



# MORAY COUNCIL

## CONSTITUTIONAL DOCUMENTS

### 1. STANDING ORDERS

for the regulation of Council meetings

*[Under schedule 7 para 8 of the Local Government (Scotland) Act 1973]*

**STANDING ORDERS OF MORAY COUNCIL**

**REGULATION OF MEETINGS**

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## **MORAY COUNCIL STANDING ORDERS**

For the Regulation of the Business of The Moray Council, made in terms of Paragraph 8 of Schedule 7 to the Local Government (Scotland) Act 1973 (hereinafter referred to as "the Act").

### **APPLICATION OF INTERPRETATION ACT**

1. The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.

### **COMMENCEMENT**

2. These Standing Orders shall apply and have effect from 27 October 2022.

### **DEFINITIONS**

3. In these Standing Orders, the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say -

"the 1973 Act" means the Local Government (Scotland) Act 1973

"the 1989 Act" means the Local Government and Housing Act 1989

"the 1994 Act" means the Local Government etc. (Scotland) Act 1994

"Leader" shall be the role described in section 4(1) of the 1994 Act, being the first role which requires to be filled by the Council following an election. The role is further described in the complementary Council governance document "Councillors' Roles and Responsibilities".

"Depute Leader" shall be the role described in section 4(2) of the 1994 Act, The role is further described in the complementary Council governance document "Councillors' Roles and Responsibilities".

"Civic Leader" shall be the civic and ceremonial role described in the complementary Council governance document "Councillors' Roles and Responsibilities"

"Council" means The Moray Council incorporated under the 1994 Act

"Councillor" means a Member of the Council duly elected at an election or by-election or duly elected to fill a Council vacancy and who has made a declaration of acceptance of office in terms of section 33A of the 1973 Act

"Proper Officer" means such persons designated as such and for the purpose specified by the Council

"Member" means in relation to the Council, a councillor and in relation to any Committee or Sub-Committee a person appointed as a member of that Committee or Sub-Committee whether or not entitled to vote

"Head of Paid Service" means the person designated as such by the Council under Section 4 of the 1989 Act

"Monitoring Officer" means the person designated as such by the Council under Section 5 of the 1989 Act or, if that person is unable to act owing to absence or illness, the person nominated by him or her as his or her deputy under sub-section (7) of that Section

"Chief Financial Officer" means the person designated by the Council for the purpose of Section 95 of the 1973 Act

"Chief Officer" means a statutory or non-statutory Chief Officer, as defined in Section 2 of the 1989 Act

"point of order" means any objections submitted to the Leader for decision relating to the conduct of the meeting i.e. an alleged breach of a Standing Order.

"Councillors Code of Conduct" means the Councillors' Code of Conduct made by Scottish Ministers under the Ethical Standards Public Life (Scotland) Act 2000.

## ARRANGEMENTS FOR MEETINGS OF THE COUNCIL

### FIRST MEETINGS OF THE COUNCIL AFTER ELECTIONS

4. The first meeting of the Council after any ordinary election of Councillors shall be held within 21 days from the date of the election.
5. At the first meeting of the Council after the election, the Council shall deal with the business in the following order:-
  - (a) Note election of councillors.
  - (b) Take the sederunt, noting which councillors have executed the declaration of acceptance of office.
  - (c) Elect the Leader of the Council.
  - (d) Elect the Depute Leader of the Council.
  - (e) Elect the Civic Leader of the Council
  - (f) Appoint the Chairs ~~and Depute Chairs with~~ Group Leaders advising Membership of Committees.
  - (g) Appoint Members of the Moray Licensing Board.
  - (h) Other statutory or competent business.

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### CHAIR

6. (a) At meetings of the Council, the Leader or, in their absence, the Depute Leader shall preside. If the Leader and Depute Leader are both absent from a meeting, the most senior Officer in attendance shall call on the Members of the Council to choose a Member to preside.

