

Item: 10

Special General Meeting of the Council: 6 May 2020.

Review of Standing Orders.

Report by Chief Executive.

1. Purpose of Report

To review the Standing Orders.

2. Recommendations

The Council is invited to note:

2.1.

That, since the Standing Orders were last reviewed in 2014, a further review has been undertaken, including benchmarking with other local authorities' Standing Orders, incorporating best practice, amended to suit the local context.

2.2.

The proposed amendments to the Standing Orders, as detailed in section 4 of this report.

It is recommended:

2.3.

That the revised Standing Orders, attached as Appendix 2 to this report, be approved, to take effect from 7 May 2020.

3. Background

3.1.

The Standing Orders were last reviewed in 2014, when comprehensive amendments were made to reflect the revised Council leadership structure, appointments to Committees and term of office of office bearers. The format of the Standing Orders was also amended to the existing format.

3.2.

Since that time, various Council decisions have required further amendments to the Standing Orders, including the following:

- Constitutional arrangements of the Orkney Health and Care Committee.

- Method of voting at Meetings of Service Committees, which is now undertaken by roll call or recorded vote.
- Protocol for Appointment of Chief Officers, which includes a voting procedure which differs from that for Council appointments.

3.3.

As the Standing Orders have now been operating in excess of five years, with amendments relating to Council decisions, a further review has been undertaken. The review includes providing further clarification in respect of various Standing Orders, as matters arose in practice. Benchmarking with other local authorities' Standing Orders was also undertaken and, where appropriate, best practice has been incorporated, amended to suit the local context.

4. Proposed Amendments

4.1.

The proposed amendments to the Standing Orders are set out in Appendix 1 to this report, and highlighted in red text. The main changes are detailed below.

4.2. Definitions

4.2.1.

Three new definitions are proposed, namely:

- Clerk to the Council.
- Clerk to the Meeting.
- Participate.

4.2.2.

The role of the Clerk is to ensure meetings of the Council and its Committees are run in accordance with the Standing Orders. In many other local authorities, the "Clerk to the Council" is generally the Monitoring Officer. It is proposed that this protocol be adopted locally. The Monitoring Officer for the Council is the Head of Legal Services. Should this protocol be adopted, in practice, the Chief Executive would still be seated beside the Convener, with the Monitoring Officer also sitting at the "top table" in the Chamber at meetings of the full Council.

4.2.3.

The definition for "Clerk to the Meeting" reflects the current position, whereby the Clerk is, with few exceptions, a member of the Committee Services team. Currently, the exceptions are meetings of the full Council, the Policy and Resources Committee and the Staff Appeals Sub-committee. The Clerk to the Council is addressed in section 4.2.2 above. In practice, going forward, a member of the Committee Services team will take on the role of Clerk to the Policy and Resources Committee. The Clerk to the Staff Appeals Sub-committee will remain as at present, namely a Solicitor employed by the Council.

4.2.4.

The proposal to include a definition for “participate” arose as a result of remote attendance and is solely to clarify that participation means attending, speaking and/or voting, whether in person or remotely.

4.2.5.

The addition at the definition of “Minute” is to clarify existing practice.

4.3. Ordinary Meetings

The additions at Standing Order 7 are to clarify existing practice. As is normal practice, should a meeting be cancelled, advanced or postponed, prior consultation would take place with the Chair, and Vice Chair where applicable.

4.4. Meetings Conducted by Hearings

4.4.1.

The amendments at Standing Order 31 are to clarify that, where a hearing is part of the decision-making process, a member must be present throughout the entire item of business.

4.4.2.

Further, if a member leaves the meeting during the hearing, it is proposed that the member should not be permitted to re-enter the meeting until the decision has been made.

4.5. Remote Attendance

The amendments at Standing Order 33.2 are to make this Standing Order consistent with Standing Order 31 regarding meetings conducted by hearings.

4.6. Membership

The proposed addition at Standing Order 48.2 is to clarify that non-elected members remain a member of the Sub-committee until the next ordinary election of Councillors, unless they resign or the body which nominated or appointed them advises they are no longer their nominee or appointee, in which case the vacancy would be filled through the procedure which made their original appointment.

4.7. Consideration of Recommendations at General Meetings

4.7.1.

The proposed addition at Standing Order 77 is to confirm existing practice.

4.7.2.

Referring to a Minute of the General Meeting of the Council, after the Chair and Vice Chair have proposed and seconded the Minute as a true record, the Council then resolves to approve the recommendations, subject to any amendment being formally moved to the contrary.

4.8. Further Amendments

The proposed additions at Standing Orders 88.3 and 88.4 are to provide clarity that a further amendment must be substantially different from the motion and that the Chair has discretion to determine its competence.

4.9. Form of Voting

4.9.1.

In July 2018, the Council approved a revised method of voting at Service Committees, namely that voting should be by calling the roll or recorded vote. However, it was also agreed that all votes on procedural matters should be by show of hands.

4.9.2.

The proposed addition at Standing Order 108.3 provides some examples of procedural votes. It should be noted that this is not an exhaustive list.

4.10. Appointment of Chief Officers

4.10.1.

The proposed addition after Standing Order 129 is to reflect the decision of Council on 19 December 2019. The Protocol includes the voting procedure for the appointment of Chief Officers, which differs from the voting procedure for Councillor appointments.

4.10.2.

This addition will require the remaining Standing Orders to be renumbered.

4.11. Filming, Photography and Recording of Meetings

4.11.1.

When the Council commenced audio casting meetings, a protocol was drawn up.

4.11.2.

Following the decision to audio cast meetings of the Planning Committee and the Local Review Body, the protocol was reviewed and amended, to include reference to data protection legislation, editing and obscenities or other inappropriate language.

4.11.3.

Existing Standing Order 148 and its three sub-sections have therefore been amalgamated into one and reflect the wording in the Protocol, attached as Appendix 5 to the Standing Orders, which would be formally adopted, should these proposals be approved.

4.12. Use of Phones

Given that Members are provided with a Council phone, and may well have their own personal phones as well, an additional Standing Order is proposed setting out the current position with regard to use of phones in the Chamber, namely that phones should be switched off or on silent mode. However, it is further proposed to limit use during meetings, so as not to interfere with the business.

4.13. General

4.13.1.

As some of the amendments, if approved, will necessitate renumbering the Standing Orders, consideration has been given to renumbering the entire document, including headings. Attached as Appendix 2 to this report is another version of the revised Standing Orders renumbered. This has resulted in reducing the high number of Standing Orders (currently 151) to approximately 30.

4.13.2.

Accordingly, should the proposed amendments as detailed in the sections above be approved, it is recommended that the version of the Standing Orders attached as Appendix 2 to this report, be approved. Thereafter the Standing Orders would be issued to all Members and published on the Council's web site.

5. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

There are no financial implications associated directly with implementation of the recommendations contained within this report.

7. Legal Aspects

The Local Government (Scotland) Act 1973, as amended, makes provision for the regulation of meetings of local authorities and specifically authorises the Council to make Standing Orders for the regulation of its business and proceedings.

8. Contact Officers

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9. Appendices

Appendix 1: Revised Standing Orders.

Appendix 2: Revised Standing Orders (renumbered).



Standing Orders

For the Regulation of Proceedings and
Business of Orkney Islands Council

Review/Updates to Standing Orders.

Date.	Committee.	Review/update – amendments made.
17 April 2018.	Policy and Resources.	Update – Constitutional Arrangements of Orkney Health and Care Committee – Standing Orders 6.2.2.1 and 6.2.3.1 amended.
19 June 2018.	Policy and Resources.	Update – Method of Voting at Meetings – Standing Orders 92.1, 108, 109 and 134.1 amended.
July 2018.	Not applicable.	Annual Review: <ul style="list-style-type: none"> • Amendments made to Standing Orders 1.21, 1.24, 3, 20, 22, 23, 60, 68.1, 90, 99 and 100. • New Standing Orders – 1.21.1 and 94.2. Additional clarification and/or factual accuracy.
<u>December 2019.</u>	<u>Special General Meeting.</u>	<u>Addition – Protocol for Appointment of Chief Officers.</u>
<u>April 2020 (TBC).</u>	<u>Policy and Resources.</u>	<u>Annual Review and Update.</u>

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Definitions	
1.	In these Standing Orders, the following words and expressions shall have the following meanings:
1.1.	"1973 Act" means the Local Government (Scotland) Act 1973.
1.2.	"1985 Act" means the Local Government (Access to Information) Act 1985.
1.3.	"1994 Act" means the Local Government etc. (Scotland) Act 1994.
1.4.	"2003 Act" means the Local Government in Scotland Act 2003.
1.5.	"Agenda" means the summons calling Members to attend Meetings, together with a list of business to be considered at Meetings of the Council, and its Committees and Sub-committees.
1.6.	"Chief Executive" means the Chief Executive of the Council, or any authorised official representing or acting for him/her,
<u>1.6.1.</u>	<u>"Clerk to the Council" means the Monitoring Officer, as defined in Standing Order 1.24 below.</u>
<u>1.6.2.</u>	<u>"Clerk to the Meeting" means the official in attendance, authorised by the Chief Executive, with responsibility for the administration of the Council, and its Committees and Sub-committees.</u>
1.7.	"Clear Days" means week days, excluding weekends and public holidays, the date of publication of a notice of Meeting, and the date on which the Meeting, of which notice has been given, is held.
1.8.	"Committee" means a Committee of the Council appointed in accordance with these Standing Orders, and the Council's Scheme of Administration.
1.9.	"Confidential Information" means information as defined in Appendix 2 to these Standing Orders.
1.10.	"Convener" means the Chair of the Council, elected in accordance with section 4 of the 1994 Act, and the Council's civic head, as designated for the purposes of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.
1.11.	"Council" means Orkney Islands Council, constituted in terms of the 1973 and 1994 Acts, and having its principal offices at Council Offices, School Place, Kirkwall, Orkney, KW15 1NY.
1.12.	"Councillor" means a Member of the Council duly elected at an election or by-election and who has made and delivered to the Proper Officer of the Council a Declaration of Acceptance of Office in accordance with section 33A of the 1973 Act.
1.13.	"Depute Leader" means the Councillor appointed to deputise for the Leader.
1.14.	"Executive Director" means an Executive Director of the Council, or any authorised official representing or acting for him/her.

Deleted: , including the Clerk to the Meeting

1.15.	"Exempt Information" means information as defined in Appendix 3 to these Standing Orders.
1.16.	"Leader" means the Councillor elected in accordance with section 4 of the 1994 Act as deputy convener and designated as Leader for the purposes of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.
1.17.	"Meeting" means a Meeting of the Council, its Committees or Sub-committees, formally constituted in accordance with the 1973 Act.
1.17.1.	For the purposes of Standing Order 56, "Meeting" means a Meeting of: <ul style="list-style-type: none"> • The Council. • Any Committee or Sub-committee of the Council. • Any joint committee, joint board or other body that is discharging the functions of the Council. Or • A meeting of any body of persons where the Member is attending as a representative of the Council.
1.18.	"Member" means, in relation to the Council, a Councillor, and, in relation to any Committee or Sub-committee of the Council, any person validly appointed who is not a Councillor, whether or not entitled to vote.
1.19.	"Minute" means the summary of the business transacted at Meetings of the Council and its Committees and Sub-committees. <u>This will not be a verbatim record.</u>
	<u>"Participate" means attendance, speaking and/or voting, whether in person or remotely, at a Meeting by a Member.</u>
1.20.	"Public" means a member of the general Public and/or representatives of the press or media industries.
1.21.	"Scheme of Administration" means the scheme which sets out the powers and functions of the Council, its Committees and Sub-committees.
1.21.1.	"Scheme of Delegation to Officers" means the scheme which sets out the powers delegated to Chief Officers.
1.22.	"Service Committee" means the following: <ul style="list-style-type: none"> • Policy and Resources Committee. • Development and Infrastructure Committee. • Education, Leisure and Housing Committee. • Orkney Health and Care Committee.
1.23.	"Standing Committee" means the Service Committees listed at Standing Order 1.22. above, together with the following: <ul style="list-style-type: none"> • Monitoring and Audit Committee. • Planning Committee. • Local Review Body. • Licensing Committee.

1.24.	<p>"Statutory Officer" means the following officials:</p> <ul style="list-style-type: none"> • "Chief Financial Officer" as referred to in section 95 of the 1973 Act who has responsibility for the financial affairs of the Council. • "Monitoring Officer" as referred to in section 5 of the Local Government and Housing Act 1989. • "Chief Social Work Officer" as referred to in section 3 of the Social Work (Scotland) Act 1968. • "Chief Education Officer" as referred to in section 25 of the Education (Scotland) Act 2016. • "Chief Internal Auditor", being the senior officer responsible for operating and managing the internal auditing service in accordance with recognised standards and practices.
Interpretation	
2.	These Standing Orders are made under section 62 and paragraph 8 of Schedule 7 of the 1973 Act and, subject to the provisions of that Act, apply to meetings and proceedings of the Council and its Committees and Sub-committees.
2.1.	The Interpretation Act 1978 will apply to interpretation of these Standing Orders, in that references to the male shall include the female and, unless the context otherwise requires, words importing the singular shall include the plural and vice versa.
Commencement	
3.	These Standing Orders will apply and have effect on and after 3 July 2018.
Applicability of Standing Orders	
4.	These Standing Orders shall apply to Committees and Sub-committees in the same way as they apply to the Council, with the substitution of references to Committee or Sub-committee as the case may be and to the Chair and Vice Chair of the Committee or Sub-committee, except for the following Standing Orders (marked with an asterisk) which will apply only at Meetings of the Council: 6, 8, 52, 57.5, 57.6, 72, 75, 76 and 77.
5.	Standing Order 78 will not apply at Meetings of the Planning Committee, the Local Review Body and the Licensing Committee.

