

# Highland Council

## Standing Orders Relating to the Conduct of Meetings

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9 June 2022

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## **1. Ordinary and Special Meetings of the Council**

First meetings of the Council

At the first special meetings of the Council after the election of Councillors the following business will be undertaken:-

1. Intimation of election of Councillors.
2. Recording of Members' Attendance (noting which Councillors have executed the Declaration of Acceptance of Office).
3. Election of Convener and Vice Convener(s) of the Council.
4. Election of Leader and, if appropriate, the Depute Leader of the Council.
5. Consideration of the Council's Committee Structure.
6. Appointment, if appropriate, Chairs of Standing Committees of the Council.
7. Appointment of the Leader of the Opposition following nomination by the largest political group in opposition to the Administration.
8. Appointment, if appropriate, of Vice Chairs of Standing Committees of the Council.
9. Appointment of representatives of the Council to Joint Committees and other Statutory Bodies.
10. Other statutory or competent business.

The first meeting of the Council after the election of Councillors will be held within 21 days of the date of the election.

The election of a Member as Convener, Vice Convener, Leader of the Council, Depute Leader of the Council and Leader of the Opposition will not in any way debar them from being appointed Chair or Vice Chair of any Committees or Sub-Committees of the Council.

### **Ordinary Meetings of the Council**

The business of the Council at ordinary meetings shall normally proceed in the following order following Time for Prayer and Reflection:-

1. Recording of Members' Attendance and apologies intimated
2. Declarations of Interest
3. Minutes of the immediately preceding meeting and of any intervening special meeting.
4. Minutes of Headquarters Committees and City/Area Committees (including any Notices of Amendment under Standing Order 13 which will be dealt with on submission of the Minutes to which they refer).
5. Policy Items including, at 2pm, Questions and Notices of Motion
6. Procedural, statutory and business type items.

Notwithstanding the above, the Head of Legal and Governance may, in consultation with the Convener, change the order of business at any Council meeting if they consider it appropriate to do so.

### **Special Meetings of the Council**

A Special Meeting of the Council will be called by the Head of Legal and Governance on -

(a) the request of the Convener of the Council; or

(b) receipt of a requisition in writing for that purpose (for the avoidance of doubt, only individual emails from Members and/or individual written signatures will be accepted for such requisitions) stating the business proposed to be transacted at the meeting and signed by at least a quarter of the membership (i.e. 19 Members of the Council, the relevant number in the case of a Committee being subject to a minimum of 3) and the meeting will be held within 14 days of receipt of the requisition by the Head of Corporate Governance.

In the case of a Special Meeting called at the request of the Convener of the Council, where it appears to the Convener that the item of business demands special urgency, the Head of Legal and Governance may call the meeting without giving the 7 days' notice provided every effort is made to contact Members to give them as much notice as possible before the meeting.

## **2. Calling of Meetings**

Notice of the place, date and time of meetings of the Council and Committees (including agendas and reports) will be emailed to every member of the Council by or on behalf of the Head of Legal and Governance not later than the 10th day before the meeting.

In the event that a report accompanying an agenda item is not distributed in accordance with the paragraph above (i.e., on the 10th day before the meeting) it may, if required, be circulated subsequently with the agreement of the Committee Chair, Convener, and Head of Legal and Governance.

Meetings of the Council will be held at Council Headquarters on the days and times fixed by the Council or at such place and time as may be otherwise fixed by the Convener in consultation with the Head of Legal and Governance.

Meetings of Committees will be held at Council Headquarters on the days and at the times fixed by the Council, unless agreed otherwise by the Committee or by the Chair of the Committee for special reasons having consulted with the Convener of the Council and the Head of Legal and Governance. The powers of the Chair of the Committee under this Standing Order include power to cancel an ordinary meeting if it appears, after such consultation, that there is insufficient business to justify the holding of a meeting or, in the case of a virtual meeting, where technical problems are likely to disrupt the proper conduct of the meeting, it may be postponed to another time or day.

Public Notice of a meeting of the Council will be given by posting a Notice outside Council Headquarters, (or outside any other place where the meeting is to take place) and on the Council Website at least 4 clear working days before the meeting or, if the meeting is convened at shorter notice, at the time it is actually convened. The notice will include the date, time and place of the meeting and information on the availability for inspection of the Agenda and accompanying reports.

The Agendas and accompanying reports will be available for public inspection during working hours at the office where the Notice is posted and will be published on the Council's Website at least 3 clear days before the meeting.

Want of service of a Notice of Meeting on any Member of the Council shall not affect the validity of the meeting.

