Standing Orders Relating to the Conduct of Meetings

Gnàth-riaghailteana' Buntainn ri Stiùireadh Choinneamhan

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1 Ordinary and Special Meetings of the Council

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

1.2 At the first special meetings of the Full 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. Appointment, of the Leader of the Opposition following nomination by the largest political group in opposition to the Administration.
6. Consideration of the Council's Committee Structure.
7. Appointment, if appropriate, Chairs of Standing Committees of the Council.
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.

1.3 The election of a Member as Convener, Vice Convener, 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.

1.4 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/Transparency Statements
3. Notices of Amendment under Standing Order 14
4. Policy Items
5. Procedural, statutory and business type items
6. Minutes of the immediately preceding meeting and of any intervening special meeting
7. Minutes of Headquarters Committees and City/Area Committees
8. Questions
9. Notices of Motion

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

1.6 Special Meetings of the Council

A Special Meeting of the Council/Committee will be called by the Chief Officer - Legal and Corporate 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 Chief Officer - Legal and Corporate Governance.

1.7 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 Chief Officer - Legal and Corporate Governance may call the meeting without giving the 10 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

2.1 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 Chief Officer - Legal and Corporate Governance not later than the 10th day before the meeting.

2.2 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 Chief Officer - Legal and Corporate Governance.

2.3 Meetings of the Full Council will be held at Council Headquarters on the days and times fixed by the Full Council or at such place and time as may be otherwise fixed by the Convener in consultation with the Chief Officer - Legal and Corporate Governance. All meetings of Full Council shall adjourn by 6pm and will be reconvened on the following Thursday if necessary. In the event that this occurs during a recess period, the meeting will be reconvened as soon as possible thereafter. All other Council meetings shall adjourn by 6pm and will be reconvened as soon as possible thereafter.

2.4 All Meetings will take place at such places and times as may be fixed by the Full 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 Chief Officer - Legal and 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 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.

2.5 Public Notice of a meeting of the Council will be given by posting a Notice 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.

2.6 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

3.1 The Chief Officer - Legal and 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.

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

4 Non-Members of Committees/Substitute Members

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

4.2 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.

In terms of the Planning Review Body, only members of the Review Body are entitled to speak.

4.3 For Planning Applications 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 Chief Officer - Legal and Corporate Governance at least 3 working days in advance of the meeting date.

In the event that an agenda item is deferred to a future meeting of a Planning Applications Committee, any Member at that meeting may also attend the future meeting and participate in the determination of that single item without prejudice to the attendance of the Substantive Member of the remainder of the future meeting.

4.4 For all other meetings, if a substitute Member from any Group is to attend a meeting, notification must be given to the Chief Officer - Legal and 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.

4.5 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, Social Care and Wellbeing Committee, Economy and Infrastructure Committee, Communities and Place Committee, Housing and Property Committee and the Audit Committee.

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

4.6 Substitute Members will also be permitted for Sub Committees - on the basis that the Substitute Member in each case will be from the relevant Strategic Committee and undertaken the necessary training.

4.7 A substitute is not permitted for individual agenda items where a Member has made, or intends to make, a Declaration of Interest.

5 Members of Press/Public

5.1 Members of the Press and public are welcome to attend meetings of the Full Council and its Committees. In the case of virtual meetings, the Full 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 Full 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

6.1 No business will be transacted at a meeting of the Full 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, except for Planning Applications Committees (including joint meetings) which shall have a quorum of one half of the membership.

6.2 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 Chief Officer - Legal and Corporate Governance or their representative will record that owing to the lack of the necessary quorum no business could be transacted.

6.3 If during any meeting of the Full Council/Committee the attention of the Convener is drawn to the number of Members present, the Convener 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.

6.4 Subject to the provisions of the 1973 Act, no item of business will be transacted at a meeting of the Full 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/Committee is entitled to vote on that item.

By way of a transition the previous quorum of one quarter of the membership will continue to be applicable in Planning Applications Committees for all continued and deferred planning applications currently in the process of being considered and determined by that committee.

7 Declarations of Interest/Transparency Statements

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

7.2 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.

7.3 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".

7.4 When making a declaration or transparency statement, a Member should declare this in advance or as early as possible in meetings, stating the agenda item which it relates to and provide enough information for those at the meeting to understand why they are making a declaration or transparency statement.

8 Order of Business/Urgent Business

8.1 Except in the case of business brought before the meeting which is certified by the Convener (or in the case of a Committee, the 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.

8.2 It shall be in the sole discretion of the Convener/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 at the meeting and recorded in the Minutes.

In the event the Convener/Chair rules that the item is not an urgent item of business and shall not be discussed at the meeting, the reason for this shall also be specified at the meeting and recorded in the Minutes.