Commented [HF1]: To be amended

Meetings of the Council	
The Statutory General Meeting	
6.*	The Council will hold its first General Meeting within 21 days of the date of a Local Government Election.
6.1.	The Chief Executive will determine the date and time of the Meeting.
6.2.	At the Meeting, the Council will:
6.2.1.	Note the persons elected as Councillors for the wards within the Orkney local government area following the ordinary election of Councillors.
6.2.2.	Elect the Convener, who shall hold office for two years and shall be eligible for re-election.
6.2.2.1.	The Convener shall be Chair of the Council, and shall, ex officio, be a Member of every Service Committee of the Council.
6.2.3.	Elect the Leader, who shall hold office until the next Local Government Election.
6.2.3.1.	The Leader shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council.
6.2.4.	Elect the Depute Leader, who shall hold office for two years and shall be eligible for re-election.
6.2.4.1.	The Depute Leader shall ex officio be Vice Chair of the Policy and Resources Committee.
6.2.5.	Elect the Chair of each Service Committee of the Council and such other Committees, Sub-committees, boards or other bodies as the Council may determine.
6.2.5.1.	A Chair shall hold office for two years, and shall be eligible for re-election.
6.2.5.2.	The order of election of Chairs shall be determined following the drawing of lots by the Chief Executive.
6.2.5.3.	The results of Standing Order 6.2.5.2 will be given to Members with the Agenda for the Meeting.
6.2.6.	Appoint Members to Committees and Sub-committees, in terms of the Scheme of Appointment of Members to Committees, which forms Appendix 1 to these Standing Orders.
6.2.6.1.	Unless the Council shall otherwise resolve, all such appointments shall be for two years, with the exception of the Licensing Committee, which shall be until the next Local Government Election.
6.2.7.	Appoint or nominate, as appropriate, members of joint committees, joint boards and community planning partnerships of which the Council is a member, members of the Licensing Board and all other bodies and

	representative organisations on which the Council is entitled, or is invited, to be represented.
6.2.7.1.	All such appointments, or nominations, shall be for two years, unless otherwise provided by statute, or unless the Council shall otherwise resolve.
6.2.8.	Deal with any urgent and competent business.
Ordinary Meetings	
7.	The Council shall hold such number of Meetings in each year for the transaction of business as it may determine.
7.1.	The Chief Executive will determine the date and times of Meetings of the Council.
<u>7.2.</u>	<u>No meetings will be held on a Saturday or Sunday or on public holidays observed by the Council.</u>
<u>7.3.</u>	<u>It will be within the discretion of the Chief Executive to cancel, advance or postpone a meeting to another date if, in his/her opinion, acting reasonably, there is good reason for so doing.</u>
Special Meetings	
8.*	A special Meeting of the Council will be called by the Chief Executive at any time:
8.1.	Upon receipt of a written request to do so from the Convener. Or
8.2.	Upon receipt of a written request from at least one quarter of Members of the Council, rounded up to the nearest whole number.
9.	The request, referred to at Standing Order 8 above, must specify the business which is proposed to be transacted at the Meeting.
10.	The special Meeting will be held within 14 clear days of receipt of the written request, referred to at Standing Order 8 above.
Notice of Meetings	
Place of Meetings	
11.	Meetings of the Council shall normally be held within Council Offices, Kirkwall, but may be held at such other places as the Chief Executive may decide.
Publication of Time and Place of Meeting	
12.	At least three Clear Days before a Meeting, and normally seven days before a Meeting, the Chief Executive must:

12.1.	Publish, at the Council Offices, Kirkwall, the time and place of the Meeting. And
12.2.	Issue the Agenda to Members.
13.	If the Meeting is held at short notice, the time and place of the Meeting will be published and the Agenda issued as soon as possible.
Method of Sending Agenda	
14.	The Agenda, signed by the Chief Executive, shall be sent to Members by one or more of the following methods.
14.1.	By post to their normal place of residence or at such other address as a Member may specify.
14.2.	By leaving at a designated post box within the Council Offices, Kirkwall for the Member to collect. Or
14.3.	By e-mail to an address provided by Council.
15.	Where a Meeting is called in terms of Standing Order 8 above, the Agenda will be signed by those Members who requested the Meeting.
16.	The Agenda will be left at, or sent by post to, each Member's normal place of residence unless a Member writes to the Chief Executive:
16.1.	Indicating that the Agenda be sent to some other address.
16.2.	Indicating that the Agenda be left at a designated post box within the Council Offices, Kirkwall, for the Member to collect. Or
16.3.	Electing to receive the Agenda by e-mail.
17.	If an Agenda is not received by any Member, the Meeting will still be valid.
Agenda to Specify Business to be Transacted	
18.	The Agenda shall specify the business to be transacted at the Meeting and the proposed order for dealing with business.
18.1.	Reports relating to business to be transacted at the Meeting will normally be issued with the Agenda.
18.2.	Reports relating to business to be transacted at the Meeting not issued with the Agenda can still be considered at the Meeting.
19.	Business not specified on the Agenda will not be considered, unless:
19.1.	It is brought to the Meeting, as a matter of urgency, in terms of Standing Order 59 below. Or
19.2.	The business must be considered at the Meeting by law.

Withdrawal of Item of Business	
20.	The Chief Executive can withdraw any item of business from the Agenda, following consultation with the Chair.
Admission of Public	
21.	Except where specified in Standing Orders 22 and 23 below, every Meeting of the Council will be open to the Public.
Confidential Information	
22.	The Public must be excluded from a Meeting when an item of business is being considered and it is likely that, if the Public were present, Confidential Information, as defined in Appendix 2 to these Standing Orders, would be disclosed to them in breach of an obligation of confidence.
Exempt Information	
23.	The Public may be excluded from a Meeting when an item of business is being considered, if it is likely that Exempt Information, as defined in Appendix 3 to these Standing Orders, would be disclosed.
Disorderly Conduct	
24.	A member of the Public may be excluded from a Meeting in order to prevent or stop disorderly conduct.
25.	A member of the Public may be kept out of a Meeting or the Chair may require them to leave, if they are hindering or are likely to hinder the work of the Council.
26.	If a member of the Public interrupts any Members, the Chair may warn that person.
26.1.	If the member of the Public continues the interruption, the Chair may order the person to be removed from the room where the Meeting is being held.
27.	If there is general disturbance in any part of the room that is open to the Public, the Chair may order that part to be cleared.
Attendance by Councillors at Meetings	
28.	Unless Standing Order 30 below applies, any Member of the Council may attend a Meeting of a Committee of which s/he is not a Member.
28.1.	Such a Member cannot take part in the deliberations of the Committee, nor may s/he vote.

28.2.	Should the Member remain present during the discussion of items containing Confidential Information or Exempt Information, his/her presence will be recorded in the Minute.
Invitation by Chief Executive to Attend Meeting	
29.	If a Member has been invited by the Chief Executive to attend the Meeting and has been issued with the Agenda and relevant reports, it is competent for that Member to participate in the deliberations of the Committee in respect of the items for which s/he has been invited.
29.1.	The Member may not make, or second, a motion or an amendment, nor may s/he vote.
Exclusion of Members from Meetings	
30.	If a Member is not a Member of a Committee, or Sub-committee, he may not attend a Meeting where:
30.1.	It is decided that Confidential Information or Exempt Information will be disclosed and the Public have been excluded from the Meeting. And
30.2.	A matter where the decision of the Committee or Sub-committee may affect the interests or rights of any person as an individual, or a commercial undertaking. And
30.3.	The decision is made after a hearing and the person has the right to be heard in person or through a representative.
Meetings Conducted by Hearings	
31.	If a Committee or Sub-committee has a hearing <u>at, or subsequent to, which a decision of a quasi-judicial or regulatory nature is to be made and at which a party has the right to be heard in person or through a representative, a Member of the Committee or Sub-committee may only participate and/or vote on the matter if s/he has been present throughout consideration of the whole item of business.</u>
31.1.	<u>Should a Member leave the Meeting during any part of the hearing, he/she shall not be permitted to re-enter the Meeting during the remaining part of the hearing and the subsequent decision making process.</u>
▼	▼
▼	▼
Planning Applications	
32.	Elected Members shall take no part in the decision making process in respect of planning applications to be determined by officers in terms of delegated powers.

Deleted: :

Deleted: 31.1.

Deleted: On a matter where the decision may affect the interests or rights of any person as an individual, or a commercial undertaking. And

Deleted: 31.2.

Deleted: Where the person has the right to be heard in person or through a representative;

Deleted: a Member of the Committee or Sub-committee may only participate and/or vote on the matter if s/he has been present throughout consideration of the whole item of business.

Remote Attendance	
33.	Where the law allows and proper facilities are available, and at the <u>discretion</u> of the Chair, whom failing the Vice Chair, a Member may be regarded as being present at a Meeting if s/he is able to participate from a remote location by a video or other communication link.
33.1.	A Member participating in a Meeting from a remote location will be counted for the purposes of deciding if a quorum is present.
33.2.	A Member will not be permitted to participate in <u>an item at</u> a Meeting from a remote location where, <u>in respect of that item, a party has a right be heard in person or through a representative and</u> the decision <u>to be made, in respect of that item, is as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.</u>
34.	A Member participating in a Meeting from a remote location will be excluded from the Meeting when an item of business is being considered and it is likely that Confidential Information and/or Exempt Information will be disclosed.
Quorum	
35.	A quorum must be present to enable a Meeting to proceed and for the business set out in the Agenda to be dealt with.
36.	Except in certain circumstances set out in law, the quorum of a Meeting of the Council will be one quarter of its Members, rounded up to the nearest whole number, and shall not be less than 3 Members.
37.	If, at any time during a Meeting, a question arises on whether a quorum is present, the Chair will allow an interval of 5 minutes, after which a count shall be taken of Members present.
37.1.	If a quorum is not present, the Meeting shall stand adjourned to such time as the Chair may determine.
Chair	
Chairing a Meeting	
38.	The Convener will take the Chair at a Meeting of the Council.
38.1.	If the Convener is not present, the Convener shall, in advance of the Meeting, nominate a Councillor as his/her depute, who shall then chair the Meeting, subject always to that nomination being ratified by the Council.
39.	If both the Convener and his/her nominated depute are not present, the Council will appoint a Member to act as Chair until either the Convener or his/her nominated depute is present.

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Powers and Duties of the Chair	
40.	Deference shall at all times be paid to the authority of the Chair.
40.1.	When the Chair wishes to speak, any Member who is addressing the Meeting must cease to do so.
40.2.	It is the duty of the Chair to keep good order and to ensure that all Members obtain a fair hearing.
41.	The Chair shall decide all matters of order, competency and relevancy arising at a Meeting.
41.1.	The Chair shall determine all questions of procedure for which no express provision is made in these Standing Orders.
41.2.	His/her decision is final and not open to discussion.
42.	The Chair will decide amongst Members who wish to speak, by calling the Member whom s/he has first observed as requesting to speak at the Meeting.
43.	If there is disorder at any Meeting, the Chair may adjourn the Meeting to a later time.
43.1.	His/her departure from the Chair will indicate that the Meeting is adjourned.
44.	In the event that the Chair departs the Chair in other circumstances, the Chair shall then be taken in terms of Standing Orders 38 and 39 above.
Committees	
Election of Vice Chair	
45.	Each Committee shall elect a Vice Chair from amongst its membership.
45.1.	The Vice Chair shall continue in office until the Special General Meeting of the Council held in May every second year from the Statutory General Meeting and shall be eligible for re-election.
Sub-Committees	
46.	Committees of the Council may appoint, with the consent of the Council, Sub-committees.
Appointment of Chair and Vice Chair	
47.	The Sub-committee may appoint a Chair and Vice Chair, from amongst its membership, who shall continue in office until the Special General Meeting of the Council held in May every second year from the Statutory General Meeting and shall be eligible for re-election.

47.1.	For the avoidance of doubt, the Chair and Vice Chair of a Sub-committee shall, unless otherwise agreed, be the Chair and Vice Chair of the parent Committee.
Membership	
48.	Sub-committees shall normally consist of Members of the parent Committee.
48.1.	Where in law it is competent to appoint persons to the Sub-committee who are not Members of the Council, such persons shall not be appointed to membership of a Sub-committee except with the consent of the Council.
<u>48.2.</u>	<u>A person appointed to a Sub-committee who is not a Member of the Council will remain a member of the Sub-committee until the next ordinary election of Councillors, subject to their right to resign or their removal by the nominating body.</u>
49.	A Committee, when remitting or referring any matter to a Sub-committee, may add additional Members of the Council, who are not Members of the Committee, to the membership of a Sub-committee, with the consent of the Council.
Conduct at Meetings	
Councillors' Code of Conduct	
50.	All Members and co-opted Members of Committees, Sub-committees, panels and working groups must comply with the terms of the Councillors' Code of Conduct made by Scottish Ministers in terms of the Ethical Standards in Public Life (Scotland) Act 2000.
Register of Interests	
51.	The Chief Executive shall keep a register of interests made by Members, including co-opted Members.
51.1.	The register of interests shall be open to inspection by members of the Public.
Standing While Speaking	
52.*	At General Meetings of the Council, Members shall stand when speaking, and shall address the Convener.
Addressing Speakers	
53.	In addressing officers or Members at Meetings, no officer or Member shall use the first name or names alone of the officer or Member being addressed or referred to.

54.	In referring to or addressing the Chair, the officer or Member shall address the Chair as "Chair".
54.1.	In the case of the General Meeting of the Council, addressing the Chair as "Convener" is also acceptable, where the Convener is in the Chair.
Obstructive or Offensive Conduct	
55.	If any Member at any Meeting disregards the authority of the Chair, or behaves obstructively or offensively, a motion may then be moved and seconded to suspend the Member for the remainder of the Meeting.
55.1	The motion shall be put to the Meeting without discussion and, if supported by a majority of those present and voting, shall be declared carried, whereupon the Member shall withdraw from the Meeting room.
55.2.	Should the Member refuse to withdraw from the Meeting room, the Chief Executive will make arrangements to implement the decision of the Meeting.
Failing to Attend Meetings	
56.	If a Member does not attend any Meeting of the Council within a period of six consecutive months, the Chief Executive must report this to the Council, unless leave of absence has been granted to the Member.
56.1.	If the Council is not satisfied as to the cause of the failure to attend, the Member will cease to be a Member of the Council.
56.2.	The Member will not cease to be a Member of the Council if the absence is due to the Member having been suspended by the Standards Commission.
Proceedings at Meetings	
Order of Business	
57.	The order of business at every General Meeting of the Council shall be as follows:
57.1.	The names of the Members present at the Meeting shall be taken and apologies for absence given.
57.2.	The Convener will advise of any item of business which has been withdrawn from the Agenda.
57.3.	The Convener will advise of any requests that urgent business be considered, and shall advise of his/her decision as to whether and when, if relevant, the urgent business will be considered.
57.4.	The Convener will ask Members whether they have an interest to declare in relation to any item on the Agenda.
57.4.1.	Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest, include some information on the nature of

	the interest and confirm whether or not s/he intends to withdraw from the Meeting room.
57.4.2.	A Member must withdraw from the Meeting room, including the Public gallery, where s/he has declared an interest that prevents him/her from participating in the discussion of, and voting on, the item.
57.5.*	The Minute of the last Meeting of the Council shall be held as read and submitted for confirmation.
57.6.*	The Minutes of Meetings of Committees will be considered.
57.7.	Any other business intimated on the Agenda to be considered.
57.8.	Any business required by law to be considered.
57.9.	Any Notices of Motion, in the order received by the Chief Executive.
Variation of Order of Business	
58.	The order of business at a Meeting shall be as specified on the Agenda, unless changed by the Chair in order to facilitate the conduct of the Meeting.
Urgent Business	
59.	Business which has not been specified on the Agenda may be considered provided that, in the opinion of the Chair, the business is relevant, competent and urgent.
59.1.	A request for an urgent item to be considered must be submitted, in writing, to the Chair prior to commencement of the Meeting, together with a written explanation of the reason for urgent consideration, which will be recorded in the Minute.
Agenda Management	
General Principles	
60.	In order to ensure that the Council receives appropriate and necessary advice before making decisions, Agendas shall consist of reports from the Chief Executive, Executive Directors and Statutory Officers.
61.	Reports will be prepared in accordance with the format for the preparation of Committee reports approved by the Chief Executive.
62.	Reports must be lodged, in completed form, with the Chief Executive by the dates specified, namely 12:00 three working days prior to the day on which the Agenda is to be issued.
63.	Should the Chief Executive not receive a completed report by the date specified, s/he will leave the item off the Agenda, unless, in the opinion of the Chief Executive, the report writer can show good cause as to why the report has not been completed and lodged by the date specified.

