

**THE HIGHLAND COUNCIL**

**6 September 2018**

Agenda Item	19
Report No	HC/35/18

**STANDING ORDERS RELATING TO THE CONDUCT OF MEETINGS**

**Report by the Head of Corporate Governance**

**Summary**

As agreed at the Council meeting on 10 May, this report outlines proposals to amend the current format and content of Standing Orders following meetings held with the Convener, Leader of the Council and Group Leaders.

In this regard, Members are asked to note that annual review of Standing Orders is a requirement of the Council's Code of Corporate Governance.

**Recommendation**

The Council is asked to approve the proposed amendments to Standing Orders as detailed in Appendix 1 to this report.

## 1. Main Amendments

- 1.1 The current version of Standing Orders is attached as **Appendix 1** to this report for ease of reference.
- 1.2 Following detailed consideration of the current format and content, and taking account of the views of the Convener, Leader of the Council and Group Leaders, proposed changes have been incorporated into the document as follows –
- where there are no proposals for changes to wording, this remains as normal type;
  - it is proposed to *delete the wording* which has been *highlighted in italics and scored through*;
  - the proposals for **new and additional wording/sections** have been **highlighted in bold**; and
  - the Contents Page has been updated to make reference to specific Standing Orders/Related Issues easier to identify than at present. In this regard, Members are asked to note that page numbers will be inserted into the final document once agreed by the Full Council.

## 2. Implications Arising from the Report

- 2.1 There are no resource, legal, climate change/carbon clever, equalities or risk implications arising from these proposals.

Designation: Stewart Fraser, Head of Corporate Governance

Date: 29 August 2018

# Highland Council

## Standing Orders Relating to the Conduct of Meetings

---

---

6 September 2018

**CONTENTS**

<b><u>NO</u></b>	<b><u>STANDING ORDER</u></b>	<b><u>PAGE(S)</u></b>
1	Ordinary and Special Meetings of the Council	
2	Calling of Meetings	
3	Recording of Members' Attendance	
4	Non-Members of Committees/Substitute Members	
5	Members of Press/Public	
6	Quorum	
7	Declarations of Interest	
8	Order of business/Urgent Business	
9	Power to vary order of business	
10	Convener – Power and Duties	
11	Questions	
12	Notices of Motion	
13	Notices of Amendment	
14	Notices of Amendment (Planning)	
15	Notices of Referral	
16	Petitions	
17	Motions and Amendments	
18	Procedural Motions – Closure of Debate	
19	Speeches	
20	Points of Order	
21	Right of Reply	
22	Obstructive/Offensive Conduct	

- 23 Recording of Dissent**
- 24 Adjournment**
- 25 Method of Voting**
- 26 Voting – Order of Motions and Amendments**
- 27 Voting – Election, Selection or Appointment of Members**
- 28 Voting – Appointment of Staff**
- 29 Casting Vote**
- 30 Decisions of Committees**
- 31 Minutes of Council Meetings**
- 32 Minutes – Headquarters and City/Area Committees**
- 33 Minutes - Planning Application Committees**
- 34 Minutes – Highland Licensing Committee**
- 35 Rescinding of Resolutions or Decisions of the Council**
- 36 Failure to attend meetings**
- 37 Standing Orders – Suspension**
- 38 Standing Orders – Alteration**
- 39 Standing Orders – Review**
- 40 Defect in Procedures**
- 41 Application of Interpretation Act and Definitions**
- 42 Authentication of Notices etc**
- 43 Execution of Deeds and Use of Seal**
- 44 Councillors’ Code of Conduct**

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

### First Meeting of the Council

At the first meeting of the Council after the election of Councillors the order of business will be -

1. Intimation of election of Councillors.
2. Recording of Members' Attendance ~~Sederunt~~ (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 Depute Leader of the Council.
5. Consideration of the Council's Committee Structure.
6. Appointment, if appropriate, of Standing Committees of the Council.
7. Appointment, if appropriate, of Chairs of Standing Committees of the Council and confirmation of the 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 ~~does~~ **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 ~~Sederunt~~ 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 Notices of Motion
6. Procedural, statutory and business type items.