- (b) The Leader of the Council, upon being elected, shall - subject to the provisions of Paragraph 7 of Schedule 2 to the 1994 Act - hold office until the next ordinary election or until ceasing to be a councillor, whichever is the earlier.
  - (c) Notwithstanding the foregoing provisions, the Council may specify a shorter period for the term of office of Leader, at the time of that election.
7. Notwithstanding the provisions of the foregoing Standing Order, the Council may effect the early removal from office of the Leader providing:-
- (a) prior notice to that effect is given at one meeting of the Council on the basis that the matter would be considered at the next meeting of the Council, or
  - (b) where no such prior notice is given, not less than two-thirds of councillors present and entitled to vote at a meeting agree that the early removal from office of the Leader be considered at that meeting.
8. The provision of Standing Order 7 relating to the early removal from office of the person elected as Leader shall apply in like manner to the post of Depute Leader.

#### **CALLING MEETINGS**

9. Meetings of the Council shall be held on the days at the times and in the places fixed by the Council or at such place and time as may be otherwise specified by the Leader in consultation with the Chief Executive/relevant Depute Chief Executive.
10. Meetings may held by online participation, or a combination of physical presence and online participation, in accordance with policy agreed by the Council and relevant legislation.
11. Notice of the place and time of a meeting of the Council should, where possible, be given by the Proper Officer not later than the seventh day before the meeting by being left at or sent by post to the usual place of residence of every Member of the Council or such other arrangements as may be agreed from time to time between the Member and the Proper Officer providing that where it appears to the Leader that an item of business demands special urgency a meeting of the Council may be called by the Proper Officer at shorter notice, but in any event by intimation to the Members as soon as possible prior to the date for the meeting.
12. A special meeting of the Council shall be called by the Proper Officer (a) at any time on being required so to do by the Leader or (b) on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting signed by at least seven of the whole number of Members of the Council, which meeting shall be held within fourteen days of receipt of the requisition by the Proper Officer.
13. Notice of the time and place of the meeting shall be published by posting details on the Council's website at least three clear days (excluding Saturdays and Sundays) before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.
14. An item of business may not be considered at a meeting of the Council unless either:-

- (a) a copy of the agenda including the item (or copy of the item subject to exclusion as provided for in terms of Section 50B (2) of the 1973 Act) is open to inspection by members of the public either electronically or at the offices of the Council for at least three clear days before the meeting excluding Saturdays and Sundays or, where the meeting is convened at shorter notice, from the time the meeting is convened, or
- (b) by reason of special circumstances, which shall be specified in the minutes, the Leader is of the opinion that the item should be considered at the meeting as a matter of urgency.

## **QUORUM**

- 15. Subject to Standing Order 16, no business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Members of the Council (being twenty-six) are present.
- 16. Where there are at the same time vacancies in respect of more than two Members of the Council, then until the number of Members in office is increased to twenty six Members of the Council, the quorum of the Council shall be determined by reference to the number of Members of the Council, instead of by reference to the whole number of Members of the Council so however that the quorum shall never be less than five Members.
- 17. Subject to the provisions of the 1973 Act, no item of business shall be transacted at a meeting of the Council if, in consequence of the provisions of Section 38 of that Act (disability of Members for voting on account of interest in contracts etc.), less than a quorum of the Council are entitled to vote on that item.
- 18. If within ten minutes after the time appointed for a meeting of the Council a quorum be not present the Leader shall adjourn the meeting to a time they may then or afterwards fix and, in the event of the Leader being among those absent, the Committee Clerk shall minute that owing to the lack of the necessary quorum no business was transacted.
- 19. If, during any meeting of the Council, a quorum is not present, the Leader shall direct that the meeting be adjourned for 10 minutes and if, after a lapse of 10 minutes, the Leader shall find that there is not a quorum present, the meeting shall thereupon terminate; but if, before or upon the lapse of the said 10 minutes, a quorum is present, the Leader shall direct that the business of the meeting be forthwith resumed.
- 20. For the avoidance of doubt, no business shall be transacted at a meeting of a Committee or of a Sub-Committee unless at least one-fourth of the whole number of Members or three Members (whichever is the greater) of the Committee or of the Sub-Committee (as the case may be) are present.