64.	All business before the Council which is the subject of a written report will be introduced by the relevant officer in terms of Standing Order 60 above, or his/her representative.
64.1.	Members will then have the opportunity to ask questions, seek clarification or request any further information on the content of the report and/or its recommendations.
64.2.	It will not normally be permissible to move a motion or an amendment at this stage.
65.	Once a report has been introduced and the Chair decides that all questions have been answered, and further information given, the Chair will inform the Meeting that the matter is open for debate.
66.	A General Meeting of the Council shall only consider business remitted to a Committee and where that business has not been submitted to that Committee, in exceptional circumstances, as determined by the Chief Executive.
Member wishing to raise a matter	
67.	If a Member wishes to raise a matter, he should approach the relevant officer, referred to at Standing Order 60 above, at the earliest opportunity to establish whether the matter is to be raised in the normal course of events or whether the officer is prepared to submit a report to Committee.
67.1.	Should a report be submitted, the Member shall normally have the opportunity to speak on the report at Committee.
67.2.	If the Member is not a Member of the Committee, Standing Order 29 will apply.
68.	If it is the judgement of the officer approached in Standing Order 67 above that it would not be appropriate to submit a report and the Member still wishes to pursue the matter, the Member shall have the right to submit a Notice of Motion, in terms of Standing Order 94 below, together with any relevant background information for consideration by the appropriate Committee.
68.1.	The Notice of Motion shall be accompanied by a report from the Chief Executive or the relevant Executive Director on the implications of any suggested course of action.
68.2.	A Notice of Motion which suggests a course of action contradictory of a resolution made by the Council within the preceding 12 months shall conform with Standing Order 97 below.
69.	The final decision on the submission of any item to Council shall rest with the Chief Executive, other than in cases where the Council has instructed, formally, that a report should be submitted.

Minutes	
Preparation of Minutes	
70.	The Chief Executive shall prepare the Minutes of Meetings of the Council, its Committees and Sub-committees and any other Meetings at which Members are represented, as may be determined by the Chief Executive.
70.1.	The Minutes shall record the names of the Members who attended the Meeting and will contain a summary of the business of the Meeting, as may be determined by the Chief Executive.
Accuracy of Minutes	
71.	The Chair and Vice Chair will normally propose and second the Minute as a true record, unless either were not present, in which case any Member present at the Meeting can either propose or second the Minute as a true record.
71.1.	If a question arises at a Meeting as to the accuracy of a Minute, the question shall be determined by the Members who were present at the Meeting to which the Minute relates and are present at the Meeting at which the matter is raised.
72.*	In the event that a correction to the Minute would result in the substantial alteration of a recommendation, Standing Order 75 will apply.
Dissent	
73.	A Member who wishes his/her dissent from a decision of the Council to be minuted must request that his/her dissent be recorded immediately following the decision.
Motions and Amendments	
74.	A motion and an amendment must be proposed by a Member, and seconded by another Member.
74.1.	If requested by the Chair and prior to any vote being taken, a motion or amendment shall be put in writing and handed to the Clerk to the Meeting who shall, if requested by the Chair, read the motion or amendment to the Meeting.
74.2.	Every amendment must be relevant to the motion on which it is moved; its relevancy shall be decided by the Chair.
Amendments at General Meetings of the Council	
75.*	A Member who wishes to propose an amendment to the recommendations of a Committee, whose Minutes will be considered at a General Meeting of

	the Council, shall submit such amendment, in writing, to the Chief Executive, no later than 12:00 on the day before the General Meeting.
76.*	The Convener may accept further amendments at the General Meeting of the Council, but only if the further amendment is relevant to the item for which an amendment was pre-notified in terms of Standing Order 75 above.
Consideration of Recommendations at General Meetings	
77.*	Recommendations contained within the Minute of a Committee shall be deemed to be approved in the absence of any amendment being formally moved to the contrary.
77.1	A recommendation contained within the Minute of a Committee should not normally be overturned on the first occasion at which it is submitted to a General Meeting of the Council.
77.2	A Member, who has submitted an amendment, in terms of Standing Order 75 above, should normally move that the matter be referred back to the Committee for further consideration.
Recommendation to be taken as the Motion	
78.	The recommendations contained in a report shall normally be taken as the motion, provided that these recommendations are moved and seconded.
Motions and Amendments with Financial Consequences	
79.	A motion or amendment which proposes either expenditure by the Council, or a reduction in its income, shall not be competent unless the motion or amendment:
79.1.	Identifies the source of funding to meet the additional expenditure or to compensate for the income lost. Or
79.2.	Seeks referral of the identification of funding to the next Meeting, or to the Policy and Resources Committee.
80.	A motion or amendment which identifies the source of funding as the Council's reserves shall not be competent without advice being provided to the Meeting by the Chief Financial Officer or his/her representative.
Moving and Seconding	
81.	A Member shall not move or second more than one motion or amendment on a single issue.
82.	It is competent for a Member:
82.1.	Who has moved or seconded a motion to approve and adopt the Minute of any Meeting to thereafter move or second an amendment to any of the recommendations in the Minute.

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82.2.	If a motion or amendment has subsequently been withdrawn, to move or second another motion or amendment on the same issue.
82.3.	If a motion or amendment subsequently falls due to a lack of a seconder, to second another motion or amendment on the same issue.
Withdrawal of Motions or Amendments	
83.	A motion or amendment once proposed shall not be altered or withdrawn without the consent of the mover and seconder.
Motions or Amendments subsequently withdrawn	
84.	A motion or amendment withdrawn after being seconded shall not be recorded in the Minute.
Consideration of One Amendment only	
85.	Only one amendment can be moved and seconded at one time.
86.	No further amendment will be moved until the Council has dealt with the amendment under discussion.
87.	Notice of any further amendments must be given before the vote is taken on the first amendment, and the Chair shall give an opportunity for such notice to be given.
Further Amendments	
88.	If an amendment is defeated, other amendments, for which notice has been given under Standing Order 87 above, can be moved on the original motion.
88.1.	If an amendment is carried, the amendment will replace the original motion.
88.2.	Any further amendment can then be moved on the new motion.
<u>88.3.</u>	<u>Any further amendment must be relevant to the motion on which it is moved and be substantially different to the original motion or the new motion.</u>
<u>88.4.</u>	<u>The Chair shall have exclusive discretion to determine whether an amendment is relevant to the motion on which it is moved or is substantially different to the original motion or the new motion.</u>
Speaking to Motions or Amendments	
89.	A Member shall not address the Council more than once on any issue under discussion, with the exception of a point of order or, with the consent of the Chair, to make an explanation or correction as to points of factual inaccuracy.

90.	The movers of any motion and amendment shall have a right of reply, prior to the vote being taken.
90.1.	In exercising his/her right of reply, a Member will confine himself/herself to answering points made by previous speakers, and shall not introduce any new matter.
Closure of Discussion	
91.	After the reply by the mover of a motion is concluded, the discussion shall be closed, and no further points may be made, with the exception of points of order, or a question regarding the manner of taking the vote.
91.1.	The matter shall then be put to the Meeting by the Chair.
Motion that the “Question Be Now Put”	
92.	A Member who has not spoken on an item may propose “that the question be now put”.
92.1.	If this motion is seconded, and the Chair considers that the matter has been discussed sufficiently, s/he will order a vote, by a show of hands, to be taken on the motion.
92.2.	No amendment or discussion will be competent at this stage.
92.3.	If the motion is carried, the movers of any motion and amendment will have a right of reply, and the question itself will then be put to the Meeting.
93.	If the Chair is of the view that the matter has not been discussed sufficiently, s/he may refuse to accept the motion “that the question be now put”.
Notice of Motion	
Form of Notice of Motion	
94.	A Notice of Motion must be in writing, signed by a Member of the Council and, subject to Standing Order 97 below, countersigned by one other Member.
94.1.	A Notice of Motion must be received by the Chief Executive at least 14 Clear Days prior to the date of any Meeting of the Council, in order for the Notice of Motion to be included within the business of that Meeting.
94.2.	In accordance with Standing Order 68.1 above, the Notice of Motion shall be accompanied by a report from the Chief Executive or the relevant Executive Director on the implications of any suggested course of action.
Failure to move Motion of which Notice has been given	
95.	If a Motion which is specified in the Agenda is not moved by the Member who has given notice, or by another Member on his/her behalf, and

	seconded by another Member, that Notice of Motion shall, unless deferred by the Council, be considered as withdrawn.
Motion Contradictory of Previous Decision	
96.	The Chief Executive will not accept a Notice of Motion which is contradictory of a previous decision or resolution of the Council, within 12 months from the date of adoption of that resolution.
97.	The Chief Executive may, however, accept a Notice of Motion, in terms of Standing Order 96 above, if the Notice of Motion:
97.1.	Is in writing.
97.2.	Is signed by the Member of the Council giving notice. And
97.3.	Is countersigned by at least six other Members.
Time Limit on Speeches	
98.	A speech by the mover of a motion or an amendment will not be longer than 5 minutes.
99.	During debate, a Member must direct his/her speech to the matter under discussion and shall speak for no more than 5 minutes.
100.	The mover of the original motion, together with the mover of any amendment, shall have the right to speak for 5 minutes in reply.
101.	The time limits referred to in Standing Orders 98 to 100 above may be exceeded with the consent of the Chair.
Points of Order, Information and Personal Explanations	
102.	If a Member wishes to make a point of order or give a point of information or a personal explanation s/he will be entitled to be heard immediately.
102.1.	A point of order must only relate to a Standing Order or legal provision that the Member thinks has been broken. The Chair will ask the Member to specify the Standing Order or legal provision and say how s/he thinks it has been broken.
102.2.	When giving a point of information, a Member must briefly give information to correct an alleged inaccuracy in a speech about the matter.
102.3.	When giving a personal explanation, a Member will only explain the part of his/her former speech, which seems to have been misunderstood in the present debate.
103.	The Chair's ruling on a point of order, point of information or personal explanation will not be open to discussion.

Adjournment of Meetings	
104.	A motion to adjourn a Meeting may be made at the conclusion of any speech and shall have precedence over all other motions.
104.1.	The motion to adjourn must be moved and seconded and shall at once be put by the Chair to the Meeting in the form of “adjourn” or “not adjourn”.
104.2.	There will be no amendment to, or discussion of, the motion to adjourn, and it must be agreed by a majority of the Members present and voting.
105.	All Meetings will adjourn at or before 17:00.
Voting	
Majority Vote	
106.	Unless the law or these Standing Orders say otherwise, all matters before the Council will be decided by a majority of the Members voting.
Form of Voting	
107.	A vote may be taken by the following methods:
107.1.	By a show of hands.
107.2.	By calling the roll.
107.3.	By secret ballot. Or.
107.4.	By electronic voting (where available and in operation).
108.	Subject to Standing Order 120 below and notwithstanding Standing Order 4 above, the usual method of voting at meetings of the Council and Service Committees will be by calling the roll.
108.1.	Subject to Standing Order 120 below, and notwithstanding Standing Order 4 above, the usual method of voting at all other meetings not falling within Standing Order 108 above, will be by a show of hands.
108.2.	Notwithstanding Standing Order 108 above, all voting on procedural matters will be by a show of hands.
<u>108.3.</u>	<u>A procedural matter includes, but is not restricted to:</u> <ul style="list-style-type: none"> • <u>Proposing that the Public be excluded for the consideration of exempt business.</u> • <u>Proposing “that the question be now put”, as detailed in Standing Order 92 above.</u> • <u>Proposing the suspension of a Standing Order.</u> • <u>Proposing an alternative method of voting.</u>
109.	A Member may request that the vote be taken other than by the usual method and, if a majority of Members present vote in favour, the vote shall

	be taken by one of the alternative methods at Standing Order 107 above, whichever is requested by the Member.
110.	All votes on the method of voting shall be taken by a show of hands.
Calling the Roll	
111.	Calling the roll will be undertaken by the Chief Executive by calling the names of those Members present and entitled to vote, in a random order, with the Member responding "motion", "amendment" or "abstain".
111.1.	The name of each Member voting and the manner in which they voted will be recorded in the Minute.
Electronic Voting	
112.	Where an electronic voting system, approved by the Council, is available and in operation, Standing Orders 113 to 115 will apply with regard to the method of voting.
112.1.	Standing Orders 108 to 110 will apply where no electronic voting system is available and in operation.
113.	Subject to Standing Order 120 below, the usual method of voting will be by electronic voting.
114.	A Member may request that the vote be taken other than by use of the electronic voting system and, if a majority of Members present vote in favour of taking a vote other than by use of the electronic voting system, the vote shall be taken by one of the alternative methods at Standing Order 107 above, whichever is requested by the Member.
115.	All votes on the method of voting shall be taken by use of the electronic voting system.
Casting Vote of Chair	
116.	If there is an equal number of votes, the Chair will have, in addition to his/her deliberative vote, a casting vote except:
116.1.	Where the vote relates to the appointment of a Member to an office, in which case the matter will be determined by lot. Or.
116.2.	Where the matter relates to the removal from office of the Convener, Leader, Depute Leader, Chair or Vice Chair, which, subject to Standing Orders 126 and 127, requires a simple majority notwithstanding Standing Order 6.