9 Power to vary order of business

9.1 The business of a meeting of the Full 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/Chair – Power and Duties

10.1 At a meeting of the Full Council, the Convener (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 Officer - Legal and Corporate Governance will preside until the Members of the Council choose one of their number to preside.

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

10.3 Deference shall at all times be paid to the authority of the Convener/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/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/Chair to preserve order and to ensure that Members obtain a fair hearing.

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

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

10.5 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.

11 Questions

Public Questions

11.1 A member of the public may submit, for consideration at an ordinary meeting of the Full Council, a written question to the Leader of the Council, or Chair of a Strategic Committee concerning the business of the Council, to be answered in writing by the recipient in advance of the meeting.

11.2 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 Full 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.

11.3 Questions must be sent to the Chief Officer - Legal and Corporate Governance and received not later than **21 days prior to the meeting** of the Full Council concerned and no later than 5pm on the final day. In calculating the 21 days notice, the day of the meeting will be excluded.

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

Member Questions

11.5 A Member may submit to the Leader of the Council or Chair of a Strategic Committee, for consideration at an ordinary meeting of the Full 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 Full Council.

11.6 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 Full 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.

11.7 Questions must be sent to the Chief Officer - Legal and Corporate Governance and received not later than **21 days prior to the meeting** of the Full Council concerned and no later than 5pm on the final day. In calculating the 21 days notice, the day of the meeting will be excluded.

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

11.9 The answers will be circulated to all Members of the Council

11.10 At the meeting, the Member who submitted the written question, having received a written answer, may ask one brief supplementary question, directly bearing on the subject matter of the original question, which shall be answered by the 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 as an addendum to the minute along with the responses to the Questions for the relevant meeting.

11.11 No speech/discussion shall be allowed on any question or response, principal or supplementary.

11.12 The Convener will rule on the appropriateness of the answers.

12 Notices of Motion

12.1 A relevant and competent Notice of Motion for submission to a future meeting of the Full 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 Chief Officer - Legal and Corporate Governance. (Only individual emails from Members and/or individual written signatures will be accepted in each case).

Notices of Motion must be accompanied by:-

- a financial assessment completed by the 'Proper Officer' appointed in terms of Section 95 of the 1973 Act; and
- an Integrated Impact Assessment completed by the Chief Officer – Housing and Communities.

It is the responsibility of Members to secure and submit the assessments. Members must provide sufficient notice to facilitate completion of the above assessments.

Motions will not be placed on the Agenda for the meeting unless they are accompanied by the required assessments. Any motions lodged that are not accompanied with the Assessments will be deferred until the assessments are available.

12.2 A Notice of Motion must be received not later than **21 days prior to the meeting** of the Full Council (or Area Committee) and no later than 5pm on the final day. In calculating the 21 days notice, the day of the meeting will be excluded.

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

12.4 Where there are 4 or fewer Motions received, they will be taken in the order submitted. Otherwise, the order in which any Motions will be taken on the Agenda will be determined by the Chief Officer - Legal and Corporate Governance (or their representative) through the drawing of lots.

12.5 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.

12.6 If the first signatory on the Motion or the Amendment is not present then the Motion or the Amendment respectively will fall and will not be debated.

12.7 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 summing up followed by a vote.

At the conclusion of the 30 minute period 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.

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

12.9 If a Notice of Motion is not reached, it will require to be re-submitted in terms of Standing Order 12.1. If a draw is required, the Motion will be re-entered as described in Standing Order 12.3.

12.10 Any Amendment to a Notice of Motion must be received in writing, signed by the Member of the Council submitting the amendment and counter-signed by 1 other Member and sent to the Chief Officer - Legal and Corporate Governance. (Only individual emails from Members and/or individual written signatures will be accepted in each case).

12.11 An Amendment to a Notice of Motion must be accompanied by a Financial Assessment and Integrated Impact Assessment as set out in Standing Order 12.1.

12.12 An Amendment to a Notice of Motion must be received not later than 10 **days prior to the meeting** of the Full Council (or Area Committee) and no later than **5pm** on the final day. In calculating the 10 days notice, the day of the meeting will be excluded.

13 Notices of Amendment

13.1 A Notice of Amendment (challenging a Headquarters or City/Area Committee decision) for submission to a meeting of the Full 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.

13.2 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 Chief Officer - Legal and Corporate 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 Chief Officer - Legal and Corporate Governance will immediately instruct the relevant Assistant Chief Executive not to implement the Committee decision.

13.3 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.

13.4 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)

14.1 A planning application 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.

14.2 In the determination of any application 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.

14.3 Should a Member of Planning Applications Committee who participated in a vote on a planning application wish to have the Committee's decision on that application re-considered by the Full Council, they must first, on a Point of Order, notify the Chair of the Planning Applications Committee before the end of the meeting that they:

i. seek such a re-consideration by way of a Notice of Amendment (Planning); and

ii. have the support of at least 40% of Members present and voting on that application including the Member themselves (the "minimum threshold").