## **DECLARATION OF GROUP DECISIONS**

- 21. Any individual or political group shall declare at the beginning of a meeting whether a prior decision has been reached on how the individual or Members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory

on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

22. The Leader shall seek such declarations from individuals, group leaders or spokespersons at the beginning of the meeting immediately following the sederunt (roll call).

#### **DECLARATION OF FINANCIAL AND OTHER INTERESTS**

23. A Member who is present at the meeting where any item of business in which they have any financial or other interest (such as described in the Councillors' Code of Conduct) is to be dealt with, shall disclose their interest as soon as possible after the start of the meeting.
24. The Leader shall seek such declarations at the beginning of the meeting immediately following the sederunt (roll call).

#### **ADJOURNMENT OF MEETING**

25. The Leader shall be entitled, in the event of disorder arising at any meeting of the Council, to adjourn the meeting to a time they may then or afterwards fix.
26. The Council may, at any of their meetings as a Council, adjourn the same to such time as the Leader may then or afterwards fix.
27. A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without speeches or discussions and shall be put at once to the meeting by the Leader.
28. When an adjourned meeting is resumed, proceedings shall (subject to the discretion given to the Leader under Standing Order No. 26) be commenced at the point at which they were broken off at the adjournment.

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#### **ORDER OF BUSINESS**

29. The business an ordinary meeting of the Council shall proceed in the order specified in the notice calling the meeting except that any item of business may, at the discretion of the Leader, be taken out of its order and provided that the Council may adjourn a meeting of the Council to any other day, hour and place. The order in the notice shall, unless circumstances otherwise require, be as follows:-
  - (a) Chair to be taken
  - (b) Sederunt
  - (c) Declaration of Group Decisions and Declarations of Interests
  - (d) Business brought forward by the Leader as a matter of urgency
  - (e) Minute(s) of the previous meeting(s) including Sub-Committee

- (f) Written Questions
- (g) Petitions
- (h) Notices of Motion
- (i) Statutory or other competent business
- (j) Information Reports – Called In (if any)
- (k) Questions on Minutes

30. The business at special meetings shall take place in the same order, except that notice of urgent business, minutes, written questions, petitions, Notices of Motion and Information Reports shall not be included
31. No matter in the notice calling the meeting of a Committee competently before the Council shall be withdrawn by the Leader except where agreement has been reached between the Leader and the relevant Chief Officer.

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**APPROVAL OF MINUTES**

32. At each ordinary meeting of the Council, the Minutes of the previous ordinary meeting, and any intervening special meeting (where practicable), shall be circulated as an agenda item for approval. No motion or discussion shall be allowed on these Minutes, except as to their accuracy as a record of the meeting to which they relate. Any objection on this ground must be made by motion and, if necessary, the matter shall be decided by vote in the ordinary manner, provided that for this matter voting shall be restricted to those Members who were present at the meeting to which the Minute relates. After the Minutes are approved, with or without amendment, they shall be signed by the Leader.
33. The procedure in Standing Order 32 above shall apply to Committees and Sub-Committees of the Council with the Chair signing the minute. These signed minutes will then be made available for inspection by all Councillors.
34. A minuted decision of the Council shall not be altered or revoked within six months of its approval, except for the purposes of budget setting or by suspension of Standing Orders under Standing Order 85 below.