Appointments	
Nomination for Election of Office Bearer	
117.	Candidates duly nominated for election to the offices of Convener, Leader, Depute Leader and Chair of Committees shall, if they so choose, be permitted to speak once in support of their nomination to office.
117.1.	Candidates exercising their right to speak shall have the opportunity to do so in the order in which their names have been duly nominated.
117.2.	Any such speech shall be made immediately following any speeches by all of the movers and seconders of all of the candidates and prior to other Members who have not already spoken.
117.3.	A candidate's speech shall be limited to 5 minutes.
118.	Candidates who choose not to speak shall remain eligible for election to the office for which they have been duly nominated.
119.	A candidate who has been nominated for office but is absent from the Meeting shall remain eligible for election.
Process for Making Appointments or Nominations	
120.	In the making of appointments or nominations by the Council, where the number of candidates is greater than the number of vacancies, a vote shall be taken by secret ballot.
120.1.	A Member will be entitled to vote for as many candidates as there are vacancies.
120.2.	A Member must not vote more than once for any one candidate in any ballot.
Where One Vacancy Exists	
121.	Where only one vacancy requires to be filled and one candidate has an absolute majority of the votes cast, that candidate will be declared elected, nominated or appointed, as the case may be.
122.	Where there are more than two candidates and the first vote does not produce an absolute majority in favour of any candidate, the name of the candidate having least votes will be removed from the list of candidates, and a fresh vote will take place.
122.1.	This process will continue until one candidate has a majority of the votes cast.
123.	Where there is an equal number of votes for the candidates having least votes, an extra vote will be taken between those candidates.
123.1.	The name of the candidate receiving fewest votes will be removed from the list of candidates.

123.2.	If an equal number of votes remains, the candidate to be removed from the list of candidates will be determined by lot.
Where Two or More Vacancies Exist	
124.	Where the number of vacancies exceeds one and where the number of candidates exceeds the number of vacancies, then the "first past the post" method of voting shall apply, subject to the following provisions:
124.1.	The number of candidates amounting to the same number as there are vacancies and receiving the highest number of votes cast shall be held to be duly elected, nominated or appointed, as the case may be.
124.2.	Where there is an equal number of votes between two or more candidates which affect such election, an extra vote will be taken between those candidates, whereby the candidate receiving the highest number of votes cast shall be held to be duly elected, nominated or appointed, as the case may be. And.
124.3.	In the event that Standing Order 124.2 still produces an equality of votes, the decision will be by lot, whereby the first named candidate drawn shall be held to be duly elected, nominated or appointed, as the case may be, followed by the second named candidate, should there be more than two candidates with an equality of votes, until the number of candidates amounts to the same number as there are vacancies.
Limitation on Appointments	
125.	A Member shall be entitled to hold only one office of Chair of a Standing Committee and be entitled to receive only one special payment for being a chairperson.
Removal from Office of Convener, Leader, Depute Leader or Chair	
126.	Any motion to remove from office the Convener, Leader, Depute Leader or Chair of a Standing Committee of the Council shall, if proposed and seconded, stand adjourned without discussion to the next General Meeting of the Council.
Removal from Office of Vice Chair	
127.	Any motion to remove from office the Vice Chair of a Standing Committee shall, if proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of that Committee.
Procedure at Meeting to Remove from Office	
128.	Any motion in terms of Standing Orders 126 and 127 above will form the first item of business at the next applicable Meeting.

128.1.	Following debate, a decision as to whether an office bearer should be removed from office shall be decided by simple majority, following a secret ballot.
Ending Office	
129.	Anyone who <u>ceases to be</u> a Member of the Council will also <u>cease to be</u> a Member of all Committees, Sub-committees, panels and working groups to which s/he has been appointed by the Council.
<u>Appointment of Chief Officers</u>	
	<u>The processes which apply to the appointment of Chief Officers are set out in the Protocol which forms Appendix 4 to these Standing Orders.</u>
Revoking Previous Resolutions	
130.	A motion or amendment shall not be competent if it is contradictory of a previous decision or resolution of the Council made within 12 months of the date of adoption of that resolution or decision.
Reviewing Decision within 12 Months	
131.	Notwithstanding Standing Order 130 above, it will be competent for the Council to review a decision before the end of the 12 month period provided that the Chief Executive is satisfied that a material change of circumstances has occurred.
Material Change of Circumstances	
132.	A material change of circumstances may include the following:
132.1.	Where there has been a new development which has a bearing on the original decision or that an important piece of information has become available since the original decision was made. Or.
132.2.	If the change had taken place before the Council took its decision or, had the Council known all the facts relevant to the decision, the change of circumstances would have influenced its judgement and the Council might reasonably have taken a different decision.
133.	The material change of circumstances will be recorded in the Minute.
Suspension and Alteration of Standing Orders	
134.	A Standing Order may only be suspended, in relation to a specific item of business, if two-thirds of the Members present, rounded up to the nearest whole number, so agree.
134.1.	No amendment will be taken against a motion to suspend Standing Orders, and the vote, by a show of hands, will be taken immediately.

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135.	None of these Standing Orders can be rescinded or altered, nor additional Standing Orders created, unless a resolution to do so is passed:
135.1.	After notice has been given at a previous General Meeting of the Council by the Chief Executive. Or.
135.2.	After consideration of a report to the Council by the Chief Executive.
136.	Standing Orders 134 and 135 cannot be suspended.
Deputations	
137.	A deputation allows members of the Public to raise issues of concern with the Council either on an individual basis or on behalf of a third party.
137.1.	A deputation is not available to Members, as the procedures at Standing Orders 8, 67 and 94 above apply.
138.	A deputation may apply to the Chief Executive to make submissions to the Council.
138.1.	The deputation must be in writing, duly signed, and provide sufficient detail of the matters on which it wishes to be heard.
138.2.	The deputation shall not exceed 3 persons.
139.	On receipt of a request for a deputation, the Chief Executive shall liaise with the Convener, together with the Chair and the Vice Chair of the Service Committee and/or ward Members, as appropriate.
139.1.	The Chief Executive shall determine whether or not the request for a deputation shall be granted.
139.2.	If the request is granted, the Chief Executive will determine the date and time for the deputation to be heard by the Council.
140.	A maximum period of 10 minutes shall be allowed for the deputation to present its case.
141.	It is competent for Members to put questions to the deputation which relate to the subject on which the deputation has been heard.
141.1.	The time available for such questions shall not exceed 10 minutes (over and above the maximum period of 10 minutes allowed to receive the deputation at Standing Order 140 above).
141.2.	A Member shall not, however, express an opinion, or discuss the subject, until the deputation has completed its submission.
Petitions	
142.	A petition allows members of the Public to raise issues of concern with the Council either on an individual basis or on behalf of a third party.
142.1.	A petition is not available to Members, as the procedures at Standing Orders 8, 67 and 94 above apply.

Definition of Petition	
143.	A valid petition should:
143.1.	Be concerned with the functions of the Council and issues of concern with some or all of the residents of Orkney.
143.2.	Bear the signatures of not fewer than 20 members of the Public who are ordinarily resident in Orkney. And.
143.3.	Contain the names and addresses of those members of the Public who wish to sign it.
144.	A petition will not be considered valid if:
144.1.	It relates to complaints and grievances, in which case the complaints procedure shall be used.
144.2.	It relates to personal matters, commercial matters, complaints regarding individual officers or employees' terms and conditions. Or.
144.3.	It is vexatious, frivolous, defamatory, discriminatory or contains offensive or inappropriate language.
145.	Petitions concerning statutory regulatory functions, such as licensing, planning, trading standards and environmental health, including where decisions have been made, require to comply with the legislative provisions and processes that are available in terms of those regulatory regimes.
Process following receipt of Petition	
146.	On receipt of a petition, the officer and/or the Member should pass the petition to the Chief Executive, who shall thereafter liaise with the Convener, together with the Chair and the Vice Chair of the Service Committee and/or ward Members, as appropriate.
147.	The Chief Executive shall determine whether a report is required in order to address the terms of the petition and, if necessary, the Chief Executive will instruct the submission of that report, which will normally be heard in public.
Filming, Photography and Recording of Meetings	
148.	<u>Other than live audio casting and recording of Meetings by the Council, any video or sound recordings or filming or broadcasting of Meetings, or the taking of any photographs, will be subject to the express prior approval of the Chair in accordance with the Protocol which forms Appendix 5 to these Standing Orders.</u>
▼	▼
▼	▼

- Deleted:** It is not permissible for the Public to film,
- Deleted:** -
- Deleted:** or otherwise electronically record and broadcast the proceedings of Meetings
- Deleted:** 148.1.
- Deleted:** Notwithstanding Standing Order 148, audio recording of Meetings will be permissible, following adoption by the Council of a Protocol for Audio Recording.
- Deleted:** 148.2.
- Deleted:** Any recording of Meetings must be carried out in accordance with the Protocol for Audio Recording.

Phones

All Members shall ensure that phones are switched off or on silent during Meetings and Members shall not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Meeting. Research through the internet is permitted providing this is done in a manner which respects the authority of the Chair and does not interfere with the business of the Meeting.

Monitoring Officer

149.	Any Member or officer will immediately inform the Monitoring Officer, if and when he/she becomes aware, of any proposal, decision or omission which may lead to a report in terms of the Local Government and Housing Act 1989.
149.1.	A Monitoring Officer's report may be required where any proposal, decision or omission by the Council may breach or has breached the law or any statutory code of practice.

Standing Orders to be Given to Members

150.	The Chief Executive will give each Member a printed copy of these Standing Orders when s/he declares that s/he accepts office and on each occasion when the Standing Orders are amended.
150.1.	Each Member will sign a statement to acknowledge that s/he has received the Standing Orders and agrees to comply with the provisions contained therein.

Appendix 1

Scheme of Appointment of Members to Committees

1. Committee Composition

There are 3 Committees, each comprising 12 members, as follows:

- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Planning Committee.

In addition to the above:

- All members will be allocated places on the Policy and Resources Committee.
- 3 members will be allocated places on the Integration Joint Board.
- 7 members will be allocated places on the Monitoring and Audit Committee.
- 8 members will be allocated places on the Licensing Committee.

In total, all members, with the exception of the Convener and the Leader, will serve on the following:

- Either Development and Infrastructure Committee or Education, Leisure and Housing Committee; and
- Not more than two from the following:
 - Planning Committee.
 - Monitoring and Audit Committee.
 - Licensing Committee.

2. Allocation Procedure

At the Statutory General Meeting of the Council, the Convener, the Leader and the Depute Leader will be appointed followed by the Chairs of all Standing Committees. The order of appointment of Chairs to the Standing Committees will be drawn by lot and circulated to all members along with the notice of the meeting.

Following the appointment of Chairs, the remaining 11 members of the Planning Committee will be appointed, to ensure representation from each electoral ward. Thereafter 3 members will be appointed to the Integration Joint Board, together with the remaining members of the Orkney Health and Care Committee. All other appointments are made through the allocation procedure.

Members' preferences will be adjusted, if necessary, following the appointment of chairs, in order that the committee to which they have been appointed as chair is their first choice.

The system allocates all members' first preferences, unless there are more first preferences than places on any committee, in which case members will be allocated places in an order of priority generated randomly.

The process is then repeated in respect of second choices, and so on, until all allocated spaces are filled.

Notes

Preferences in respect of any vacancy will be drawn by lot.

In the event of any anomalies in committee composition arising as a result of the Scheme, powers are delegated to the Chief Executive, in consultation with the Convener, to revise the composition in line with the general principles of the Scheme.

Appendix 2

Definition of Confidential Information

In accordance with section 50(A)(3) of the Local Government (Scotland) Act 1973, Confidential Information means:

- Information furnished to the authority by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public.

Or.

- Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

In either case the reference to the obligation of confidence is to be construed accordingly.

Appendix 3

Descriptions of Exempt Information

In accordance with Schedule 7A of the Local Government (Scotland) Act 1973, Exempt Information means information which falls within the definition of the following 15 categories:

- Paragraph 1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office-holder or applicant to become an office-holder under, the authority.
- Paragraph 2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
- Paragraph 3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
- Paragraph 4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
- Paragraph 5. Information relating to the adoption, care, fostering or education of any particular child or where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011).
- Paragraph 6. Information relating to the financial or business affairs of any particular person (other than the authority).
- Paragraph 7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).
- Paragraph 8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
- Paragraph 9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
- Paragraph 10. The identity of the authority (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
- Paragraph 11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

- Paragraph 12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with –
- (a)** any legal proceedings by or against the authority, or
 - (b)** the determination of any matter affecting the authority, (whether in either case, proceedings have been commenced or are in contemplation).
- Paragraph 13. Information which, if disclosed to the public, would reveal that the authority proposes –
- (a)** to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b)** to make an order or direction under any enactment.
- Paragraph 14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.
- Paragraph 15. The identity of a protected informant.

Appendix 4

Protocol for Appointment of Chief Officers

Appointment panels for the recruitment of the Chief Executive, Executive Director, Head of Service and Service Manager posts comprise the following:

<u>Level of Post.</u>	<u>Panel Chair.</u>	<u>Members.</u>	<u>Officers.</u>
<u>Chief Executive.</u>	<u>Convener.</u>	<u>All Elected Members.</u>	<ul style="list-style-type: none">• <u>Independent External Advisor.</u>• <u>Head of HR and Performance.</u>
<u>Executive Director.</u>	<u>Leader.</u>	<u>5 Members of Council, including Chair and Vice Chair of relevant Service Committee.</u>	<ul style="list-style-type: none">• <u>Chief Executive.</u>• <u>Independent External Advisor.</u>• <u>Head of HR and Performance.</u>
<u>Heads of Service.</u>	<u>Chief Executive.</u>	<u>3 Members of the Council, including Chair and Vice Chair of relevant Service Committee.</u>	<ul style="list-style-type: none">• <u>Chief Executive.</u>• <u>Executive Director (Line Manager).</u>• <u>One other Executive Director selected by Senior Management Team.</u>• <u>Head of HR and Performance.</u>
<u>Service Managers (Third Tier).</u>	<u>Executive Director.</u>	<u>None.</u>	<ul style="list-style-type: none">• <u>Executive Director.</u>• <u>Head of Service (Line Manager).</u>• <u>Senior HR Advisor.</u>

Decisions on appointments for the Chief Executive and Executive Directors will follow a secret ballot process, conducted in successive rounds until a two-thirds majority of those present and entitled to vote, is secured.

The Council has adopted a general policy of obtaining feedback appointment panels from a preliminary professional officer interview panel, chaired by the Chief Executive, and a stakeholder/ peer appraisal panel, through candidate presentation and panel question and answer sessions, for Executive Director and Heads of Service posts.

Appendix 5

Protocol for Audio Casting Council and Other Meetings

This Protocol has been drawn up to assist with the conduct of audio casting meetings and to ensure that, in doing so, the Council is compliant with its obligations under relevant data protection legislation.

Background

Following a decision taken by Elected Members to introduce audio casting, the first trial broadcasts were made in March 2015. Audio casting has been undertaken during each Committee cycle since June 2015. Committees currently broadcast are:

- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Monitoring and Audit Committee.
- Orkney Health and Care Committee
- Policy and Resources Committee.
- Planning Committee.
- Local Review Body.

General Meetings of the Council are also broadcast, as are meetings of the Integration Joint Board and its Audit Committee.