### **3. Recording of Members' Attendance**

The Head of Legal and Governance, or a member of the Council's staff acting as Clerk to the Meeting, will record the names of the Members present at each meeting of the Council, as well as those who have submitted apologies for absence.

This will be undertaken at the start of all meetings and also following the lunch recess (where applicable) with attendance statistics being published on the Council Website thereafter.

### **4. Non-Members of Committee/Substitute Members**

Non-Members of Committees and Sub Committees can attend meetings and may be given the opportunity to speak (but, with the exception of Substitute Members not vote) at the discretion of the Chair.

With specific reference to Planning Applications Committees, Local Members may only speak to express their own assessment of the planning merits of an application. Speaking rights cannot be used to make representations on behalf of constituents or other parties.

For Planning Application Committees, 1 Substitute Member can be nominated from each Ward to provide cover in the event that a Substantive Member is unable to attend or a vacancy exists for that Ward.

Notification of the attendance of a Substitute Member must be given to the Head of Legal and Governance at least 3 working days in advance of the meeting date.

For all other meetings, if a substitute Member from any Group is to attend a meeting, notification must be given to the Head of Legal and Governance no later than 24 hours in advance (other than in exceptional cases) of the meeting taking place in order that the necessary arrangements can be made for their attendance.

For clarification, each Group within the Council is able to specify more than 1 Substitute Member if necessary for the following Strategic Committees – Corporate Resources Committee, Education Committee, Health, Wellbeing and Social Care Committee, Economy and Infrastructure Committee, Communities and Place Committee, Housing and Property Committee and the Audit & Scrutiny Committee

And for the other Committees – Climate Change Committee, Gaelic Committee and Pensions Committee.

Substitute Members will also be permitted for Sub Committees (other than those dealing with regulatory or staffing issues) on the basis that the Substitute Member in each case will be from the Parent Committee.

## **5. Members of Press/Public**

Members of the Press and public are welcome to attend meetings of the Council and its Committees. In the case of virtual meetings, the Council and Strategic Committees can be viewed live via webcasting. For area committees, recordings of the meetings are published through the Council's YouTube channel. However, in exceptional cases, the Council or any Committee will resolve that members of the Press and public be excluded from the meeting where confidential business or business containing exempt information will be disclosed, all as defined in the 1973 Act.

## **6. Quorum**

No business will be transacted at a meeting of the Council unless at least 19 Members (i.e. one quarter) of the Council are present. In the case of any Committee, Sub-Committee or other Group, the quorum will be one quarter of the membership, subject to a minimum of 3.

If within 10 minutes after the time appointed for a meeting of the Council, a quorum is not present, the Convener/Chair will adjourn the meeting to a time the Convener/Chair may then or afterwards fix and in the event of the Convener/Chair being among those absent, the Head of Legal and Governance or their representative will record that owing to the lack of the necessary quorum no business could be transacted.

If during any meeting of the Council/Committee the attention of the Convener/Chair is drawn to the number of Members present, the Convener/Chair shall, unless it is apparent that a quorum is present, direct the roll to be called and if it is found that there is not a quorum present then the meeting shall end at that point.

Subject to the provisions of the 1973 Act, no item of business will be transacted at a meeting of the Council/Committee if in consequence of the provisions of Section 38 of that Act (disability of Members from voting on account of an interest in contracts etc.) less than a quorum of the Council is entitled to vote on that item.

## **7. Declarations of Interest**

Members must adopt the 3-stage approach (Connection – Interest – Participation) set out in section 5 (Declaration of Interests) of the Councillors' Code of Conduct.

A Member will declare their interest as early as possible in meetings. Where they have declared an interest, they must withdraw from the meeting room (including from any public gallery). They must not participate in any way in those parts of meetings where they have declared an interest. If the meeting is being held online, the member must retire to a separate breakout room or leave and re-join after the discussion on the matter has concluded. It is not sufficient for them to turn off their camera and/or microphone for the duration of the matter.

When making a declaration, a member should provide enough information for those at the meeting to understand why they are making a declaration.

Members should consider whether it is appropriate for transparency reasons for them to state publicly in the meeting where they have a connection, which they do not consider amounts to an interest. Such a statement is referred to in these Standing Orders as a "transparency statement."

## **8. Order of Business/Urgent Business**

Except in the case of business brought before the meeting which is certified by the Convener or Chair as urgent in terms of the 1973 Act, no business will be transacted at a meeting other than that specified on the Agenda for the meeting.

It shall be in the sole discretion of the Convener or Chair to decide whether any business not specified on the Agenda should, by reason of special circumstances, be considered as a matter of urgency and such special circumstances must be specified in the Minutes.