**NOTICES OF MOTION**

35. (a) The purpose of a Notice of Motion is to give any Member the opportunity to raise an item of strategic relevance at an ordinary Council/Committee meeting. If a Member does not sit on a Committee, they shall be allowed to attend the committee to introduce their motion but shall not be allowed to take part in any voting.
- (b) Every Notice of Motion shall be in writing. It shall be signed by the Member of the Council giving the Notice and counter-signed by at least one other Member who is a member of the relevant committee. A Notice of Motion shall meet the competency requirements contained in Standing Order 49. Where a motion



would have significant financial impact, this should be specified along with the budget from which any financial commitment may be met.

- (c) A Notice of Motion must be received by the Proper Officer by 4 pm 10 clear working days before the relevant meeting.

Monday meeting	4pm on Friday 2 weeks before meeting
Tuesday meeting	2pm on Monday 2 weeks before meeting
Wednesday meeting	4pm on Tuesday 2 weeks before meeting
Thursday meeting	4pm on Wednesday 2 weeks before meeting
Friday meeting	4pm on Thursday 2 weeks before meeting

- (d) The foregoing provision shall not apply in a case where the Leader decides, in terms of Section 50B (4) (b) of the 1973 Act, that the matter is one of urgency.
- (e) If a Notice of Motion is not moved by its author (or some other Member with their written authority) and seconded, it shall be considered as dropped from the agenda of the committee.
- (f) When a Notice of Motion has been considered by the Council it shall not be competent for any Member to propose a similar motion within a period of six months.

#### WRITTEN QUESTIONS

36. Any Member can put one question about relevant and competent business not already on the Agenda to the Leader. No Member can put more than one question at any meeting. The Member must give notice in writing of their question to the appropriate Officer by 12 noon two clear working days prior to the day of the meeting. A copy of any written answer provided by the Leader or Chair will be tabled one hour before the start of the relevant meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter but no discussion will be allowed.

Monday meeting	12pm on Wednesday before meeting
Tuesday meeting	12pm on Thursday before meeting
Wednesday meeting	12pm on Friday before meeting
Thursday meeting	12pm on Monday before meeting
Friday meeting	12pm on Tuesday before meeting

37. No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the permission of the Leader. If a Member does not have the opportunity to put a supplementary question because no time remains then they can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

#### INFORMATION REPORTS – CALL IN

38. Any member of the Committee wishing to call in a noting or information report from one meeting shall give notice to Committee Services by 12 noon 2 clear working days before the meeting for which the report is published. The Notice shall be

countersigned by one other elected member who sits **on the Committee** and shall explain the reason for call in including any action sought.

Monday meeting	12pm on Wednesday before meeting
Tuesday meeting	12pm on Thursday before meeting
Wednesday meeting	12pm on Friday before meeting
Thursday meeting	12pm on Monday before meeting
Friday meeting	12pm on Tuesday before meeting

## PETITIONS

39. A Petition received relevant to the remit of a particular Committee may be included on the agenda of business for that Committee meeting if:-
- (a) It has been agreed as a valid petition for that Committee in discussion with the Leader; and
  - (b) It has been received no less than 3 weeks in advance of the meeting.
40. Petitions admitted in terms of Standing Order 39 shall be considered in accordance with the relevant internal procedural guidance. In the event of a conflict between that procedure and Standing Orders, the Standing Orders shall take precedence.

## QUESTION TIME

41. At each ordinary meeting of the Council and its standing Committees (including Sub-Committees), 10 minutes will be allowed for question time when any Member of the Committee can put a question to the Chair of that Committee/Sub-Committee on any business within the Council/Committee's remit. Provision for this question time will be included in the agenda for the meeting. A Member who has put a question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no debate will be allowed. Questions on minutes must not be taken as an opportunity to re-open debate.
42. No supplementary questions can be put or answered more than 10 minutes after the Council has started on this agenda item, except with the permission of the Leader. If a Member does not have the opportunity to put a supplementary question because no time remains, then they can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

## MOTION AND AMENDMENTS

43. Every motion or amendment on any question shall be moved and seconded and shall, if the Leader so requires, be noted by the Committee Clerk in writing and read to the meeting before the motion or amendment is further discussed
44. All amendments must be relative to the motion and no Member shall be at liberty to move or second (a) more than one amendment to any motion or (b) an amendment if they have moved or seconded the motion. If an amendment is withdrawn, the mover and seconder thereof shall be at liberty to move or second another amendment or to speak in support of such amendment.
45. No motion to which an amendment has been moved and seconded shall be altered in substance or withdrawn without the leave of the mover and/or seconder.