Notwithstanding the above, the Head of Corporate Governance may, in consultation with the Convener, change the order of business at any Council meeting if he considers it appropriate to do so.

## Special Meetings of the Council

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

(a) **the request of** ~~being required to do so by~~ 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** ~~fourteen~~ 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 him that the item of business demands special urgency, the Head of Corporate Governance may call the meeting without giving the ~~seven~~ **7** days notice ~~specified in 8.1 above~~ 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 Corporate Governance not later than the **7th** ~~seventh~~ day before the meeting.

Meetings of the Council will be held at Council Headquarters ~~Glenurquhart Road, Inverness~~ 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 Corporate Governance.

Meetings of Committees will be held at Council Headquarters ~~Glenurquhart Road, Inverness~~ 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 Corporate 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.

Public Notice of a meeting of the Council will be given by posting a Notice outside Council Headquarters, ~~Glenurquhart Road, Inverness~~ (or outside any other place where the meeting is to take place) and on the Council Website at least ~~four~~ **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 ~~of Meeting~~ 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 ~~for the press and the public~~ at least ~~three~~ **3** clear days before the meeting.

Further, the Agendas and accompanying reports will be made available for inspection at least ~~3 three~~ 3 clear days before the meeting at other outlets belonging to the Council, including Area Offices, Service Points and selected libraries.

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 Corporate 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 (with special reference to those who have been unable to attend due to other Council duties).

~~The soderunt will be taken by electronic means at Council meetings and may be taken by this method at Committees or Sub-Committees if the Chair so directs.~~

**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** ~~Any member of the Council who is not a member of a Committees or Sub-Committees~~ **can may attend a meetings** ~~of that Committee or Sub-Committee~~ and may be entitled to speak ~~at the meeting~~ (but, subject to 13.2 below, not vote) at the discretion of the Chair ~~on any item of business on the agenda that concerned them.~~

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, ~~one~~ 1 Substitute Member can be nominated from each Ward to provide cover in the event that a Substantive Member is unable to attend ~~a meeting~~ or a vacancy exists **for that Ward** ~~for a Substantive Member within the Ward.~~

Notification of the attendance of a Substitute Member must be given to the Head of Corporate Governance at least ~~three~~ 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 Corporate 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 ~~one~~ Substitute Member if necessary for the following – Corporate Resources



Committee, Care, Learning & Housing Committee, Environment, Development & Infrastructure Committee and the Audit & Scrutiny 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** ~~will be entitled to~~ attend meetings of the Council and its Committees. 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 ~~to which these Standing Orders apply~~, the quorum will be one quarter of the membership, subject to a minimum of 3.

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

If during any meeting of the Council the attention of the Convener is drawn to the number of Members present, he shall, unless it is apparent to him 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 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**

**A Member** ~~It shall be for any Member~~ who has declared **a any** financial interest in **a any matter and is present at a meeting of the Council at which such matter which** is the subject of consideration at a meeting has to give careful consideration as to whether they need to leave the room before the matter is discussed, unless exempted from so doing by a Dispensation granted by the Standards Commission for Scotland. In this regard, Members must always comply with the 'objective test' as outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct.

For the avoidance of any doubt, it shall be for any Member who has an interest, whether financial or non-financial, in the outcome of a decision on a planning application, planning agreement, taking enforcement action or any other regulatory issue (such as licensing) to declare that interest and leave the room.

**A Member** ~~It shall be for any Member~~ who has declared any other interest **must** ~~in any matter and who is present at a meeting of the Council at which such matter is the subject of consideration,~~ to determine whether or not to leave the room, or to participate in discussion or voting, in accordance with the Councillors' Code of Conduct and any relevant Dispensation granted by the Standards Commission for Scotland.

Where a Member of the Council has applied for any Service from the Council e.g. for planning permission, that application will be referred for determination to the appropriate Committee or Sub-Committee even though the application could otherwise be dealt with under delegated powers.