Meetings are broadcast live over the internet and can be accessed via the Council website. In addition, recordings of each meeting are made available via the Council website. Whenever possible, these are made available within two working days of a meeting taking place.

Prior to the Meeting – Agenda Front Sheets and Signage

The following notice is included on the front of each agenda for designated meetings:

“Please note that this meeting will be recorded and broadcast over the Internet on Orkney Islands Council’s website. The recording will also be publicly available following the meeting and available for listening to for 12 months thereafter. The Council is a Data Controller in terms of data protection legislation. Data collected during the audio cast will be retained in accordance with the Council’s Data Protection Policy. Further information about how the Council uses your personal information and your associated rights is available on the Council’s website.”

A notice in the above terms will be displayed inside and outside the Chamber.

Operation of Microphones

Before speaking, press microphone switch to ON.

Wait to be introduced by the Chair.

Speak clearly into microphone.

Once finished speaking press microphone button OFF.

WARNING: Be aware that 'off-mic' comments could be picked up and transmitted.

Conduct of Meetings

At the start of each meeting to be broadcast, an announcement will be made by the Chair to the effect that audio casting is taking place for live and subsequent broadcast over the internet.

Cessation or Suspension of Audio Casting

No part of any meeting will be audio cast after Members have passed a resolution excluding the public because of the likely disclosure of exempt or confidential information. The Clerk to the Committee will ensure that audio casting of the meeting has ceased and will confirm this to the Chair before any discussion of exempt or confidential matters begins.

In addition, the Chair has discretion to terminate or suspend the audio cast if, in his/her opinion, continuing to audio cast would prejudice the proceedings of the meeting. Circumstances that could lead to suspension or termination of audio casting include public disturbance or other suspension of the meeting or the potential infringement of the rights of any individual.

If a technical fault develops, the meeting will continue without interruption. More often than not, the meeting will be recorded successfully, even if the live broadcast is interrupted.

Editing of Audio Cast

Editing of any content of an audio cast will only be undertaken if there is a legal reason, for instance, the name of a person in witness protection was divulged by a public speaker, confidential personal information is inadvertently disclosed or defamatory comments are made. Editing of content may also be authorised in exceptional circumstances such as if an attendee is taken ill. A log will be maintained of audio casts where content has been edited. The Chief Executive will, in consultation with the Chair of the Meeting and the Council's Monitoring Officer, make the final decision on editing any audio cast material to be broadcast or published in connection with any Council meeting. The reason for any decision to edit any audio cast material will be published.

Obscenities or Other Inappropriate Language

In the event of obscenities or other inappropriate or unacceptable language being used, the sound will be muted either live or in post-production as the Council's audio casts are accessible by people of different ages. All persons in attendance at meetings are required to behave respectfully towards others.

Other Recording or Broadcasting of Meetings

No form of photography, filming, recording or broadcasting of meetings (other than audio casting for the Council's purposes) shall take place unless express permission is given in advance by the Chair at his/her discretion.



Standing Orders

For the Regulation of Proceedings and
Business of Orkney Islands Council

Review/Updates to Standing Orders.

Date.	Committee.	Review/update – amendments made.
17 April 2018.	Policy and Resources.	Update – Constitutional Arrangements of Orkney Health and Care Committee – Standing Orders 6.2.2.1 and 6.2.3.1 amended.
19 June 2018.	Policy and Resources.	Update – Method of Voting at Meetings – Standing Orders 92.1, 108, 109 and 134.1 amended.
July 2018.	Not applicable.	Annual Review: <ul style="list-style-type: none">• Amendments made to Standing Orders 1.21, 1.24, 3, 20, 22, 23, 60, 68.1, 90, 99 and 100.• New Standing Orders – 1.21.1 and 94.2. Additional clarification and/or factual accuracy.
December 2019.	Special General Meeting.	Addition – Protocol for Appointment of Chief Officers.
April 2020 (TBC).	Policy and Resources.	Annual Review and Update.

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1. Definitions		
1.1.		In these Standing Orders, the following words and expressions shall have the following meanings:
	1.1.1.	"1973 Act" means the Local Government (Scotland) Act 1973.
	1.1.2.	"1985 Act" means the Local Government (Access to Information) Act 1985.
	1.1.3.	"1994 Act" means the Local Government etc. (Scotland) Act 1994.
	1.1.4.	"2003 Act" means the Local Government in Scotland Act 2003.
	1.1.5.	"Agenda" means the summons calling Members to attend Meetings, together with a list of business to be considered at Meetings of the Council, and its Committees and Sub-committees.
	1.1.6.	"Chief Executive" means the Chief Executive of the Council, or any authorised official representing or acting for him/her.
	1.1.7.	"Clerk to the Council" means the Monitoring Officer, as defined in Standing Order 1.1.28 below.
	1.1.8.	"Clerk to the Meeting" means the official in attendance, authorised by the Chief Executive, with responsibility for the administration of the Council, and its Committees and Sub-committees.
	1.1.9.	"Clear Days" means week days, excluding weekends and public holidays, the date of publication of a notice of Meeting, and the date on which the Meeting, of which notice has been given, is held.
	1.1.10.	"Committee" means a Committee of the Council appointed in accordance with these Standing Orders, and the Council's Scheme of Administration.
	1.1.11.	"Confidential Information" means information as defined in Appendix 2 to these Standing Orders.
	1.1.12.	"Convener" means the Chair of the Council, elected in accordance with section 4 of the 1994 Act, and the Council's civic head, as designated for the purposes of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.
	1.1.13.	"Council" means Orkney Islands Council, constituted in terms of the 1973 and 1994 Acts, and having its principal offices at Council Offices, School Place, Kirkwall, Orkney, KW15 1NY.
	1.1.14.	"Councillor" means a Member of the Council duly elected at an election or by-election and who has made and delivered to the Proper Officer of the Council a Declaration of Acceptance of Office in accordance with section 33A of the 1973 Act.
	1.1.15.	"Depute Leader" means the Councillor appointed to deputise for the Leader.

1.1.16.	"Executive Director" means an Executive Director of the Council, or any authorised official representing or acting for him/her.		
1.1.17.	"Exempt Information" means information as defined in Appendix 3 to these Standing Orders.		
1.1.18.	"Leader" means the Councillor elected in accordance with section 4 of the 1994 Act as deputy convener and designated as Leader for the purposes of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.		
1.1.19.	"Meeting" means a Meeting of the Council, its Committees or Sub-committees, formally constituted in accordance with the 1973 Act.		
	<table border="1"> <tr> <td>1.1.19.1.</td> <td> <p>For the purposes of Standing Order 12.10, "Meeting" means a Meeting of:</p> <ul style="list-style-type: none"> • The Council. • Any Committee or Sub-committee of the Council. • Any joint committee, joint board or other body that is discharging the functions of the Council. Or • A meeting of any body of persons where the Member is attending as a representative of the Council. </td> </tr> </table>	1.1.19.1.	<p>For the purposes of Standing Order 12.10, "Meeting" means a Meeting of:</p> <ul style="list-style-type: none"> • The Council. • Any Committee or Sub-committee of the Council. • Any joint committee, joint board or other body that is discharging the functions of the Council. Or • A meeting of any body of persons where the Member is attending as a representative of the Council.
1.1.19.1.	<p>For the purposes of Standing Order 12.10, "Meeting" means a Meeting of:</p> <ul style="list-style-type: none"> • The Council. • Any Committee or Sub-committee of the Council. • Any joint committee, joint board or other body that is discharging the functions of the Council. Or • A meeting of any body of persons where the Member is attending as a representative of the Council. 		
1.1.20.	"Member" means, in relation to the Council, a Councillor, and, in relation to any Committee or Sub-committee of the Council, any person validly appointed who is not a Councillor, whether or not entitled to vote.		
1.1.21.	"Minute" means the summary of the business transacted at Meetings of the Council and its Committees and Sub-committees. This will not be a verbatim record.		
1.1.22.	"Participate" means attendance, speaking and/or voting, whether in person or remotely, at a Meeting by a Member.		
1.1.23.	"Public" means a member of the general Public and/or representatives of the press or media industries.		
1.1.24.	"Scheme of Administration" means the scheme which sets out the powers and functions of the Council, its Committees and Sub-committees.		
1.1.25.	"Scheme of Delegation to Officers" means the scheme which sets out the powers delegated to Chief Officers.		
1.1.26.	<p>"Service Committee" means the following:</p> <ul style="list-style-type: none"> • Policy and Resources Committee. • Development and Infrastructure Committee. • Education, Leisure and Housing Committee. • Orkney Health and Care Committee. 		

1.1.27.	"Standing Committee" means the Service Committees listed at Standing Order 1.1.26 above, together with the following: <ul style="list-style-type: none"> • Monitoring and Audit Committee. • Planning Committee. • Local Review Body. • Licensing Committee.
1.1.28.	"Statutory Officer" means the following officials: <ul style="list-style-type: none"> • "Chief Financial Officer" as referred to in section 95 of the 1973 Act who has responsibility for the financial affairs of the Council. • "Monitoring Officer" as referred to in section 5 of the Local Government and Housing Act 1989. • "Chief Social Work Officer" as referred to in section 3 of the Social Work (Scotland) Act 1968. • "Chief Education Officer" as referred to in section 25 of the Education (Scotland) Act 2016. • "Chief Internal Auditor", being the senior officer responsible for operating and managing the internal auditing service in accordance with recognised standards and practices.
2. Interpretation	
2.1	These Standing Orders are made under section 62 and paragraph 8 of Schedule 7 of the 1973 Act and, subject to the provisions of that Act, apply to meetings and proceedings of the Council and its Committees and Sub-committees.
2.2.	The Interpretation Act 1978 will apply to interpretation of these Standing Orders, in that references to the male shall include the female and, unless the context otherwise requires, words importing the singular shall include the plural and vice versa.
3. Commencement	
3.1.	These Standing Orders will apply and have effect on and after 3 July 2018.
4. Applicability of Standing Orders	
4.1	These Standing Orders shall apply to Committees and Sub-committees in the same way as they apply to the Council, with the substitution of references to Committee or Sub-committee as the case may be and to the Chair and Vice Chair of the Committee or Sub-committee, except for the following Standing Orders (marked with an asterisk) which will apply only at Meetings of the Council: <ul style="list-style-type: none"> • Standing Order 5 – Meetings of the Council – The Statutory General Meeting.

Commented [HF1]: To be amended

	<ul style="list-style-type: none"> • Standing Order 5 – Meetings of the Council – Special Meetings. • Standing Order 12.3 – Conduct at Meetings – Standing While Speaking. • Standing Orders 13.1.5 and 13.1.6 – Proceedings at Meetings – Order of Business. • Standing Order 15.5 – Minutes – Accuracy of Minutes. • Standing Orders 16.4 and 16.5 – Minutes – Amendments at General Meetings of the Council. • Standing Orders 16.6 to 16.8 – Minutes – Consideration of Recommendations at General Meetings.
4.2.	Standing Order 16.9 will not apply at Meetings of the Planning Committee, the Local Review Body and the Licensing Committee.
5. Meetings of the Council	
The Statutory General Meeting*	
5.1.	The Council will hold its first General Meeting within 21 days of the date of a Local Government Election.
5.2.	The Chief Executive will determine the date and time of the Meeting.
5.3.	At the Meeting, the Council will:
	5.3.1. Note the persons elected as Councillors for the wards within the Orkney local government area following the ordinary election of Councillors.
	5.3.2. Elect the Convener, the Leader and the Depute Leader.
	5.3.2.1. The Convener, who shall hold office for two years and be eligible for re-election, shall be Chair of the Council, and shall, ex officio, be a Member of every Service Committee of the Council.
	5.3.2.2. The Leader, who shall hold office until the next Local Government Election, shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council.
	5.3.2.3. The Depute Leader, who shall hold office for two years and be eligible for re-election, shall ex officio be Vice Chair of the Policy and Resources Committee.
	5.3.3. Elect the Chair of each Service Committee of the Council and such other Committees, Sub-committees, boards or other bodies as the Council may determine.
	5.3.3.1. A Chair shall hold office for two years, and shall be eligible for re-election.
	5.3.3.2. The order of election of Chairs shall be determined following the drawing of lots by the Chief Executive.

	5.3.3.3.	The results of Standing Order 5.3.3.2 will be given to Members with the Agenda for the Meeting.
5.3.4.	Appoint Members to Committees and Sub-committees, in terms of the Scheme of Appointment of Members to Committees, which forms Appendix 1 to these Standing Orders.	
	5.3.4.1.	Unless the Council shall otherwise resolve, all such appointments shall be for two years, with the exception of the Licensing Committee, which shall be until the next Local Government Election.
5.3.5.	Appoint or nominate, as appropriate, members of joint committees, joint boards and community planning partnerships of which the Council is a member, members of the Licensing Board and all other bodies and representative organisations on which the Council is entitled, or is invited, to be represented.	
	5.3.5.1.	All such appointments, or nominations, shall be for two years, unless otherwise provided by statute, or unless the Council shall otherwise resolve.
5.3.6.	Deal with any urgent and competent business.	
Ordinary Meetings		
5.4.	The Council shall hold such number of Meetings in each year for the transaction of business as it may determine.	
5.5.	The Chief Executive will determine the date and times of Meetings of the Council.	
5.6.	No meetings will be held on a Saturday or Sunday or on public holidays observed by the Council.	
5.7.	It will be within the discretion of the Chief Executive to cancel, advance or postpone a meeting to another date if, in his/her opinion, acting reasonably, there is good reason for so doing.	
Special Meetings*		
5.8.	A special Meeting of the Council will be called by the Chief Executive at any time:	
	5.8.1.	Upon receipt of a written request to do so from the Convener. Or
	5.8.2.	Upon receipt of a written request from at least one quarter of Members of the Council, rounded up to the nearest whole number.
5.9.	The request, referred to at Standing Order 5.8 above, must specify the business which is proposed to be transacted at the Meeting.	
5.10.	The special Meeting will be held within 14 clear days of receipt of the written request, referred to at Standing Order 5.8 above.	