46. After an amendment has been moved and seconded, it shall not be withdrawn or altered in substance without the leave of the mover and/or seconder.
47. Subject to Standing Orders 44 and 45 above, a motion or amendment may be withdrawn at any time prior to it being put to a vote.
48. A motion for the approval of a Minute of meeting of a Committee, or of any part of such Minute, shall be considered as the motion and any form of proposal, including a proposal to proceed to next business, which implies mere negation or otherwise if moved, shall be dealt with as an amendment thereto.
49. If a motion or amendment is, in the opinion of the Leader, irrelevant or incompetent, they shall rule the same out of order. When determining questions of relevance and competence the Leader shall consider the following questions:
  - (a) Is the motion at the correct committee, in terms of the Council's Scheme of Administration?
  - (b) Are there any procedural or legal barriers?
  - (c) After discussion with Members, do they have sufficient information before them to come to a reasoned and balanced decision?
50. The Chair shall, if present, have the right to move the approval by the Council of the Minute of any meeting of that Committee or of any part of such Minute.
51. The Leader shall have the right to move the approval of a report. Approval of a report shall be considered as a motion.
52. Motions and amendments which are not seconded shall be recorded.

## **DEBATE PROCEDURES**

### **ORDER OF DEBATE**

53. Every Member of the Council who is called to speak shall address the Leader and shall direct their speech (a) to the matter before the meeting by proposing, seconding or supporting the motion or any amendment relative thereto or (b) to a point of order or information.
54. On any debate on issues of particular local interest (excepting debate on a Notice of Motion), local Members indicating a wish to speak (by giving advance notice to the Leader or Committee Clerk), shall be called to speak first by the Leader.
55. Subject to the right of reply vested in the mover of a motion or an amendment, no Member shall speak more than once to the same question at any meeting of the Council except with the permission of the Leader, or on a point of order or, in explanation or to clear up a misunderstanding in regard to some material part of their speech, in which case no new matter shall be introduced.
56. The mover of the motion or an amendment shall have a right of reply but shall introduce no new matter and, after the reply is commenced no other Member shall speak on the question except as provided in Standing Order 55.

57. In moving the motion (other than a motion to adopt the Annual Accounts or Annual Estimates) or an amendment, a Member shall not speak for more than 5 minutes and every other speaker, and the mover of the motion in reply, shall not speak for more than 3 minutes. The foregoing limits of time may be exceeded with the permission of the Leader.

#### **POINTS OF ORDER**

58. Any Member of the Council may at any time at any meeting of the Council speak upon a point of order suddenly arising as soon as possible and must refer to the particular Standing Order which, in their opinion, is being infringed.
59. The Member who is then addressing the Council shall cease and the Member who is speaking on the point of order shall address the point of order at issue stating the basis on which they believe the order has been infringed without making any further substantive point and thereafter shall cease in order to allow a ruling to be given by the Leader. No other Member shall be entitled to speak to the point of order raised except by permission of the Leader.
60. The Leader shall thereupon decide the question and, thereafter, the Member who was addressing the Council at the time the point of order was raised shall be entitled (if the ruling permits him/her so to do) to continue their speech, giving effect to the ruling of the Leader.
61. The decision of the Leader shall be final on all points of order.

