosen by the members present will preside at its meetings.

33. Member to Submit in Writing

33.1 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.

34. Non-member of Sub-committee Invited Regarding Local or Special Interest

34.1 A member of the CJA or statutory partner body who is not a member of a particular committee may be invited by the Convenor and/or Vice-convenor 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.

35. Method of Voting

35.1 A vote at a committee meeting will be taken by a show of hands.

36. Contract Standing Orders and Financial Regulations

36.1 The CJA may make Contract Standing Orders and Financial Regulations, for the regulation or making by it, or on its behalf, of contracts, and for the proper planning, execution and control of its financial affairs. Such Standing orders and Regulations will for part of these Standing Orders and will be read in conjunction with them and any Scheme of Delegation made by the CJA.

36.2 Contract Standing Orders and Financial Regulations made by the CJA in terms of this Standing Order will apply to committees, sub-committees, members of the CJA officers and agents of the CJA, as appropriate.

37. Standing Orders etc to be Observed

37.1 It will be the duty of the Convenor, the Convenors of committees and the chief Officer to see that the Standing Orders and other rules approved by the CJA are observed.

38. Amendment, Variation and Revocation of Standing Orders

38.1 Any motion to amend, vary or revoke these Standing Orders will require a two thirds majority of the members present and voting.

38.2 It shall not be competent for any meeting of the CJA to rescind or alter any of the Standing orders except:-

(i) upon a resolution to that effect or a notice given at a previous meeting of the CJA and provided that the Chief Officer submits a report on any new Standing Order or alteration to any existing Standing Order which appears to be required in consequence of any decision regarding the conduct of business which has been taken by the CJA, and Standing orders may be amended as the CJA may determine.