6. Notice of Meetings		
Place of Meetings		
6.1.	Meetings of the Council shall normally be held within Council Offices, Kirkwall, but may be held at such other places as the Chief Executive may decide.	
Publication of Time and Place of Meeting		
6.2.	At least three Clear Days before a Meeting, and normally seven days before a Meeting, the Chief Executive must:	
	6.2.1.	Publish, at the Council Offices, Kirkwall, the time and place of the Meeting. And
	6.2.2.	Issue the Agenda to Members.
6.3.	If the Meeting is held at short notice, the time and place of the Meeting will be published and the Agenda issued as soon as possible.	
Method of Sending Agenda		
6.4.	The Agenda, signed by the Chief Executive, shall be sent to Members by one or more of the following methods.	
	6.4.1.	By post to their normal place of residence or at such other address as a Member may specify.
	6.4.2.	By leaving at a designated post box within the Council Offices, Kirkwall for the Member to collect. Or
	6.4.3.	By e-mail to an address provided by Council.
6.5.	Where a Meeting is called in terms of Standing Order 5.8 above, the Agenda will be signed by those Members who requested the Meeting.	
6.6.	The Agenda will be left at, or sent by post to, each Member's normal place of residence unless a Member writes to the Chief Executive:	
	6.6.1.	Indicating that the Agenda be sent to some other address.
	6.6.2.	Indicating that the Agenda be left at a designated post box within the Council Offices, Kirkwall, for the Member to collect. Or
	6.6.3.	Electing to receive the Agenda by e-mail.
6.7.	If an Agenda is not received by any Member, the Meeting will still be valid.	
Agenda to Specify Business to be Transacted		
6.8.	The Agenda shall specify the business to be transacted at the Meeting and the proposed order for dealing with business.	
6.9.	Reports relating to business to be transacted at the Meeting will normally be issued with the Agenda.	

6.10.	Reports relating to business to be transacted at the Meeting not issued with the Agenda can still be considered at the Meeting.	
6.11.	Business not specified on the Agenda will not be considered, unless:	
	6.11.1.	It is brought to the Meeting, as a matter of urgency, in terms of Standing Order 13.3 below. Or
	6.11.2.	The business must be considered at the Meeting by law.
Withdrawal of Item of Business		
6.12.	The Chief Executive can withdraw any item of business from the Agenda, following consultation with the Chair.	
7. Attendance by Public at Meetings		
Admission of Public		
7.1.	Except where specified in Standing Orders 7.2 and 7.3 below, every Meeting of the Council will be open to the Public.	
Confidential Information		
7.2.	The Public must be excluded from a Meeting when an item of business is being considered and it is likely that, if the Public were present, Confidential Information, as defined in Appendix 2 to these Standing Orders, would be disclosed to them in breach of an obligation of confidence.	
Exempt Information		
7.3.	The Public may be excluded from a Meeting when an item of business is being considered, if it is likely that Exempt Information, as defined in Appendix 3 to these Standing Orders, would be disclosed.	
Disorderly Conduct		
7.4.	A member of the Public may be excluded from a Meeting in order to prevent or stop disorderly conduct.	
7.5.	A member of the Public may be kept out of a Meeting or the Chair may require them to leave, if they are hindering or are likely to hinder the work of the Council.	
7.6.	If a member of the Public interrupts any Members, the Chair may warn that person.	
	7.6.1.	If the member of the Public continues the interruption, the Chair may order the person to be removed from the room where the Meeting is being held.

7.7.	If there is general disturbance in any part of the room that is open to the Public, the Chair may order that part to be cleared.	
8. Attendance by Councillors at Meetings		
Attendance by Councillors		
8.1.	Unless Standing Order 8.5 below applies, any Member of the Council may attend a Meeting of a Committee of which s/he is not a Member.	
	8.1.1.	Such a Member cannot take part in the deliberations of the Committee, nor may s/he vote.
8.2.	Should the Member remain present during the discussion of items containing Confidential Information or Exempt Information, his/her presence will be recorded in the Minute.	
Invitation by Chief Executive to Attend Meeting		
8.3.	If a Member has been invited by the Chief Executive to attend the Meeting and has been issued with the Agenda and relevant reports, it is competent for that Member to participate in the deliberations of the Committee in respect of the items for which s/he has been invited.	
8.4.	The Member may not make, or second, a motion or an amendment, nor may s/he vote.	
Exclusion of Members from Meetings		
8.5.	If a Member is not a Member of a Committee, or Sub-committee, he may not attend a Meeting where:	
	8.5.1.	It is decided that Confidential Information or Exempt Information will be disclosed and the Public have been excluded from the Meeting. And
	8.5.2.	A matter where the decision of the Committee or Sub-committee may affect the interests or rights of any person as an individual, or a commercial undertaking. And
	8.5.3.	The decision is made after a hearing and the person has the right to be heard in person or through a representative
Meetings Conducted by Hearings		
8.6.	If a Committee or Sub-committee has a hearing at, or subsequent to, which a decision of a quasi-judicial or regulatory nature is to be made and at which a party has the right to be heard in person or through a representative, a Member of the Committee or Sub-committee may only participate and/or vote on the matter if s/he has been present throughout consideration of the whole item of business.	

8.7.	Should a Member leave the Meeting during any part of the hearing, he/she shall not be permitted to re-enter the Meeting during the remaining part of the hearing and the subsequent decision making process.
Planning Applications	
8.8.	Elected Members shall take no part in the decision making process in respect of planning applications to be determined by officers in terms of delegated powers.
Remote Attendance	
8.9.	Where the law allows and proper facilities are available, and at the discretion of the Chair, whom failing the Vice Chair, a Member may be regarded as being present at a Meeting if s/he is able to participate from a remote location by a video or other communication link.
8.10.	A Member participating in a Meeting from a remote location will be counted for the purposes of deciding if a quorum is present.
8.11.	A Member will not be permitted to participate in an item at a Meeting from a remote location where, in respect of that item, a party has a right to be heard in person or through a representative and the decision to be made, in respect of that item, is as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.
8.12.	A Member participating in a Meeting from a remote location will be excluded from the Meeting when an item of business is being considered and it is likely that Confidential Information and/or Exempt Information will be disclosed.
Quorum	
8.13.	A quorum must be present to enable a Meeting to proceed and for the business set out in the Agenda to be dealt with.
8.14.	Except in certain circumstances set out in law, the quorum of a Meeting of the Council will be one quarter of its Members, rounded up to the nearest whole number, and shall not be less than 3 Members.
8.15.	If, at any time during a Meeting, a question arises on whether a quorum is present, the Chair will allow an interval of 5 minutes, after which a count shall be taken of Members present.
	8.15.1. If a quorum is not present, the Meeting shall stand adjourned to such time as the Chair may determine.
9. Chair	
Chairing a Meeting	
9.1.	The Convener will take the Chair at a Meeting of the Council.

9.2.	If the Convener is not present, the Convener shall, in advance of the Meeting, nominate a Councillor as his/her depute, who shall then chair the Meeting, subject always to that nomination being ratified by the Council.
9.3.	If both the Convener and his/her nominated depute are not present, the Council will appoint a Member to act as Chair until either the Convener or his/her nominated depute is present.
Powers and Duties of the Chair	
9.4.	Deference shall at all times be paid to the authority of the Chair.
9.5.	It is the duty of the Chair to keep good order and to ensure that all Members obtain a fair hearing.
9.6.	When the Chair wishes to speak, any Member who is addressing the Meeting must cease to do so.
9.7.	The Chair shall decide all matters of order, competency and relevancy arising at a Meeting.
9.8.	The Chair shall determine all questions of procedure for which no express provision is made in these Standing Orders.
	9.8.1. His/her decision is final and not open to discussion.
9.9.	The Chair will decide amongst Members who wish to speak, by calling the Member whom s/he has first observed as requesting to speak at the Meeting.
9.10.	If there is disorder at any Meeting, the Chair may adjourn the Meeting to a later time.
	9.10.1. His/her departure from the Chair will indicate that the Meeting is adjourned
9.11.	In the event that the Chair departs the Chair in other circumstances, the Chair shall then be taken in terms of Standing Orders 9.2 and 9.3 above.
10. Committees	
Election of Vice Chair	
10.1.	Each Committee shall elect a Vice Chair from amongst its membership.
10.2.	The Vice Chair shall continue in office until the Special General Meeting of the Council held in May every second year from the Statutory General Meeting and shall be eligible for re-election.
11. Sub-Committees	
11.1.	Committees of the Council may appoint, with the consent of the Council, Sub-committees.

Appointment of Chair and Vice Chair	
11.2.	The Sub-committee may appoint a Chair and Vice Chair, from amongst its membership, who shall continue in office until the Special General Meeting of the Council held in May every second year from the Statutory General Meeting and shall be eligible for re-election.
11.3.	For the avoidance of doubt, the Chair and Vice Chair of a Sub-committee shall, unless otherwise agreed, be the Chair and Vice Chair of the parent Committee.
Membership	
11.4.	Sub-committees shall normally consist of Members of the parent Committee.
11.5.	Where in law it is competent to appoint persons to the Sub-committee who are not Members of the Council, such persons shall not be appointed to membership of a Sub-committee except with the consent of the Council.
11.6.	A person appointed to a Sub-committee who is not a Member of the Council will remain a member of the Sub-committee until the next ordinary election of Councillors, subject to their right to resign or their removal by the nominating body.
11.7.	A Committee, when remitting or referring any matter to a Sub-committee, may add additional Members of the Council, who are not Members of the Committee, to the membership of a Sub-committee, with the consent of the Council.
12. Conduct at Meetings	
Councillors' Code of Conduct	
12.1.	All Members and co-opted Members of Committees, Sub-committees, panels and working groups must comply with the terms of the Councillors' Code of Conduct made by Scottish Ministers in terms of the Ethical Standards in Public Life (Scotland) Act 2000.
Register of Interests	
12.1.	The Chief Executive shall keep a register of interests made by Members, including co-opted Members.
12.2.	The register of interests shall be open to inspection by members of the Public.
Standing While Speaking*	
12.3.	At General Meetings of the Council, Members shall stand when speaking, and shall address the Convener.

Addressing Speakers	
12.4.	In addressing officers or Members at Meetings, no officer or Member shall use the first name or names alone of the officer or Member being addressed or referred to.
12.5.	In referring to or addressing the Chair, the officer or Member shall address the Chair as "Chair".
12.6.	In the case of the General Meeting of the Council, addressing the Chair as "Convener" is also acceptable, where the Convener is in the Chair.
Obstructive or Offensive Conduct	
12.7.	If any Member at any Meeting disregards the authority of the Chair, or behaves obstructively or offensively, a motion may then be moved and seconded to suspend the Member for the remainder of the Meeting.
12.8.	The motion shall be put to the Meeting without discussion and, if supported by a majority of those present and voting, shall be declared carried, whereupon the Member shall withdraw from the Meeting room.
12.9.	Should the Member refuse to withdraw from the Meeting room, the Chief Executive will make arrangements to implement the decision of the Meeting.
Failing to Attend Meetings	
12.10.	If a Member does not attend any Meeting of the Council within a period of six consecutive months, the Chief Executive must report this to the Council, unless leave of absence has been granted to the Member.
12.11.	If the Council is not satisfied as to the cause of the failure to attend, the Member will cease to be a Member of the Council.
12.12.	The Member will not cease to be a Member of the Council if the absence is due to the Member having been suspended by the Standards Commission.
13. Proceedings at Meetings	
Order of Business	
13.1.	The order of business at every General Meeting of the Council shall be as follows:
13.1.1.	The names of the Members present at the Meeting shall be taken and apologies for absence given.
13.1.2.	The Convener will advise of any item of business which has been withdrawn from the Agenda.
13.1.3.	The Convener will advise of any requests that urgent business be considered, and shall advise of his/her decision as to whether and when, if relevant, the urgent business will be considered.

	13.1.4.	The Convener will ask Members whether they have an interest to declare in relation to any item on the Agenda.
	13.1.4.1.	Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest, include some information on the nature of the interest and confirm whether or not s/he intends to withdraw from the Meeting room.
	13.1.4.2.	A Member must withdraw from the Meeting room, including the Public gallery, where s/he has declared an interest that prevents him/her from participating in the discussion of, and voting on, the item.
	13.1.5.*	The Minute of the last Meeting of the Council shall be held as read and submitted for confirmation.
	13.1.6.*	The Minutes of Meetings of Committees will be considered.
	13.1.7.	Any other business intimated on the Agenda to be considered.
	13.1.8.	Any business required by law to be considered.
	13.1.9.	Any Notices of Motion, in the order received by the Chief Executive.
Variation of Order of Business		
13.2.	The order of business at a Meeting shall be as specified on the Agenda, unless changed by the Chair in order to facilitate the conduct of the Meeting.	
Urgent Business		
13.3.	Business which has not been specified on the Agenda may be considered provided that, in the opinion of the Chair, the business is relevant, competent and urgent.	
13.4.	A request for an urgent item to be considered must be submitted, in writing, to the Chair prior to commencement of the Meeting, together with a written explanation of the reason for urgent consideration, which will be recorded in the Minute.	
14. Agenda Management		
General Principles		
14.1.	In order to ensure that the Council receives appropriate and necessary advice before making decisions, Agendas shall consist of reports from the Chief Executive, Executive Directors and Statutory Officers.	
14.2.	Reports will be prepared in accordance with the format for the preparation of Committee reports approved by the Chief Executive.	

14.3.	Reports must be lodged, in completed form, with the Chief Executive by the dates specified, namely 12:00 three working days prior to the day on which the Agenda is to be issued.
14.4.	Should the Chief Executive not receive a completed report by the date specified, s/he will leave the item off the Agenda, unless, in the opinion of the Chief Executive, the report writer can show good cause as to why the report has not been completed and lodged by the date specified.
14.5.	All business before the Council which is the subject of a written report will be introduced by the relevant officer in terms of Standing Order 14.1 above, or his/her representative.
14.5.1.	Members will then have the opportunity to ask questions, seek clarification or request any further information on the content of the report and/or its recommendations.
14.5.2.	It will not normally be permissible to move a motion or an amendment at this stage.
14.56.	Once a report has been introduced and the Chair decides that all questions have been answered, and further information given, the Chair will inform the Meeting that the matter is open for debate.
14.7.	A General Meeting of the Council shall only consider business remitted to a Committee and where that business has not been submitted to that Committee, in exceptional circumstances, as determined by the Chief Executive.
Member wishing to raise a matter	
14.8.	If a Member wishes to raise a matter, he should approach the relevant officer, referred to at Standing Order 14.1 above, at the earliest opportunity to establish whether the matter is to be raised in the normal course of events or whether the officer is prepared to submit a report to Committee.
14.8.1.	Should a report be submitted, the Member shall normally have the opportunity to speak on the report at Committee.
14.8.2.	If the Member is not a Member of the Committee, Standing Order 8.3 will apply.
14.9.	If it is the judgement of the officer approached in Standing Order 14.8 above that it would not be appropriate to submit a report and the Member still wishes to pursue the matter, the Member shall have the right to submit a Notice of Motion, in terms of Standing Order 17 below, together with any relevant background information for consideration by the appropriate Committee.
14.9.1.	The Notice of Motion shall be accompanied by a report from the Chief Executive or the relevant Executive Director on the implications of any suggested course of action.