## **9. Power to Vary Order of Business**

The business of a meeting of the Council or a Committee shall be conducted in the order set out on the Agenda for the meeting, provided that any item of business may, with the consent of the meeting, be taken out of its place.

## **10. Convener - Powers and Duties**

At a meeting of the Council, the Convener (or in the event of the Convener's absence, a Vice Convener) will preside.

In the case of a Committee, the Chair (or in the event of the Chair's absence, the Vice Chair) will preside.

If the Convener and both Vice Conveners are absent, the Chief Executive will preside until the Members of the Council choose one of their number to preside.

In the case of a Committee, if the Chair and Vice chair are both absent, the Committee Clerk will preside until the members of the committee choose one of their number to preside.

Deference shall at all times be paid to the authority of the Convener or Chair and on all points of order, competency and relevancy, their ruling shall be final and not open to discussion.

This includes discretion to rule on all questions of procedure where no express provision is made under these Standing Orders. When the Convener or Chair rises to speak, any member of the Council who is addressing the meeting must resume their seat. It is the duty of the Convener or Chair to preserve order and to ensure that Members obtain a fair hearing.

Members shall at all times conduct themselves in a respectful and orderly manner. Any member who fails to respect the authority of the Chair may be required by the Convener or Chair to leave meeting.

In the event of disorder, the Convener or Chair has absolute discretion to adjourn the meeting and by quitting the Chair will bring the meeting to an end.

All powers and duties of the Convener/Chair in terms of these Standing Orders shall, in the absence of the Convener/Chair, or in the event of the Convener/Chair being



unable to act for any reason, be exercised by the Vice Convener/Vice Chair of the Council/committee.

The Convener or Leader of the Council may be removed from office before the date of the next ordinary election of the Council provided that a majority of the Members of the Council present and voting so decide. No proposal to remove the Convener or Leader from office shall be made without notice being given at one meeting of the Council to be discussed at the following one.

### **11. Questions**

A Member may submit to the Leader of the Council, Depute Leader of the Council or Chair of a Committee, for consideration at an ordinary meeting of the Council, one written, relevant and competent question (in addition to individual written questions, individual emails from Members will also be accepted) relating to the business of the Council, to be answered in writing by the recipient in advance of the meeting. The Leader of the Opposition will be entitled to ask two individual questions at an ordinary meeting of the Council.

Questions and supplementary questions must not refer to individual planning or licensing matters or any matter of a personal nature such as employment/staffing issues including raising any adverse matters relating to the performance, conduct or capability of employees. In addition, questions must not be substantially the same as a question which has been put at a meeting of the Council in the previous 6 month period, must not be defamatory, frivolous, vexatious or offensive and must not require the disclosure of confidential or exempt information.

For the avoidance of doubt, the Convener will rule on issues of competency and relevancy.

The answers will be circulated to the other Members of the Council.

Any such question must be sent to the Head of Legal and Governance and received not later than 14 days prior to the meeting of the Council concerned and no later than 5pm on the final day. In calculating the 14 days notice, the day of the meeting will be excluded.

At the meeting, the Member who submitted the written question, having received a written answer, may ask orally one brief supplementary question, directly bearing on the subject matter of the original question, which shall be answered by the Leader of the Council, Depute Leader of the Council or relevant Chair as appropriate. For the avoidance of doubt, Supplementary Questions will only be dealt with from Members present at the meeting, either in the Chamber or virtually.

Where Members are informed that a reply to a supplementary question will follow, then this will be circulated to all Members and published with the minutes of the meeting.

No discussion shall be allowed on any question, principal or supplementary.

### **11a. Question Time (Public)**

A member of the public may submit, for consideration at an ordinary meeting of the Council, a written question to the Leader of the Council, Depute Leader of the Council or Chair of a Committee concerning the business of the Council.

Any such question must be sent to the Head of Legal and Governance and received not later than 14 days prior to the meeting of the Council concerned and no later than 5pm on the final day. In calculating the 14 days notice, the day of the meeting will be excluded.

At the meeting, the member of the public who has submitted the question may choose to ask it in person and in so doing receive a spoken as well as a written response. Questions will be delivered at the meeting exactly as submitted.

Questions must not refer to individual planning or licensing matters or any matter of a personal nature such as employment/staffing issues, including raising any adverse matters relating to the performance, conduct or capability of employees. In addition, questions must not be substantially the same as a question which has been put at a meeting of the Council in the previous 6 month period, must not be defamatory, frivolous, vexatious or offensive and must not require the disclosure of confidential or exempt information.

For the avoidance of doubt, the Convener will rule on issues of competency and relevancy.