#### **CLOSURE OF DEBATE**

62. At any meeting of the Council it shall be competent for any Member of the Council who has not spoken on a matter being discussed to move (but without making a speech), after not fewer than seven Members (excluding the movers and seconders of the original motion and of any amendments) shall have spoken on such matter, "That the question be now put".
63. On such motion being seconded, the Leader shall put the same to the meeting without speeches or discussion, and the vote shall be taken. If the motion for closure of debate be carried, the mover of the original motion shall have the right of reply and thereafter the matter under discussion shall be voted on in the ordinary way; if the motion for closure is not carried, the debate shall be resumed.
64. Such a motion may be competently moved a second time after not fewer than five additional Members have spoken and so on after every five additional Members have spoken.

#### **VOTING PROCEDURES**

65. Except in the case of filling a vacancy or vacancies and of making appointments, the following provisions shall apply as to voting:-
- (a) A vote shall normally be taken by electronic count which shall record as to which motion and amendment each Member voted for, as to which Members abstained and as to which Members were absent and a notation as to which

shall be recorded in the appropriate Minute of the Meeting. It shall however be competent to take the vote by roll call, show of hands, by ballot or in any other manner as may be agreed upon.

- (b) When there is only one amendment to the motion, the vote shall be taken between the motion and the amendment and whichever is carried shall become the finding of the meeting and the Council shall be deemed to have resolved accordingly.
- (c) When there are more amendments to the motion than one, then, unless the Leader otherwise decides in order to avoid inconsistency in voting, the last amendment shall be put against that immediately preceding and then the amendment which is carried shall be put against the next preceding and so on until there remains only one amendment, between which and the motion the Council shall divide and whichever is carried shall become the finding of the meeting and the Council shall be deemed to have resolved accordingly.
- (d) If however, one of a number of amendments is any form of proposal which implies mere negation, the first division shall be taken between it and the motion. If the amendment is carried, the Council shall proceed to the next business. If the amendment is not carried, it shall be eliminated from the amendments which, with the motion, shall be voted on in the usual way. The view of the Leader on the order of voting shall be final.
- (e) Where there is an equality of votes, the Leader shall have a casting vote.

66. In the case of filling a vacancy or vacancies and of making appointments, the following provisions shall apply as to voting which shall be by secret ballot where it relates to a staff appointment.

- (a) Where only one vacancy requires to be filled and two candidates are proposed and seconded for appointment, a vote shall be taken as between these candidates and the candidate who receives the majority of votes shall be declared duly appointed. Where in such a case as aforesaid more than two candidates are proposed and seconded for appointment, a vote shall first be taken as among all these candidates, each Member being entitled to vote for one candidate only. If, as a result of this vote, any candidate receives an absolute majority of the votes of the Members of the Council present and voting, such candidate shall be declared duly appointed. If no candidate received such a majority, the name of the candidate receiving the smallest number of votes shall be struck out, provided that, if two or more candidates tie as receiving the smallest number of votes, a vote or votes shall be taken as between or among these candidates and the candidate who receives the smaller or smallest number of votes shall be dropped. In subsequent votes, the same course shall be followed until one of the candidates receives an absolute majority of votes, when he/she shall be declared duly appointed or until the candidates are reduced to two, when a final vote shall be taken and the candidate receiving the majority of votes shall be declared duly appointed.
- (b) In the case where more than one vacancy requires to be filled, a vote shall first be taken as among all the candidates proposed and seconded for appointment where these exceed the number of vacancies, each Member being entitled to vote for candidates up to the number of vacancies to be filled. The result shall be decided by the first vote except in the case where two or more candidates

tie as having received an equal number of votes for the vacancy or vacancies. In such cases an additional vote or votes shall be taken as between or amongst these candidates with the candidate having least votes being eliminated and so on until the number of candidates remaining is equal to the number of vacancies.

- (c) Where in any vote between two candidates or, after such additional vote as may be required by (a) and (b) above, there is an equality of votes, the Leader/Chair of the meeting shall have a casting vote, except where the matter which is subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee, in which case the decision shall be by lot.
- (d) In the case of a vote relating to the appointment of a Chief Officer the minute shall record -
  - (i) the names of those candidates proposed and seconded for appointment but not the names of proposers or seconders, and
  - (ii) the name of the candidate who received the votes of a majority of those present and voting but not the names or numbers of those voting for each candidate.