For clarification, it is the personal responsibility of Members to make decisions about whether to declare interests and take part in discussion or voting. This includes all interests whether or not entered in the Register of Interests which might be perceived as influencing an opinion and/or vote on any matter.

#### **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 ~~of the Council~~ 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 ~~for the meeting~~ should, by reason of special circumstances, be considered ~~at the meeting~~ as a matter of urgency and such special circumstances must be specified in the Minutes ~~of the Meeting~~.

#### **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 ~~of the Council~~ (or in the event of the Convener's absence, a Vice Convener) 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.

Deference shall at all times be paid to the authority of the Convener and on all points of order, competency and relevancy, his 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 rises to speak, any member of the Council who is addressing the meeting must resume their seat. It is the duty of the Convener to preserve order and to ensure that Members obtain a fair hearing. In the event of disorder, the Convener 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 in terms of these Standing Orders shall, in the absence of the Convener, or in the event of the Convener being unable to act for any reason, be exercised by the Leader of the Council, whom failing the Member chosen to preside in terms of Standing Order 11 above.

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 ~~of the Council~~ 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. **For the avoidance of doubt, the Convener, in conjunction with the Head of Corporate Governance, will rule on issues of competency.**

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

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

**A maximum of 5 Questions will be allowed for each Council meeting. Should more than this number be received, it will be at the discretion of the Convener, in conjunction with the Head of Corporate Governance, to decide which Questions will go forward to be included on the agenda.**

At the meeting ~~of the Council concerned~~, 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.

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

~~If the question is submitted late, it will be referred to the next available meeting of the Council at the request of the Member concerned.~~

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

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

**For the avoidance of doubt, the Convener, in conjunction with the Head of Corporate Governance, will rule on issues of competency.**

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

**Members will be asked to speak at the meeting in accordance with the order of the signatures on the Notice of Motion.**

If a Notice of Motion is late, it will be referred to the next available meeting of the Council at the request of the Members involved.

### **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 ~~seven~~ **7** other Members of the Council (in the case of a City/Area Committee the eight signatories must include at least one quarter of the Members of that Committee) and received by the Head of Corporate Governance not more than ~~three~~ **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 Corporate Governance will immediately instruct the Service Director 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.

### **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** ~~at the Environment, Development and Infrastructure Committee~~, they must submit (to the Head of Corporate Governance) a Notice of Amendment (Planning) not more than ~~three~~ **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.

This Notice must be in writing, signed by ~~eight~~ **15** Members of the Council (including at least one third of the membership of the relevant Planning Applications Committee) **and will be submitted to the next scheduled meeting of the full Council.**

~~The Notice of Amendment (Planning) will be determined by the Environment, Development and Infrastructure Committee with no further opportunity to refer the matter to the Council in terms of Paragraph 10.3.~~

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

The Head of Corporate Governance has the power ~~in terms of the Council's Scheme of Delegation and Administration~~ to refer for further consideration by the Council ~~by way of a Notice of Referral~~ any decision taken **which he considers** ~~which may be considered~~ 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 ~~of the Council~~, 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 (~~under Standing Order 10.1~~) 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 ~~submitted in terms of Standing Order 10.3 specified on the agenda~~ 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) ~~submitted in terms of Standing Order 10.4 specified on the agenda~~ will be reconsidered at the ~~Environment, Development and Infrastructure Committee~~ **by the full Council**. ~~and that Committee's determination on the matter will become~~

~~the decision of the Council. In reaching that determination, a motion, moved and seconded, to uphold the decision of the Planning Applications Committee *that is the subject of the Notice of Amendment (Planning)* will be treated as the motion *before the Environment, Development and Infrastructure Committee* and any amendment, moved and seconded, seeking a different determination will be debated as an amendment to that motion. Nothing in this Standing Order will prevent the Environment, Development and Infrastructure Committee from deferring consideration of the matter under discussion until a future meeting of the Committee or from referring the matter back to the appropriate Planning Applications Committee while bearing in mind the provisions of the Development Management Regulations on time limits for decision making.~~

In the determination of any matter before a Planning Applications Committee or a planning application before the ~~Environment, Development and Infrastructure Committee~~ or **full Council**, to be entitled to participate, a Member must be present throughout all of the proceedings for ~~all of~~ 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** *Council* present and voting will be declared carried.