A 20 minute time allocation will be allowed at ordinary Council meetings for questions from members of the public.

### **12. Notices of Motion**

A relevant and competent Notice of Motion for submission to a future meeting of the Council (or Area Committee) will be in writing, signed by the Member of the Council giving the Notice and counter-signed by 1 other Member (entitled to exercise a deliberative vote in respect of the Motion) and sent to the Head of Legal and Governance. (Only individual emails from Members and/or individual written signatures will be accepted in each case).

For the avoidance of doubt, the Convener will rule on issues of competency and relevancy.

Such a Notice of Motion must be received not later than 14 days prior to the meeting of the Council (or Area Committee) and no later than 5pm on the final day. In calculating the 14 days notice, the day of the meeting will be excluded.

The first signatory on the Notice of Motion will be entitled to speak for up to 5 minutes, all other Members wishing to speak on the Motion will be limited to a maximum of 3 minutes.

The total time allowed to debate each individual Motion will be 30 minutes, after which time the Convener/Chair will move to the next item or to a vote.

At the conclusion of the 30 minute period the Convener will ask if any Member wishes to move an amendment. In the event that an amendment/s is moved and seconded, the Convener will ask the proposer/s to speak for a maximum of 5 minutes and the original proposer will be asked to sum up at the end for a maximum of five minutes. The meeting will then proceed to the vote.

The total time allowed for Notices of Motion at any individual meeting, including the time taken for votes, will be 2.5 hours.

If a Notice of Motion is not reached, it will be referred to the next meeting of the Council (or Committee) at the request of the original proposer and will be given priority in terms of the order of Motions to be taken forward to the meeting.

The order in which any Motions not already tabled will be taken on the Agenda will be determined by the Head of Legal and Governance through the drawing of lots.

Where relevant, Notices of Motion and Starred Items coming before Council (and Notices of Motion coming before Area Committees) for consideration shall be accompanied with a factual assessment completed by the "Chief Financial Officer" being the person designated by the Council for the purpose of Section 95 of the 1973 Act identifying whether there are financial implications arising from adopting the Motion/Starred Item. If financial implications have been identified, the proposal will be referred to the next meeting of the Corporate Resources Committee for a full assessment and referral back to the next Council.

### **13. Notices of Amendment**

A Notice of Amendment (challenging a Headquarters or City/Area Committee decision) for submission to a meeting of the Council which seeks rescission or alteration of a resolution or decision of a Headquarters Committee or City/Area Committee on a matter delegated or remitted with powers to that Committee will be termed a Notice of Amendment.

The Notice must be in writing, signed by a Member of the Council giving the Notice, countersigned by at least 7 other Members of the Council. In the case of a City/Area Committee, the 8 signatories must include at least one quarter of the Members of that Committee (subject to a minimum of 3) and received by the Head of Legal and Governance not more than 3 working days after (but excluding) the date of the Committee meeting at which the resolution or decision was passed and no later than 5pm on the final day.

On receipt of such a Notice of Amendment, the Head of Legal and Governance will immediately instruct the Executive Chief Officer not to implement the Committee decision.

The Notice of Amendment procedure will not apply to decisions of Appeals Committees, Appointment Sub-Committees or Panels, Committees or Sub-Committees which act in a quasi-judicial capacity or where the decision was taken under full delegated powers in terms of the Council's Scheme of Delegation and Administration.

For the avoidance of doubt, individual emails and/or individual written signatures will be accepted from Members who wish to submit and/or support Notices of Amendment.

#### **14. Notices of Amendment (Planning)**

Should a Member of a Planning Applications Committee wish to have a decision on a planning matter re-considered by the full Council, they must submit (to the Head of Legal and Governance) a Notice of Amendment (Planning) not more than 3 working days after (but excluding) the date of the Committee meeting at which the resolution or decision was passed and no later than 5pm on the final day.

For the avoidance of doubt, individual emails and/or individual written signatures will be accepted from Members who wish to submit and/or support Notices of Amendment (Planning).

Notices of Amendment (Planning) must be in writing, signed by 19 Members of the Council (including at least one third of the membership of the relevant Planning Application Committee) and will be submitted to the next scheduled meeting of the full Council.

#### **15. Notices of Referral**

The Head of Legal and Governance has the power to refer for further consideration by the Council any decision taken which they consider a contravention of law or any Code of Practice under any enactment, or maladministration leading to injustice.

#### **16. Petitions**

If a Petition has been received for consideration by the full Council or a Committee, it will be included on the relevant agenda as the first substantive item of business (following apologies for absence and declarations of interest).