## DISSENT

- 67. Any Member of the Council who at any meeting of the Council has taken part in a vote or has proposed a competent motion or amendment which has not been seconded may at such meeting enter their dissent for the resolution adopted provided that resolution has a financial or legal implication for the Council, which dissent shall be recorded in the Minute of the meeting, without giving reasons therefor. A Member entering their dissent in accordance with this provision may, within fourteen days of such meeting, lodge with the Chief Executive a statement containing their reasons of dissent.
- 68. No Member shall be entitled to enter their dissent from a resolution of the Council except at the meeting at which such resolution is adopted.
- 69. Except as herein provided, no reservation or qualification by any Member with respect to a particular resolution shall be recorded in the minutes of meetings of the Council.

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## ADMISSION OF PRESS AND PUBLIC

- 70. By virtue of the provisions of Section 50A of the Local Government (Scotland) Act 1973 meetings of the Council and its Committees and Sub-Committees shall be open to the public except to the extent (a) that the public shall be excluded under Section 50A(2) of the 1973 Act during consideration of an item of business whenever it is likely that, if they were present, confidential information, as defined in Section 50A(3) of the 1973 Act, would be disclosed to them, or (b) that the public may be excluded by resolution under Section 50A(4) of the 1973 Act during consideration of an item of business whenever it is likely that, if Members of the public were present, exempt information, as defined in Section 50A of the 1973 Act, would be disclosed to them. On a motion for adoption of such a resolution being

duly moved and seconded, the Leader shall put the same to the meeting without speeches or discussion and, on such a motion being carried, all Members of the public present (including representatives of the press but not including Members of the Council) shall be directed to leave the meeting.

71. Members of the Council remaining in attendance at meetings of Committees or Sub-Committees of which they are not a Member with the consent of the Leader in terms of this provision are required to comply with the provisions of Standing Order 23 in relation to disclosure of interest and the provisions of Standing Order 70 as if they were Members of that Committee or Sub-Committee.
72. Notwithstanding the exclusion of the public as aforesaid, the Leader may permit any person to remain in attendance at any meeting for so long as they consider necessary and on the basis that such persons respect the confidentiality of the proceedings.
73. (a) Information as to the proceedings at any meeting from which the public and press are excluded shall not be given to representatives of the press or to any other person except by the Leader, or by a person authorised by the Leader to do so.
- (b) Upon information being given in terms of Standing Order 73 (a) other Members of the Council shall be entitled to speak on the matter but only to the extent that information has been provided by the Leader or person so authorised.
- (c) For the avoidance of doubt Members providing information beyond that provided by the Leader or person so authorised will be in breach of Standing Order 73 (a) and liable to action on the part of the Council including action in terms of the Councillors' Code of Conduct.

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## COMMITTEES

74. The Leader and Depute Leader of the Council, in addition to membership of Committees, Sub-Committees and Ad hoc Committees allocated to them as ordinary Members of the Council shall, ex officio be Members of other Committees and Sub-Committees of the Council but such additional membership shall not confer the right to vote. Other Members of the Council may be present at Committees and Sub-Committees of which they are not Members with the agreement of the Chair and may be called upon by the Chair to speak, but shall not be entitled to pose questions, enter the debate or vote. This discretion to permit attendance shall apply to quasi-judicial Committees and Sub-Committees only where a Protocol is in place which ensures compliance with Human Rights legislation.
75. Members of any Appointments Committee, Sub-Committee, Adhoc Committee may, if unable to attend such meetings be represented by a substitute with full voting rights from Members of the Council, provided the name of that substitute has been intimated to Legal and Democratic Services not later than the last working day before the appropriate meeting.
76. Any proposed permanent alteration to the membership of Committees should be intimated in writing from **Group Leaders or individual Councillor if not affiliated to a political group to Committee Services** no later than the seventh working day before

a scheduled meeting of the Council and shall thereafter be considered by the Council if required.