The names of the Members seeking the re-consideration of the application through a Notice of Amendment (Planning) shall be recorded by the Clerk in the Minute of the Meeting.

14.4 Where the minimum threshold is met and duly notified to the Chair of the Planning Applications Committee (as set out in Standing Order 14.3 above), the Member seeking the re-consideration of the planning application must then submit ~~(~~to the Chief Officer - Legal and Corporate Governance) a Notice of Amendment (Planning~~)~~ in accordance with Standing Order 14.5. A Notice of Amendment (Planning) must be submitted 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.

14.5 Notices of Amendment (Planning) must be in writing, signed by 19 Members of the Council (including the names of those Members of the Planning Applications Committee comprising the minimum threshold) and thereafter will be submitted to a meeting of the Full Council.

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).

15 Notices of Referral

15.1 The Chief Officer - Legal and Corporate Governance has the power to refer for further consideration by the Full 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

16.1 If a Petition has been received for consideration by the Full Council or a Committee, it will be included on the relevant agenda as a substantive item of business.

17 Motions and Amendments

17.1 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 where the terms are fully set out in a minute of a Committee or a report.

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

17.3 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 Full Council from deferring consideration of the matter under discussion or from referring the matter back to the appropriate Committee.

17.4 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, 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.

17.5 Every Amendment will be relevant to the Motion on which it is moved. The Convener/Chair 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.

17.6 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.

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

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

17.9 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

18.1 Any Member who has not spoken can move, a Procedural Motion, that no further debate take place and that the meeting proceeds to either the next item of business or where both a Motion and Amendment(s) are before the meeting, that the matter be put to the vote. The Procedural Motion must be seconded, without a speech.

18.2 If the Convener/Chair is satisfised that the subject has been sufficiently discussed, the mover of the Procedural Motion may speak in regard of this for up to five minutes, following which the Procedural Motion shall be put to the vote without further debate.

18.3 If that Procedural Motion is carried, and there is both a Motion and Amendment(s) before the meeting, the movers of the original Motion and Amendment(s) will have the right to reply in accordance with Standing Order 21, after which the matter shall be put to the vote.

19 Speeches

19.1 A Member wishing to speak will attract the attention of the Convener (or Chair) by raising their hand and when called upon will rise in their place, if they are able, 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.

19.2 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.

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

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

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

20.1 A Point of Order refers to the application of Standing Orders to the conduct of the meeting and specifically in relation to an item under discussion. A difference of opinion is not a Point of Order. A Point of Order is an appeal to the Convener/Chair for clarification or a ruling on the matter of procedure.

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 reason for raising the Point of Order.

20.2 A Point of Order cannot be taken once the Convener/Chair has called for a vote.

20.3 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

21.1 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/Chair 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 Full Council/Committee will proceed directly to the vote.

22 Obstructive/Offensive Conduct

22.1 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

23.1 A Member of the Council may have their dissent recorded to a decision of the Full Council/Committee 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

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

25 Method of Voting

25.1 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.

25.2 Where an electronic voting system is in operation –

The vote of the Full Council/Committee, 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.

25.3 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.

25.4 Where there is no electronic voting system in operation –

The vote of the Full Council/Committee, 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.

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

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

25.7 In the event of a vote Members' names will be recorded in the minute.

26 Voting – Order of Motions and Amendments

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

26.2 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.

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

26.4 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

27.1 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.

27.2 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.

27.3 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.

27.4 No Member of the Council may be nominated for any post in the Council, except membership of a Committee of the Council, or in any outside body unless the consent of the person nominated has been previously obtained or is given at the time of nomination.

28. Removal from Office or Appointment to Committee or Outside Body

28.1 Removal from Office, including the Convener or Leader of the Council, or any appointment of a Member to a Committee or Outside Body shall be made by submitting a Notice of Motion to Full Council. For the avoidance of doubt this Notice of Motion has to be received in accordance with the timescale set out in Standing Order 12.2. Any such Notice of Motion will form the first item of substantive business at the next Full Council.

28.2 Removal of an Area Chair shall be made by submitting a Notice of Motion to the relevant Area Committee. This Notice of Motion has to be received in accordance with the timescale set out in Standing Order 12.2. Any such Notice of Motion will form the first item of substantive business at the next Area Committee meeting.

29 Voting – Appointment of Staff

29.1 Where applicants for appointment to any post are interviewed by a Committee, Sub-Committee or Appointments Board, only those Members of the appointing body who have been present throughout all of the interviews will be entitled to vote. Equality of votes is laid down in Standing Order 30.3.

30 Casting Vote

30.1 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.