#### **17. Motions and Amendments**

All Motions and Amendments arising at a meeting will be moved and seconded, and then given in writing to the Clerk as soon as they are moved. This does not apply to motions seeking to approve or disapprove of any matter, purely negative amendments, amendments proposing further consideration and reports, and motions and amendments that are fully set out in a minute of a committee or a report by an officer.

A Member cannot move or second both the Motion and an Amendment or more than one Amendment upon a Motion.

If a Motion which is specified on the agenda for the meeting is not moved by the Member who has given the notice and seconded, then it will, unless moved by another Member and seconded on the day, or postponed with the agreement of the Council, be considered as dropped and cannot be moved again without fresh notice.

A Notice of Amendment will require to be moved and seconded at the meeting concerned and will be debated as an amendment to the motion before the meeting for approval of the Committee minutes, and if successful when the vote is taken, will

become the decision of the Council. No other Motion or discussion will be allowed except where in the opinion of the Convener its subject matter lies within the limits set by the terms of the Committee resolution and the terms of the Notice of Amendment, but nothing in this Standing Order will prevent the Council from deferring consideration of the matter under discussion or from referring the matter back to the appropriate Committee.

A planning matter that is the subject of a Notice of Amendment (Planning) will be reconsidered by the full Council. In reaching that determination, a motion, moved and seconded, to uphold the decision of the Planning Applications Committee will be treated as the motion and any amendment, moved and seconded, seeking a different determination will be debated as an amendment to that motion.

In the determination of any matter before a Planning Applications Committee or a planning application before the full Council, to be entitled to participate, a Member must be present throughout all of the proceedings for the relevant item, including the site inspection if any. This also applies to the determination of a Licensing Committee or Licensing Board item.

It will not be competent for a Member to move or second their own election or appointment as Convener, Vice Convener, Leader of the Council, Depute Leader of the Council and Leader of the Opposition or as an Office-Bearer of any Committee, Sub-Committee or other Group or as a representative of the Council on any similar or outside body. This does not prevent a Member when such election or appointment is under consideration from indicating their interest in being nominated for election or appointment.

Every Amendment will be relevant to the Motion on which it is moved. The Convener will decide as to relevancy and has the power, with the consent of the meeting, to conjoin Amendments which are not inconsistent with each other.

Should any Amendment raise a procedural issue, rather than to affect the substantive issue, that procedural issue will be addressed and dealt with, without affecting the substantive Motion or Amendments.

All additions to, omissions from, or variations upon a Motion will be considered as Amendments to the Motion and will be disposed of accordingly.

Motions or Amendments which are not seconded will not be discussed.

A Motion or Amendment once moved and seconded will not be withdrawn without the consent of the mover and seconder, and then only with the sanction of the meeting.

### **18. Procedural Motions – Closure of Debate**

A Member moving that the Council do now proceed to the next business or that the debate be now adjourned may speak for not more than five minutes and if the Motion is seconded it will be seconded without a speech. If the Convener is of the opinion that the business which is the subject of the debate has been sufficiently discussed, the procedural motion will be put without further discussion to the meeting and, if supported by a majority of the Members present and voting will be declared carried. For the avoidance of doubt, an abstention does not constitute a vote.

This procedural Motion may only be put forward where Motions and Amendment(s) are not already before the Council in relation to the Item concerned.

Where both a Motion and Amendment(s) are before the Council, any Member who has not spoken in the debate may move that "the matter be put to the vote" and they may speak for not more than five minutes in support of that procedural Motion which will be seconded without a speech. If the Convener is of the opinion that the business which is the subject of the debate has been sufficiently discussed, a vote on the procedural motion will be taken without further debate.

If the procedural Motion is carried, the mover of the original Motion will have the right to reply in terms of Standing Order 21 and the question under discussion will then be put to the vote.

### **19. Speeches**

A Member wishing to speak will attract the Convener/Chair's attention by raising their hand and when called upon will rise in their place to address the Chair. The Member will direct their speech strictly to the matter under discussion or to the Motion or Amendment to be proposed or seconded or to a question of order.

The Convener/Chair will decide between two or more Members wishing to speak by calling on the Member first observed to raise their hand.

It will be at the discretion of the Chair of a Committee or Sub-Committee to allow a non-Member to speak at a meeting.

The number of speeches and the point at which Motions and Amendments are to be accepted is at the discretion of the Convener/Chair.

A Member moving a Motion or Amendment will not speak for more than 5 minutes, except with the consent of the Council.

All other speakers taking part in any discussion on an item will not speak for more than 5 minutes and shall speak only once in the same discussion, unless to call attention to a point of order.

### **20. Points of Order**

A Point of Order refers to the application of Standing Orders to the conduct of the meeting and specifically in relation to item under discussion.