	14.9.2.	A Notice of Motion which suggests a course of action contradictory of a resolution made by the Council within the preceding 12 months shall conform with Standing Order 17.6 below.
14.10.		The final decision on the submission of any item to Council shall rest with the Chief Executive, other than in cases where the Council has instructed, formally, that a report should be submitted.
15. Minutes		
Preparation of Minutes		
15.1.		The Chief Executive shall prepare the Minutes of Meetings of the Council, its Committees and Sub-committees and any other Meetings at which Members are represented, as may be determined by the Chief Executive.
15.2.		The Minutes shall record the names of the Members who attended the Meeting and will contain a summary of the business of the Meeting, as may be determined by the Chief Executive.
Accuracy of Minutes		
15.3.		The Chair and Vice Chair will normally propose and second the Minute as a true record, unless either were not present, in which case any Member present at the Meeting can either propose or second the Minute as a true record.
15.4.		If a question arises at a Meeting as to the accuracy of a Minute, the question shall be determined by the Members who were present at the Meeting to which the Minute relates and are present at the Meeting at which the matter is raised.
15.5.*		In the event that a correction to the Minute would result in the substantial alteration of a recommendation, Standing Order 16.4 will apply.
Dissent		
15.6.		A Member who wishes his/her dissent from a decision of the Council to be minuted must request that his/her dissent be recorded immediately following the decision.
16. Motions and Amendments		
16.1.		A motion and an amendment must be proposed by a Member, and seconded by another Member.
16.2.		If requested by the Chair and prior to any vote being taken, a motion or amendment shall be put in writing and handed to the Clerk to the Meeting who shall, if requested by the Chair, read the motion or amendment to the Meeting.
16.3.		Every amendment must be relevant to the motion on which it is moved; its relevancy shall be decided by the Chair.

Amendments at General Meetings of the Council*	
16.4.	A Member who wishes to propose an amendment to the recommendations of a Committee, whose Minutes will be considered at a General Meeting of the Council, shall submit such amendment, in writing, to the Chief Executive, no later than 12:00 on the day before the General Meeting.
16.5.	The Convener may accept further amendments at the General Meeting of the Council, but only if the further amendment is relevant to the item for which an amendment was pre-notified in terms of Standing Order 16.4 above.
Consideration of Recommendations at General Meetings*	
16.6.	Recommendations contained within the Minute of a Committee shall be deemed to be approved in the absence of any amendment being formally moved to the contrary.
16.7.	A recommendation contained within the Minute of a Committee should not normally be overturned on the first occasion at which it is submitted to a General Meeting of the Council.
16.8.	A Member, who has submitted an amendment, in terms of Standing Order 16.4 above, should normally move that the matter be referred back to the Committee for further consideration.
Recommendation to be taken as the Motion	
16.9.	The recommendations contained in a report shall normally be taken as the motion, provided that these recommendations are moved and seconded.
Motions and Amendments with Financial Consequences	
16.10.	A motion or amendment which proposes either expenditure by the Council, or a reduction in its income, shall not be competent unless the motion or amendment:
	16.10.1. Identifies the source of funding to meet the additional expenditure or to compensate for the income lost. Or
	16.10.2. Seeks referral of the identification of funding to the next Meeting, or to the Policy and Resources Committee.
16.11.	A motion or amendment which identifies the source of funding as the Council's reserves shall not be competent without advice being provided to the Meeting by the Chief Financial Officer or his/her representative.
Moving and Seconding	
16.12.	A Member shall not move or second more than one motion or amendment on a single issue.
16.13.	It is competent for a Member:

	16.13.1.	Who has moved or seconded a motion to approve and adopt the Minute of any Meeting to thereafter move or second an amendment to any of the recommendations in the Minute.
	16.13.2.	If a motion or amendment has subsequently been withdrawn, to move or second another motion or amendment on the same issue.
	16.13.3.	If a motion or amendment subsequently falls due to a lack of a seconder, to second another motion or amendment on the same issue.
Withdrawal of Motions or Amendments		
16.14.	A motion or amendment once proposed shall not be altered or withdrawn without the consent of the mover and seconder.	
Motions or Amendments subsequently withdrawn		
16.15.	A motion or amendment withdrawn after being seconded shall not be recorded in the Minute.	
Consideration of One Amendment only		
16.16.	Only one amendment can be moved and seconded at one time.	
16.17.	No further amendment will be moved until the Council has dealt with the amendment under discussion.	
16.18.	Notice of any further amendments must be given before the vote is taken on the first amendment, and the Chair shall give an opportunity for such notice to be given.	
Further Amendments		
16.19.	If an amendment is defeated, other amendments, for which notice has been given under Standing Order 16.18 above, can be moved on the original motion.	
16.20.	If an amendment is carried, the amendment will replace the original motion.	
16.21.	Any further amendment can then be moved on the new motion.	
16.22.	Any further amendment must be relevant to the motion on which it is moved and be substantially different to the original motion or the new motion.	
16.23.	The Chair shall have exclusive discretion to determine whether an amendment is relevant to the motion on which it is moved or is substantially different to the original motion or the new motion.	

Speaking to Motions or Amendments	
16.24.	A Member shall not address the Council more than once on any issue under discussion, with the exception of a point of order or, with the consent of the Chair, to make an explanation or correction as to points of factual inaccuracy.
16.25.	The movers of any motion and amendment shall have a right of reply, prior to the vote being taken.
16.25.1.	In exercising his/her right of reply, a Member will confine himself/herself to answering points made by previous speakers, and shall not introduce any new matter.
Closure of Discussion	
16.26.	After the reply by the mover of a motion is concluded, the discussion shall be closed, and no further points may be made, with the exception of points of order, or a question regarding the manner of taking the vote.
16.27.	The matter shall then be put to the Meeting by the Chair.
Motion that the “Question Be Now Put”	
16.28.	A Member who has not spoken on an item may propose “that the question be now put”.
16.29.	If this motion is seconded, and the Chair considers that the matter has been discussed sufficiently, s/he will order a vote, by a show of hands, to be taken on the motion.
16.29.1.	No amendment or discussion will be competent at this stage.
16.30.	If the motion is carried, the movers of any motion and amendment will have a right of reply, and the question itself will then be put to the Meeting.
16.31.	If the Chair is of the view that the matter has not been discussed sufficiently, s/he may refuse to accept the motion “that the question be now put”.
17. Notice of Motion	
Form of Notice of Motion	
17.1.	A Notice of Motion must be in writing, signed by a Member of the Council and, subject to Standing Order 17.6 below, countersigned by one other Member.
17.2.	A Notice of Motion must be received by the Chief Executive at least 14 Clear Days prior to the date of any Meeting of the Council, in order for the Notice of Motion to be included within the business of that Meeting.
17.3.	In accordance with Standing Order 14.9.1 above, the Notice of Motion shall be accompanied by a report from the Chief Executive or the relevant Executive Director on the implications of any suggested course of action.

Failure to move Motion of which Notice has been given	
17.4.	If a Motion which is specified in the Agenda is not moved by the Member who has given notice, or by another Member on his/her behalf, and seconded by another Member, that Notice of Motion shall, unless deferred by the Council, be considered as withdrawn.
Motion Contradictory of Previous Decision	
17.5.	The Chief Executive will not accept a Notice of Motion which is contradictory of a previous decision or resolution of the Council, within 12 months from the date of adoption of that resolution.
17.6.	The Chief Executive may, however, accept a Notice of Motion, in terms of Standing Order 17.5 above, if the Notice of Motion:
17.6.1.	Is in writing.
17.6.2.	Is signed by the Member of the Council giving notice. And
17.6.3.	Is countersigned by at least six other Members.
18. Speeches	
18.1.	A speech by the mover of a motion or an amendment will not be longer than 5 minutes.
18.2.	During debate, a Member must direct his/her speech to the matter under discussion and shall speak for no more than 5 minutes.
18.3.	The mover of the original motion, together with the mover of any amendment, shall have the right to speak for 5 minutes in reply.
18.4.	The time limits referred to in Standing Orders 18.1 to 18.3 above may be exceeded with the consent of the Chair.
19. Points of Order, Information and Personal Explanations	
19.1.	If a Member wishes to make a point of order or give a point of information or a personal explanation s/he will be entitled to be heard immediately.
19.2.	A point of order must only relate to a Standing Order or legal provision that the Member thinks has been broken. The Chair will ask the Member to specify the Standing Order or legal provision and say how s/he thinks it has been broken.
19.3.	When giving a point of information, a Member must briefly give information to correct an alleged inaccuracy in a speech about the matter.
19.4.	When giving a personal explanation, a Member will only explain the part of his/her former speech, which seems to have been misunderstood in the present debate.
19.5.	The Chair's ruling on a point of order, point of information or personal explanation will not be open to discussion.

20. Adjournment of Meetings	
20.1.	A motion to adjourn a Meeting may be made at the conclusion of any speech and shall have precedence over all other motions.
20.2.	The motion to adjourn must be moved and seconded and shall at once be put by the Chair to the Meeting in the form of “adjourn” or “not adjourn”.
20.3.	There will be no amendment to, or discussion of, the motion to adjourn, and it must be agreed by a majority of the Members present and voting.
20.4.	All Meetings will adjourn at or before 17:00.
21. Voting	
21.1.	Unless the law or these Standing Orders say otherwise, all matters before the Council will be decided by a majority of the Members voting.
Form of Voting	
21.2.	A vote may be taken by the following methods:
21.2.1.	By a show of hands.
21.2.2.	By calling the roll.
21.2.3.	By secret ballot. Or.
21.2.4.	By electronic voting (where available and in operation).
21.3.	Subject to Standing Order 22.7 below and notwithstanding Standing Order 4 above, the usual method of voting at meetings of the Council and Service Committees will be by calling the roll.
21.4.	Subject to Standing Order 22.7 below, and notwithstanding Standing Order 4 above, the usual method of voting at all other meetings not falling within Standing Order 21.3 above, will be by a show of hands.
21.5.	Notwithstanding Standing Order 21.3 above, all voting on procedural matters will be by a show of hands.
21.5.1.	A procedural matter includes, but is not restricted to: <ul style="list-style-type: none"> • Proposing that the Public be excluded for the consideration of exempt business. • Proposing “that the question be now put”, as detailed in Standing Order 16.28 above. • Proposing the suspension of a Standing Order. • Proposing an alternative method of voting.
21.6.	A Member may request that the vote be taken other than by the usual method and, if a majority of Members present vote in favour, the vote shall be taken by one of the alternative methods at Standing Order 21.2 above, whichever is requested by the Member.

21.7.	All votes on the method of voting shall be taken by a show of hands.
Calling the Roll	
21.8.	Calling the roll will be undertaken by the Chief Executive by calling the names of those Members present and entitled to vote, in a random order, with the Member responding “motion”, “amendment” or “abstain”.
21.9.	The name of each Member voting and the manner in which they voted will be recorded in the Minute.
Electronic Voting	
21.10.	Where an electronic voting system, approved by the Council, is available and in operation, Standing Orders 21.12 to 21.14 will apply with regard to the method of voting.
21.11.	Standing Orders 21.1 to 21.7 will apply where no electronic voting system is available and in operation.
21.12.	Subject to Standing Order 22.7 below, the usual method of voting will be by electronic voting.
21.13.	A Member may request that the vote be taken other than by use of the electronic voting system and, if a majority of Members present vote in favour of taking a vote other than by use of the electronic voting system, the vote shall be taken by one of the alternative methods at Standing Order 21.2 above, whichever is requested by the Member.
21.14.	All votes on the method of voting shall be taken by use of the electronic voting system.
Casting Vote of Chair	
21.15.	If there is an equal number of votes, the Chair will have, in addition to his/her deliberative vote, a casting vote except:
	21.15.1. Where the vote relates to the appointment of a Member to an office, in which case the matter will be determined by lot. Or.
	21.15.2. Where the matter relates to the removal from office of the Convener, Leader, Depute Leader, Chair or Vice Chair, which, subject to Standing Orders 22.15 and 22.16, requires a simple majority notwithstanding Standing Order 5.
22. Appointments	
Nomination for Election of Office Bearer	
22.1.	Candidates duly nominated for election to the offices of Convener, Leader, Depute Leader and Chair of Committees shall, if they so choose, be permitted to speak once in support of their nomination to office.

22.2.	Candidates exercising their right to speak shall have the opportunity to do so in the order in which their names have been duly nominated.
22.3.	Any such speech shall be made immediately following any speeches by all of the movers and seconders of all of the candidates and prior to other Members who have not already spoken.
22.4.	A candidate's speech shall be limited to 5 minutes.
22.5.	Candidates who choose not to speak shall remain eligible for election to the office for which they have been duly nominated.
22.6.	A candidate who has been nominated for office but is absent from the Meeting shall remain eligible for election.
Process for Making Appointments or Nominations	
22.7.	In the making of appointments or nominations by the Council, where the number of candidates is greater than the number of vacancies, a vote shall be taken by secret ballot.
22.8.	A Member will be entitled to vote for as many candidates as there are vacancies.
22.9.	A Member must not vote more than once for any one candidate in any ballot.
Where One Vacancy Exists	
22.10.	Where only one vacancy requires to be filled and one candidate has an absolute majority of the votes cast, that candidate will be declared elected, nominated or appointed, as the case may be.
22.11.	Where there are more than two candidates and the first vote does not produce an absolute majority in favour of any candidate, the name of the candidate having least votes will be removed from the list of candidates, and a fresh vote will take place.
	22.11.1. This process will continue until one candidate has a majority of the votes cast.
22.12.	Where there is an equal number of votes for the candidates having least votes, an extra vote will be taken between those candidates.
	22.12.1. The name of the candidate receiving fewest votes will be removed from the list of candidates.
	22.12.2. If an equal number of votes remains, the candidate to be removed from the list of candidates will be determined by lot.
Where Two or More Vacancies Exist	
22.13.	Where the number of vacancies exceeds one and where the number of candidates exceeds the number of vacancies, then the "first past the post" method of voting shall apply, subject to the following provisions:

	22.13.1.	The number of candidates amounting to the same number as there are vacancies and receiving the highest number of votes cast shall be held to be duly elected, nominated or appointed, as the case may be.
	22.13.2.	Where there is an equal number of votes between two or more candidates which affect such election, an extra vote will be taken between those candidates, whereby the candidate receiving the highest number of votes cast shall be held to be duly elected, nominated or appointed, as the case may be. And.
	22.13.3.	In the event that Standing Order 22.13.2 still produces an equality of votes, the decision will be by lot, whereby the first named candidate drawn shall be held to be duly elected, nominated or appointed, as the case may be, followed by the second named candidate, should there be more than two candidates with an equality of votes, until the number of candidates amounts to the same number as there are vacancies.
Limitation on Appointments		
22.14.		A Member shall be entitled to hold only one office of Chair of a Standing Committee and be entitled to receive only one special payment for being a chairperson.
Removal from Office of Convener, Leader, Depute Leader or Chair		
22.15.		Any motion to remove from office the Convener, Leader, Depute Leader or Chair of a Standing Committee of the Council shall, if proposed and seconded, stand adjourned without discussion to the next General Meeting of the Council.
Removal from Office of Vice Chair		
22.16.		Any motion to remove from office the Vice Chair of a Standing Committee shall, if proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of that Committee.
Procedure at Meeting to Remove from Office		
22.17.		Any motion in terms of Standing Orders 22.15 and 22.16 above will form the first item of business at the next applicable Meeting.
22.18.		Following debate, a decision as to whether an office bearer should be removed from office shall be decided by simple majority, following a secret ballot.
Ending Office		
22.19.		Anyone who ceases to be a Member of the Council will also cease to be a Member of all Committees, Sub-committees, panels and working groups to which s/he has been appointed by the Council.