77. All Committee Meetings held on mornings will start at 9.30am and shall adjourn at 12.45pm for lunch and those held on afternoons will start at 2.00pm and shall adjourn not later than 5.00pm.
78. Matters referred to or delegated to Committees shall be as set out in the Administrative Scheme as approved by the Council and deemed to form part of these Standing Orders. Authority conferred upon Officers of the Council in terms of the Scheme of Delegation approved by the Council shall likewise be deemed to form part of these Standing Orders.

#### **OBSTRUCTIVE AND OFFENSIVE CONDUCT**

79. In the event of any Member at any Council meeting disregarding the authority of the Leader, or being guilty of obstructive or offensive conduct, a motion may be thereupon moved and seconded to suspend such a Member for the remainder of the sitting. The motion shall be put without discussion and, if it be carried, the Member concerned shall forthwith leave the Council chamber or meeting place and the Council Officers shall act on such orders as may be received from the Leader in pursuance of such resolution.

#### **COUNCILLORS' CODE OF CONDUCT**

80. Members of the Council, Members of Committees of the Council and all Officers of the Council are required to comply with the terms of the Councillors' Code of Conduct and the Financial Regulations.

#### **APPLICATION OF STANDING ORDERS OF THE COUNCIL TO COMMITTEES**

81. The provisions of the Standing Orders of the Council, except as otherwise provided, shall, so far as applicable and not inconsistent with any Standing Orders expressly applicable to Committees, apply to Committees of the Council and to Sub-Committees of Committees in like manner as they apply to the Council. References to the Leader/Depute leader shall then become references to the Chair/Depute Chair.

#### **QUESTIONS OF PROCEDURE**

82. The Leader shall at their discretion, with or without discussion, determine all questions of competency and procedure in reference to which no express provision is made under these Orders.

#### **SUPPLY OR DISPOSAL OF GOODS AND EXECUTION OF WORK CONTRACTS**

83. With respect to proposed contracts for the execution of works, the provision of services, or the supply of goods or materials, the following provisions shall apply relating to securing competition for such contracts and for regulating the manner in which tenders are invited.
  - (a) The Officer responsible for procurement shall ensure, in consultation with the Monitoring Officer and the Chief Financial Officer, that all public procurement legislation shall be complied with;



- (b) The Officer responsible for procurement shall prepare and submit to the Council a Procurement Policy, Strategy and Procedure Notes which, once approved and adopted by the Council, shall be observed by all Members and Officers of the Council, and shall be deemed to be part of these Standing Orders.
- (c) The Policy, Strategy and Procedure Notes shall include provisions governing:-
- tender procedures to be followed
  - financial limits for different procedures
  - contract documentation.

#### **ALTERATION OR RESCISSION OF PREVIOUS RESOLUTION**

84. No resolution of the Council shall be altered or revoked within six months of its adoption except for the purposes of budget setting or by suspension of Standing Orders.

#### **SUSPENSION, ALTERATION AND REVIEW OF STANDING ORDERS ETC.**

85. So far as not inconsistent with any statutory provisions, any one or more of the Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting, provided that two-thirds of the Members of the Council present and entitled to vote agree, that there has been a relevant and material change of circumstances which shall be specified in the motion proposing the suspension. Where the issue of suspension is being considered relative to an item of business, the agreement of the Council to a suspension should be confirmed before the relevant suspension is debated. This is however subject to the general power of the Leader to control procedure at the meeting.
86. No alteration of the Standing Orders shall be made without notice given at one meeting of the Council to be discussed at the following one, and shall not be effected except on a resolution, adopted by a majority of the Members present and voting.
87. The Council shall, at least once every year, review these Standing Orders to determine whether any alteration should be considered.