During discussion, a Member may raise a point of order or, with the sanction of the Convener/Chair, provide an explanation relating to the item under discussion at that time. In doing so, reference should be made to the specific Standing Order in question.

A Point of Order cannot be taken once the roll call for a vote has commenced.

A Member who is addressing the meeting when a question of order is raised will resume their seat until the question has been decided by the Convener/Chair.

### **21. Right of Reply**

The mover of an original Motion and the movers of any Amendments will have the right to speak for 5 minutes in reply and will confine their comments to answering previous speakers and not introducing a new matter into the debate. The movers may, however, seek points of clarification.

After the movers have been called upon by the Convener to reply, no other Member can speak to the question, except on the points of clarification raised, and once the replies have been given, the Council will proceed directly to the vote.

### **22. Obstructive/Offensive Conduct**

In the event of any Member behaving in an obstructive or offensive manner at any meeting, a motion may be moved and seconded to suspend such Member for the remainder of the sitting.

Such a motion will be put to the meeting without discussion and if supported by a majority of Members present and voting will be declared carried.

The offending Member will then be required to leave the meeting.

### **23. Recording of Dissent**

A Member of the Council may have their dissent recorded to a decision of the Council provided that they have moved a Motion or Amendment and failed to find a seconder or else have taken part in a vote provided that they ask immediately after the item is disposed of that such dissent be recorded.

### **24. Adjournment**

The Convener or Chair may, with the consent of a meeting, adjourn the meeting to any other day, time and place.

### **25. Method of Voting**

Immediately prior to any vote being taken, the Clerk will read out the issue on which the vote is to be taken. Thereafter, no-one shall interrupt the proceedings until the result of the vote has been announced.

Where an electronic voting system is in operation –

The vote of the Council, including the recording of abstentions, will normally be taken by use of this system. For Members joining the meeting remotely, the vote will be taken by roll call.

If any Member objects to the vote being taken by use of the electronic voting system and a majority of the Members of the Council present and voting signify their support of this objection, the vote will be taken by show of hands, calling the roll or by paper ballot.

All votes on procedure will be taken by use of the electronic voting system except for Members joining the meeting remotely, where the vote will be taken by roll call.

Where there is no electronic voting system in operation –

The vote of the Council, including the recording of abstentions, will normally be taken by calling the roll.

If any Member objects to the vote being taken by calling the roll and a majority of the Members of the Council present and voting signify their support of the objection, the vote will be taken by show of hands or by ballot.

A vote to determine a planning application or in respect of other consents and approvals for development will be taken by calling the roll.

All votes on procedure will be taken by calling the roll.

For the avoidance of doubt, an abstention does not constitute a vote.

### **26. Voting – Order of Motions and Amendments**

When only one amendment is made upon a Motion, the vote will be taken between the Amendment and the Motion.

Where there is more than one Amendment, generally the Amendment last proposed will be put against the immediately preceding one and the Amendment which is carried will be put against the next preceding and so on until only one Amendment remains and the vote will be taken between that Amendment and the original Motion.

However, particularly in relation to composite Motions, the Chair may decide that Amendments should be taken individually against the Motion.

After the vote between an Amendment and a Motion, whichever is carried will be the decision of the Meeting.

### **27. Voting - Election, Selection or Appointment of Members**

In the case of an Election, Selection or Appointment of Members of the Council to any particular office, Committee or other Group or as a representative of the Council on an outside body, where the number of candidates nominated exceeds the number of vacancies, the member(s) to be elected, selected or appointed as the case may be, shall be determined by vote. Members voting shall be entitled to cast as many votes as they wish up to the number of vacancies available.

Where only one vacancy requires to be filled, any candidate having an absolute majority of the votes cast shall be declared duly elected, selected or appointed as the case may be.

Where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, the name of the candidate having least votes will be struck out of the list of candidates. Such process of elimination shall be continued until in a case where only one vacancy exists any candidate has an absolute majority of the votes cast, or in any case until the number of candidates remaining equals the number of vacancies when the candidate or candidates remaining shall be declared duly elected, selected or appointed as the case may be.



If in any ballot among more than two candidates there is equality in votes among the candidates having least votes, the candidate whose name shall be eliminated shall be determined by an additional vote and unless there again be equality in votes, the name of the candidate having least votes shall be struck out of the list.

Where in any vote between two candidates or in such additional vote by ballot there is equality in votes, the candidate to be selected or appointed or eliminated (as the case may be) shall be determined by lot. If a candidate nominated for election is absent and there is a draw, then the proposer can draw lots in their place.