Appointment of Chief Officers	
22.20.	The processes which apply to the appointment of Chief Officers are set out in the Protocol which forms Appendix 4 to these Standing Orders.
23. Revoking Previous Resolutions	
23.1.	A motion or amendment shall not be competent if it is contradictory of a previous decision or resolution of the Council made within 12 months of the date of adoption of that resolution or decision.
Reviewing Decision within 12 Months	
23.2.	Notwithstanding Standing Order 23.1 above, it will be competent for the Council to review a decision before the end of the 12 month period provided that the Chief Executive is satisfied that a material change of circumstances has occurred.
Material Change of Circumstances	
23.3.	A material change of circumstances may include the following:
23.3.1.	Where there has been a new development which has a bearing on the original decision or that an important piece of information has become available since the original decision was made. Or.
23.3.2.	If the change had taken place before the Council took its decision or, had the Council known all the facts relevant to the decision, the change of circumstances would have influenced its judgement and the Council might reasonably have taken a different decision.
23.4.	The material change of circumstances will be recorded in the Minute.
24. Suspension and Alteration of Standing Orders	
24.1.	A Standing Order may only be suspended, in relation to a specific item of business, if two-thirds of the Members present, rounded up to the nearest whole number, so agree.
24.2.	No amendment will be taken against a motion to suspend Standing Orders, and the vote, by a show of hands, will be taken immediately.
24.3.	None of these Standing Orders can be rescinded or altered, nor additional Standing Orders created, unless a resolution to do so is passed:
24.3.1.	After notice has been given at a previous General Meeting of the Council by the Chief Executive. Or.
24.3.2.	After consideration of a report to the Council by the Chief Executive.
24.4.	Standing Orders 24.1 and 24.3 cannot be suspended.

25. Deputations	
25.1.	A deputation allows members of the Public to raise issues of concern with the Council either on an individual basis or on behalf of a third party.
	25.1.1. A deputation is not available to Members, as the procedures at Standing Orders 5.8, 14.8 and 17.1 above apply.
25.2.	A deputation may apply to the Chief Executive to make submissions to the Council.
	25.2.1. The deputation must be in writing, duly signed, and provide sufficient detail of the matters on which it wishes to be heard.
	25.2.2. The deputation shall not exceed 3 persons.
25.3.	On receipt of a request for a deputation, the Chief Executive shall liaise with the Convener, together with the Chair and the Vice Chair of the Service Committee and/or ward Members, as appropriate.
	25.3.1. The Chief Executive shall determine whether or not the request for a deputation shall be granted.
25.4.	If the request is granted, the Chief Executive will determine the date and time for the deputation to be heard by the Council.
25.5.	A maximum period of 10 minutes shall be allowed for the deputation to present its case.
25.6.	It is competent for Members to put questions to the deputation which relate to the subject on which the deputation has been heard.
	25.6.1. The time available for such questions shall not exceed 10 minutes (over and above the maximum period of 10 minutes allowed to receive the deputation at Standing Order 25.5 above).
	25.6.2. A Member shall not, however, express an opinion, or discuss the subject, until the deputation has completed its submission.
26. Petitions	
Definition of Petition	
26.1.	A petition allows members of the Public to raise issues of concern with the Council either on an individual basis or on behalf of a third party.
26.2.	A petition is not available to Members, as the procedures at Standing Orders 5.8, 14.8 and 17.1 above apply.
26.3.	A valid petition should:
	26.3.1. Be concerned with the functions of the Council and issues of concern with some or all of the residents of Orkney.

	26.3.2.	Bear the signatures of not fewer than 20 members of the Public who are ordinarily resident in Orkney. And.
	26.3.3.	Contain the names and addresses of those members of the Public who wish to sign it.
26.4.	A petition will not be considered valid if:	
	26.4.1.	It relates to complaints and grievances, in which case the complaints procedure shall be used.
	26.4.2.	It relates to personal matters, commercial matters, complaints regarding individual officers or employees' terms and conditions. Or.
	26.4.3.	It is vexatious, frivolous, defamatory, discriminatory or contains offensive or inappropriate language.
26.5.	Petitions concerning statutory regulatory functions, such as licensing, planning, trading standards and environmental health, including where decisions have been made, require to comply with the legislative provisions and processes that are available in terms of those regulatory regimes.	
Process following receipt of Petition		
26.6.	On receipt of a petition, the officer and/or the Member should pass the petition to the Chief Executive, who shall thereafter liaise with the Convener, together with the Chair and the Vice Chair of the Service Committee and/or ward Members, as appropriate.	
26.7.	The Chief Executive shall determine whether a report is required in order to address the terms of the petition and, if necessary, the Chief Executive will instruct the submission of that report, which will normally be heard in public.	
27. Filming, Photography and Recording of Meetings		
27.1.	Other than live audio casting and recording of Meetings by the Council, any video or sound recordings or filming or broadcasting of Meetings, or the taking of any photographs, will be subject to the express prior approval of the Chair in accordance with the Protocol which forms Appendix 5 to these Standing Orders.	
28. Phones		
28.1.	All Members shall ensure that phones are switched off or on silent during Meetings and Members shall not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Meeting. Research through the internet is permitted providing this is done in a manner which respects the authority of the Chair and does not interfere with the business of the Meeting.	

29. Monitoring Officer	
29.1.	Any Member or officer will immediately inform the Monitoring Officer, if and when he/she becomes aware, of any proposal, decision or omission which may lead to a report in terms of the Local Government and Housing Act 1989.
29.2.	A Monitoring Officer's report may be required where any proposal, decision or omission by the Council may breach or has breached the law or any statutory code of practice.
30. Standing Orders to be Given to Members	
30.1.	The Chief Executive will give each Member a printed copy of these Standing Orders when s/he declares that s/he accepts office and on each occasion when the Standing Orders are amended.
30.2.	Each Member will sign a statement to acknowledge that s/he has received the Standing Orders and agrees to comply with the provisions contained therein.

Appendix 1

Scheme of Appointment of Members to Committees

1. Committee Composition

There are 3 Committees, each comprising 12 members, as follows:

- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Planning Committee.

In addition to the above:

- All members will be allocated places on the Policy and Resources Committee.
- 3 members will be allocated places on the Integration Joint Board.
- 7 members will be allocated places on the Monitoring and Audit Committee.
- 8 members will be allocated places on the Licensing Committee.

In total, all members, with the exception of the Convener and the Leader, will serve on the following:

- Either Development and Infrastructure Committee or Education, Leisure and Housing Committee; and
- Not more than two from the following:
 - Planning Committee.
 - Monitoring and Audit Committee.
 - Licensing Committee.

2. Allocation Procedure

At the Statutory General Meeting of the Council, the Convener, the Leader and the Depute Leader will be appointed followed by the Chairs of all Standing Committees. The order of appointment of Chairs to the Standing Committees will be drawn by lot and circulated to all members along with the notice of the meeting.

Following the appointment of Chairs, the remaining 11 members of the Planning Committee will be appointed, to ensure representation from each electoral ward. Thereafter 3 members will be appointed to the Integration Joint Board, together with the remaining members of the Orkney Health and Care Committee. All other appointments are made through the allocation procedure.

Members' preferences will be adjusted, if necessary, following the appointment of chairs, in order that the committee to which they have been appointed as chair is their first choice.

The system allocates all members' first preferences, unless there are more first preferences than places on any committee, in which case members will be allocated places in an order of priority generated randomly.

The process is then repeated in respect of second choices, and so on, until all allocated spaces are filled.

Notes

Preferences in respect of any vacancy will be drawn by lot.

In the event of any anomalies in committee composition arising as a result of the Scheme, powers are delegated to the Chief Executive, in consultation with the Convener, to revise the composition in line with the general principles of the Scheme.

Appendix 2

Definition of Confidential Information

In accordance with section 50(A)(3) of the Local Government (Scotland) Act 1973, Confidential Information means:

- Information furnished to the authority by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public.

Or.

- Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

In either case the reference to the obligation of confidence is to be construed accordingly.

Appendix 3

Descriptions of Exempt Information

In accordance with Schedule 7A of the Local Government (Scotland) Act 1973, Exempt Information means information which falls within the definition of the following 15 categories:

- Paragraph 1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office-holder or applicant to become an office-holder under, the authority.
- Paragraph 2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
- Paragraph 3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
- Paragraph 4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
- Paragraph 5. Information relating to the adoption, care, fostering or education of any particular child or where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011).
- Paragraph 6. Information relating to the financial or business affairs of any particular person (other than the authority).
- Paragraph 7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).
- Paragraph 8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
- Paragraph 9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
- Paragraph 10. The identity of the authority (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
- Paragraph 11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

- Paragraph 12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with –
- (a)** any legal proceedings by or against the authority, or
 - (b)** the determination of any matter affecting the authority, (whether in either case, proceedings have been commenced or are in contemplation).
- Paragraph 13. Information which, if disclosed to the public, would reveal that the authority proposes –
- (a)** to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b)** to make an order or direction under any enactment.
- Paragraph 14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.
- Paragraph 15. The identity of a protected informant.

Appendix 4

Protocol for Appointment of Chief Officers

Appointment panels for the recruitment of the Chief Executive, Executive Director, Head of Service and Service Manager posts comprise the following:

Level of Post.	Panel Chair.	Members.	Officers.
Chief Executive.	Convener.	All Elected Members.	<ul style="list-style-type: none"> • Independent External Advisor. • Head of HR and Performance.
Executive Director.	Leader.	5 Members of Council, including Chair and Vice Chair of relevant Service Committee.	<ul style="list-style-type: none"> • Chief Executive. • Independent External Advisor. • Head of HR and Performance.
Heads of Service.	Chief Executive.	3 Members of the Council, including Chair and Vice Chair of relevant Service Committee.	<ul style="list-style-type: none"> • Chief Executive. • Executive Director (Line Manager). • One other Executive Director selected by Senior Management Team. • Head of HR and Performance.
Service Managers (Third Tier).	Executive Director.	None.	<ul style="list-style-type: none"> • Executive Director. • Head of Service (Line Manager). • Senior HR Advisor.

Decisions on appointments for the Chief Executive and Executive Directors will follow a secret ballot process, conducted in successive rounds until a two-thirds majority of those present and entitled to vote, is secured.

The Council has adopted a general policy of obtaining feedback appointment panels from a preliminary professional officer interview panel, chaired by the Chief Executive, and a stakeholder/ peer appraisal panel, through candidate presentation and panel question and answer sessions, for Executive Director and Heads of Service posts.

Appendix 5

Protocol for Audio Casting Council and Other Meetings

This Protocol has been drawn up to assist with the conduct of audio casting meetings and to ensure that, in doing so, the Council is compliant with its obligations under relevant data protection legislation.

Background

Following a decision taken by Elected Members to introduce audio casting, the first trial broadcasts were made in March 2015. Audio casting has been undertaken during each Committee cycle since June 2015. Committees currently broadcast are:

- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Monitoring and Audit Committee.
- Orkney Health and Care Committee.
- Policy and Resources Committee.
- Planning Committee.
- Local Review Body.

General Meetings of the Council are also broadcast, as are meetings of the Integration Joint Board and its Audit Committee.

Meetings are broadcast live over the internet and can be accessed via the Council website. In addition, recordings of each meeting are made available via the Council website. Whenever possible, these are made available within two working days of a meeting taking place.

Prior to the Meeting – Agenda Front Sheets and Signage

The following notice is included on the front of each agenda for designated meetings:

“Please note that this meeting will be recorded and broadcast over the Internet on Orkney Islands Council’s website. The recording will also be publicly available following the meeting and available for listening to for 12 months thereafter. The Council is a Data Controller in terms of data protection legislation. Data collected during the audio cast will be retained in accordance with the Council’s Data Protection Policy. Further information about how the Council uses your personal information and your associated rights is available on the Council’s website.”

A notice in the above terms will be displayed inside and outside the Chamber.

Operation of Microphones

Before speaking, press microphone switch to ON.

Wait to be introduced by the Chair.

Speak clearly into microphone.

Once finished speaking press microphone button OFF.

WARNING: Be aware that 'off-mic' comments could be picked up and transmitted.

Conduct of Meetings

At the start of each meeting to be broadcast, an announcement will be made by the Chair to the effect that audio casting is taking place for live and subsequent broadcast over the internet.

Cessation or Suspension of Audio Casting

No part of any meeting will be audio cast after Members have passed a resolution excluding the public because of the likely disclosure of exempt or confidential information. The Clerk to the Committee will ensure that audio casting of the meeting has ceased and will confirm this to the Chair before any discussion of exempt or confidential matters begins.

In addition, the Chair has discretion to terminate or suspend the audio cast if, in his/her opinion, continuing to audio cast would prejudice the proceedings of the meeting. Circumstances that could lead to suspension or termination of audio casting include public disturbance or other suspension of the meeting or the potential infringement of the rights of any individual.

If a technical fault develops, the meeting will continue without interruption. More often than not, the meeting will be recorded successfully, even if the live broadcast is interrupted.

Editing of Audio Cast

Editing of any content of an audio cast will only be undertaken if there is a legal reason, for instance, the name of a person in witness protection was divulged by a public speaker, confidential personal information is inadvertently disclosed or defamatory comments are made. Editing of content may also be authorised in exceptional circumstances such as if an attendee is taken ill. A log will be maintained of audio casts where content has been edited. The Chief Executive will, in consultation with the Chair of the Meeting and the Council's Monitoring Officer, make the final decision on editing any audio cast material to be broadcast or published in connection with any Council meeting. The reason for any decision to edit any audio cast material will be published.

Obscenities or Other Inappropriate Language

In the event of obscenities or other inappropriate or unacceptable language being used, the sound will be muted either live or in post-production as the Council's audio casts are accessible by people of different ages. All persons in attendance at meetings are required to behave respectfully towards others.

Other Recording or Broadcasting of Meetings

No form of photography, filming, recording or broadcasting of meetings (other than audio casting for the Council's purposes) shall take place unless express permission is given in advance by the Chair at his/her discretion.