30.2 In the case of the election, selection or appointment of Members to any office or Committee, an equality of votes between candidates shall be determined (elected/eliminated) by cutting cards. The Convener/Chair will **not** have a casting vote. . If the candidate is attending remotely, they will nominate a Member present to cut the cards on their behalf.

30.3 In the case of the appointment of a member of staff to a post, where there is equality in voting, the Convener/Chair **will** have a casting vote in determining the candidate to be selected or eliminated.

31 Decisions of Committees

31.1 Subject to Standing Orders 13, 14 and 15, decisions of a Committee must be reported to and approved by the Council or in the case of a Sub-Committee the relevant Committee before taking effect. However, a Committee may implement a decision without prior Council approval where it:

- falls within the Committee's delegated powers or remitted with powers, after three working days have elapsed from the date of the meeting;
- has been remitted to the Committee with full delegated powers, in which case it may be implemented immediately;
- any matter which the Committee considers urgent, provided 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 Officer – Corporate Finance and of the Chair of the Corporate Resources Committee; and
- any routine matter that does not involve a change of policy.

32 Minutes of Council Meetings

32.1 All Minutes of Council meetings, including the names of Members present, shall be prepared on behalf of the Chief Officer – Legal and Corporate Governance and, where practicable, issued to Members no later than four days before the next ordinary meeting. At that meeting, the Minutes shall be submitted for approval, amended if necessary, and, if agreed as a correct record, signed by the Chair of the meeting at which they are approved.

33 Minutes – Headquarters and City/Area Committees

33.1 The Chief Officer - Legal and Corporate Governance (or their representative) will prepare the minutes of meetings of the Full Council, its Committees and Sub-Committees.

33.2 The minutes will record the names of the Members who attended the meeting and any decision taken at the meeting as determined by the Chief Officer - Legal and Corporate Governance (or their representative). Formal apologies will be recorded in the minute.

33.3 The Full Council will be invited to approve the minute of Committee meetings as an accurate record. If any Member challenges the accuracy of the minute, they can move a motion that a correction be made. Any corrections to the minute will be outlined in the Full Council minute and the original minute amended as required.

33.4 Any discussion around the approval of the minute cannot extend to opening up discussion of the substantive issues detailed in the minute unless it contains recommendations requiring Committee agreement.

34 Starred Items

34.1 Where a Committee, either a Headquarters or Area, does not have power to make a formal decision, this will require to be a recommendation to the next Full Council and will be known as a "starred item" with a suitable indication being included in the minute of the meeting.

34.2 At the meeting of the Full Council where the minute is to be approved, the Chair of the Committee will rise and ask for the Full Council to approve the minute but will draw Members' attention to the recommendation of the Committee and seek approval or otherwise.

34.3 Starred Items coming before Full Council must be accompanied by:-

- a financial assessment completed by the 'Proper Officer' appointed in terms of Section 95 of the 1973 Act; and
- an Integrated Impact Assessment completed by the Chief Officer – Housing and Communities.

35 Minutes – Planning Application Committees

35.1 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.

36 Rescinding Decisions of the Council

36.1 Unless challenged by a Notice of Amendment or a Notice of Amendment (Planning), a decision of the Full Council and/or a Committee will be operative and binding on the Council for at least six months from the date it was made.

37 Failure to attend meetings

37.1 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 Full Council) cease to be a Member of the Council.

Attendance as a Member at a meeting of a Committee or Sub-Committee of the Council, a Joint Committee/Board or other body exercising Council functions or attendance as a Council representative at any other meeting, shall be treated as attendance at a meeting of the Council.

38 Standing Orders – Suspension

38.1 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, 38, 39 and 43-45 cannot be suspended.

39 Standing Orders – Alteration

39.1 It shall not be competent to rescind or alter any of these Standing Orders unless the Full Council has passed a resolution to that effect following the procedure detailed in Standing Order 12, or where the Full 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 Full Council. (For the avoidance of doubt this Standing Order cannot be suspended under Standing Order 37 above).

40 Standing Orders – Review

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

41 Defect in Procedures

41.1 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.

42 Application of Interpretation Act and Definitions

42.1 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.

All references to “the Convener” throughout these Standing Orders will be taken to mean the person chairing the meeting, where the context allows.

43 Authentication of Notices etc

43.1 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 Chief Officer - Legal and Corporate Governance or by such other officer of the Council as the appropriate Committee may direct.

44 Execution of Deeds and Use of Seal

44.1 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 Full Council or, in the case of the discharge of a duty or function delegated by the Full 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 Chief Officer - Legal and 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 Chief Officer - Legal and Corporate Governance, who will be responsible for its safe custody.

45 Councillors' Code of Conduct

45.1 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.

Below is a link to the Councillors' Code of Conduct -

Councillors' Code of Conduct | The Standards Commission for Scotland

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