For the avoidance of doubt, any Member of the Council elected, selected or appointed to any particular office, Committee or other Group or as a representative of the Council on an outside body, may be removed from that position before the date of the next ordinary election of the Council provided that a majority of the Members of the Council present and voting so decide.

No proposal to remove a Member from any such position shall be made without notice being given by way of a motion to Council.

### **28. Voting - Appointment of Staff**

Where there is Member involvement in staff appointments, staff will be appointed in the same manner detailed in Standing Order 27 except that where applicants for appointment to any particular post or office are being interviewed by ~~the Council~~ a Committee, Sub-Committee or Appointments Board, the members of the appointing body will be entitled to participate in the voting for that appointment only if they have been present throughout all of the interviews. A further exception applies in relation to equality of votes as is laid down in Standing Order 29.

### **29. Casting Votes**

Except as otherwise provided in the 1973 Act and this Standing Order, the Convener/Chair or the member presiding in their absence in accordance with Standing Order 10 shall, in the case of an equality of votes, have the casting vote.

In the case of the election, selection or appointment of Members to any particular office or Committee in any case of equality of votes between candidates the Convener/Chair or person presiding in their absence will not have a casting vote but the candidate to be elected, selected, appointed or eliminated as the case may be will be determined by the cutting of cards. If the proposer is attending remotely, they will nominate a member who is present to cut the cards on their behalf.

For the avoidance of doubt, in the case of the appointment of a member of staff to a post, where in any vote between candidates there is equality in voting, the Chair will exercise a casting vote in determining the candidate to be selected or (in the case of an additional vote) to be eliminated.

### **30. Decisions of Committees**

Decisions of a Committee or Sub-Committee will not be carried into effect until these decisions have been reported to and approved by the Council except that and subject

to Standing Orders 13, 14 and 15, a Committee may carry into effect any decision on the following without the necessity of first having reported this to the Council -

- a matter included in the delegation to the Committee or remitted with powers, after the lapse of 3 working days after the date of the meeting;
- a matter remitted with full delegated powers to the Committee which may be implemented immediately;
- any matter which, in the opinion of the Committee, is one of urgency on the understanding that, even though not included in the Annual Estimates of the Council, the decision does not involve major expenditure and has the approval of the Chief Financial Officer and of the Chair of the Corporate Resources Committee;
- any routine matter not involving a change of policy.

### **31. Minutes of Council Meetings**

All Minutes of the proceedings of the Council in which will be recorded the names of the Members who attended the meetings will be drawn up by or on behalf of the Head of Legal and Governance and so far as practicable issued to Members of the Council not later than the fourth day before the next ensuing ordinary meeting at which they will be submitted, held as read, corrected if need be, and where held to be a true record of the proceedings to which they relate will be signed by the person who presided at the previous meeting or who presides at the meeting when the Minutes are approved. Without prejudice to any of the provisions of the 1973 Act any Minutes purporting to be so signed will be received in evidence without further proof.

### **32. Submission of Minutes of Headquarters Committees and City/Area Committees**

The reports of the Headquarters Committees and of City/Area Committees, being the Minutes of Meetings of such Committees, will be circulated among the Members and will be held as read.

The Minutes of Meetings of these Committees will be submitted for confirmation as correct records of the proceedings to the next ordinary meeting of the Council for information in respect of business delegated or remitted with powers and for approval in respect of matters referred.

If any question arises at a meeting of the Council as to the accuracy of a Minute which has not already been confirmed such question will be determined by the Members of the Committee who were present at the meeting to which the Minute relates and are present at the meeting of the Council at which the matter is raised.

In relation to business delegated or remitted with powers to Committees, no discussion or Motion will be allowed in the Council on the Minutes except as to their accuracy as a correct record unless there is before the Council a Notice of Amendment.

In matters referred to Committees a Member may move an amendment to the Motion before the Council for approval of the Committee Minutes and provided that the

Amendment is seconded, concerns the merits of the Committee decision and is successful when the vote is taken, that Amendment will become the decision of the Council. The Council having so decided, it will be incompetent for the matter to be re-considered by the Committee concerned.

The Motion by the Chair for approval of the Minutes of the Committee of which they are Chair and the seconding of the Motion will not inhibit the Chair or seconder if either of them wishes to support the rescission or amendment of any Committee decision. In moving the approval of the Minutes of the Committee, the Chair, and in seconding the Motion the seconder, shall be regarded as carrying out a formal function which does not prevent either of them as an individual Councillor from disagreeing with the decision of the Committee.