This procedural Motion may only be put forward where ~~either a formal Motion or a~~ 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, ~~if seconded~~, 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. ~~As stated in Standing Order 13,~~

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** ~~ten~~ 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**

During ~~the~~ discussion, a Member may call attention to a point of order or, with the sanction of the Convener/**Chair**, ~~may make~~ **provide** an explanation.

A Member who is addressing the meeting when a question of order is raised will resume their seat until the question of order 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** ~~five~~ minutes in reply and ~~in the reply~~ will confine their comments

to answering previous speakers and ~~will~~ 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 ~~at a Council meeting~~ disregarding the authority of the Convener **or Chair at any meeting**, or of being guilty of obstructive or offensive conduct, 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 ~~of the Council~~ present and voting will be declared carried.

The offending Member will then be required ~~by the Convener~~ 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**

~~Where an electronic voting system is in operation, Standing Orders 32.2 to 32.4 will apply with regard to the method of voting. Standing Orders 32.5 to 32.8 will apply where there is no such system in operation.~~

**Immediately prior to any vote being taken, the bell will be rung and 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 ballots referred to in Standing Order 30,~~ including the recording of abstentions, will normally be taken by use of this system.**

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.

**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.

**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, ~~the vote will normally be by ballot but may be by a show of hands and~~ 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 vote shall be by ballot,~~ the name of the candidate having least votes **will be being** struck out of the list of candidates. Such process of elimination ~~by vote by ballot~~ 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 ~~by ballot~~ 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.

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 ~~in accordance with Standing Orders 10.1 and 10.2.~~

### **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** ~~for the election, selection and appointment of members to any particular post or office or Committee~~ 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 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 terms of Standing Order 30~~, in any case of equality of votes between candidates ~~as described in Standing Order 30.4~~ the Convener or Member 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 lot.

For the avoidance of doubt, in the case of the appointment of a member of staff to a post, ~~as described in Standing Order 31~~, 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 ~~in terms of Standing Order 30.4.~~

### **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 ~~to the Committee~~, after the lapse of ~~three~~ **3** working days after the date of the meeting ~~of the Committee~~;
- 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 Director of Corporate Resources 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 Corporate 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 ~~by the Chair of each Committee (whom failing the Vice-Chair) (a)~~ for information in respect of business delegated or remitted with powers and ~~(b)~~ 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 ~~submitted in accordance with Standing Order 10.3.~~

In **matters referred to Committees** a Member may move an amendment to the Motion before the Council ~~referred to in Standing Order 40.6~~ 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 ~~except in terms of Standing Order 40.7 below.~~

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) ~~under Standing Orders 10.3 and 10.4~~, 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.

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

The Minutes of Meetings of the Planning Applications Committees will be submitted to the Environment, Development and Infrastructure Committee for information only unless a Notice of Amendment (Planning) has been received ~~in terms of Standing Orders 10.3 or 10.4~~ in which case the particular decision concerned will be dealt with under the relevant procedure.

### **34. Minutes – Highland Licensing Committee**

The Minutes of Meetings of the Highland Licensing Committee will be submitted to the Environment, Development and Infrastructure Committee for information only.

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

A resolution or decision of the Council and/or ~~a resolution or decision of 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) ~~under Standing Orders 10.3 and 10.4 above~~), will continue to be operative and binding *on the Council* for at least **6** ~~six~~ months after the date of the resolution or decision.

### **36. 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** ~~six~~ 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.

### **37. 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, 36, 38 and 42-44 cannot be suspended.

### **38. 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 **37 above**).

### **39. Standing Orders - Review**

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

### **40. 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.

#### **41. 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.

#### **42. 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 Corporate Governance or by such other officer of the Council as the appropriate Committee may direct.

#### **43. 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 Corporate 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 ordinary meeting of the Council for the information of members.

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

#### **44. 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.