If, however, the Chair wishes to move an Amendment to the Minutes in respect of an item or items or a Notice of Amendment or Notice of Amendment (Planning), then the Chair when moving approval of the Minute will do so under exception of the item(s) concerned, leaving it to another member to move approval of the Minute in relation to the excepted item(s). The same principle shall apply in relation to the seconder of the Motion for approval of the Committee Minutes.

For the avoidance of doubt, the mover of the Motion for approval of the excepted item(s) of the Minutes in such a case will have the right of reply in relation to the item(s), the Chair having such right as regards the remainder of the Minutes.

In the event of a matter being referred back by the Council to a Committee for further consideration, the Committee will not require to suspend Standing Orders before such matter can be considered by the Committee or before the Committee can alter their decision on the matter.

In the case of any matter discussed by a Committee where that matter is not included within the Committee's remit, any decision taken will require to be submitted to the next scheduled meeting of the full Council as a recommendation (known as a 'starred item').

At the Council meeting, any Member can move an amendment when approval of the starred item is considered. If that amendment is seconded and successful when a vote is taken, it will become the decision of the Council.

The Council having so decided, it will be incompetent for the matter to be re-considered by the Committee concerned.

### **33. Minutes – Planning Application Committees**

The Minutes of Meetings of the Planning Applications Committees will be submitted to the Economy and Infrastructure Committee for information only unless a Notice of Amendment (Planning) has been received in which case the particular decision concerned will be dealt with under the relevant procedure.

### **34. Rescinding of Resolutions or Decisions of the Council**

A resolution or decision of the Council and/or a Committee on a matter delegated or remitted with powers (except a resolution or decision challenged by a Notice of

Amendment or Notice of Amendment (Planning), will continue to be operative and binding on the Council for at least 6 months after the date of the resolution or decision.

### **35. Failure to Attend Meetings**

Subject to Section 35 of the Act of 1973, if a Member of the Council fails throughout a period of 6 consecutive months to attend any meeting of the Council, they will (unless the failure was due to some reason approved by the Council) cease to be a Member of the Council.

Attendance as a Member at a meeting of any Committee or Sub-Committee of the Council, or at a meeting of any Joint Committee, Joint Board or other body by whom for the time being any of the functions of the Council are being discharged, and attendance as a representative of the Council at a meeting of any body of persons, will be deemed to be attendance at a meeting of the Council.

### **36. Standing Orders - Suspension**

To suspend any of the Standing Orders will require the consent of not less than two-thirds of the Members present and voting.

Standing Orders 6, 7, 8, 35, 37 and 41-43 cannot be suspended.

An abstention will not count as a vote

### **37. Standing Orders - Alteration**

It shall not be competent to rescind or alter any of these Standing Orders unless the Council has passed a resolution to that effect following the procedure detailed in Standing Order 12, or where the Council has agreed at a previous meeting to consider such rescission or alteration. In the case of the Notice of Motion Procedure, the terms of the proposed amendment will have been specified in the Notice of the Business for the meeting of the Council. (For the avoidance of doubt this Standing Order cannot be suspended under Standing Order 36 above).

### **38. Standing Orders - Review**

The Council will review these Standing Orders each year, normally in September.

### **39. Defect in Procedures**

The proceedings of the Council shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any Member or by any Member voting or taking part in the consideration or discussion of any question when he or she is not entitled to do so.

### **40. Application of Interpretation Act and Definitions**

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

In these Standing Orders the following words and expressions shall have the meanings shown below:-

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

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

"Council" means The Highland Council constituted under the 1994 Act.

#### **41. Authentication of Notices etc.**

Every notice, order, demand, requisition or such other document or withdrawal thereof by the Council required or authorised by any enactment, Statutory Order or bye-law will, except in so far as such enactment or Statutory Order specifically otherwise provides, be signed by the Head of Legal and Governance or by such other officer of the Council as the appropriate Committee may direct.

#### **42. Execution of Deeds and Use of Seal**

All deeds to which the Common Seal of the Council will require to be affixed will be sealed only if authorised by the Council or where the necessity to execute a deed is in consequence of a decision taken by the Council or, in the case of the discharge of a duty or function delegated by the Council to a Committee of the Council, by that Committee.

All deeds to which the Common Seal of the Council is required to be affixed will also be signed by the Head of Legal and Governance, or by a member of staff authorised by him to do so.

A list of all deeds so executed will be reported upon to the next succeeding meeting of the Council for the information of members.

The Common Seal of the Council will be kept by the Head of Legal and Governance, who will be responsible for its safe custody.

#### **43. Councillors' Code of Conduct**

All Members of the Council will be bound by the provisions of the Councillors' Code of Conduct issued under the Ethical Standards in Public Life etc. (Scotland) Act 2000, and all subsequent amendments.

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