



STANDING ORDERS FOR THE REGULATION  
OF PROCEEDINGS AND BUSINESS  
OF PERTH & KINROSS COUNCIL

Council Building  
2 High Street  
Perth PH1 5PH

Effective from TBC

**Index in Alphabetical Order – TO BE UPDATED**

**Appendices:**

- 1. Categories of Exempt Information**
- 2. Protocol for Deputations**
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## PERTH & KINROSS COUNCIL

### STANDING ORDERS

For the regulation of the business of Perth & Kinross Council, made in terms of Paragraph 8 of Schedule 7 to the Local Government (Scotland) Act 1973.

#### Section 1: General

##### Interpretation

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

##### Definitions

- 1.2 In these Standing Orders the following words and expressions will have the following meanings:

- **"Amendment"** an alternative proposal to a motion.
- **"The Administration"** means the ruling political group or groups in relation to strategic leadership and direction, as agreed by Council.
- **Chief Executive'** means the Chief Executive appointed by the Council.
- **'Convener of the Council'** means the councillor who is appointed to Chair the Council (otherwise referred to as "the Provost")
- **'Convener'** means the councillor appointed to chair any Committee or Sub-Committee meeting.
- **'Council'** means the Perth & Kinross Council incorporated under the Local Government etc. (Scotland) Act 1994.
- **'Councillor'** means a councillor duly elected in terms of Section 33A of the Local Government (Scotland) Act 1973.
- **'Exempt information'** is information categorised and defined by Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as set out in Appendix 1 of these Standing Orders
- **'Member'** means a person appointed as a member of that Committee or Sub-Committee whether entitled to vote or not.
- **'Motion'** means a proposed action or set of actions that the Council is suggested to undertake.
- **"Opposition"** is the collective term for all elected members who are not part of the Administration.
- **"Ordinary business items"** unless stated otherwise, means those items of business, (excluding political business items) on the agenda for any Council, Committee or Sub-Committee meeting
- **"Point of Order"** is a verbal objection made to the Convener that a statement or proposed procedure or action at the meeting may be in breach of the law, Standing Orders or the Councillors' Code of Conduct.

- **"Political business items"** means motions in respect of which formal notice has been given in terms of Standing Orders 10.1 and 10.2 and which have been included on the agenda for any Council, Committee or Sub-Committee meeting.
- **'Quorum'** is the minimum number of councillors required to be present to enable the meeting to deal with the business
- **'Reserved matters'** are those matters which must be determined by full Council as set out in the Council's Scheme of Administration.
- **'Sederunt'** is list of those in attendance at a meeting
- **"Urgent business items"** means those items which the Convener decides must be considered as a matter of urgency, in terms of Section 50B (4)(b) of the Local Government (Scotland) Act 1973
- **'Vice Convener of the Council'** means the councillor who is appointed to be the Vice Chair of the Council (hereinafter referred to as "the Depute Provost")
- **Vice Convener** means the councillor who is appointed to be the Vice Chair of any Committee or Sub-Committee.

## Section 2: Application

- 2.1 These Standing Orders will apply with effect from the date of the Council Meeting at which they were approved. For virtual Council and Committee/Sub-Committee meetings, reference is also made to the protocol/guidance note for both elected members and officers on virtual meetings [\(link to be added\)](#).
- 2.2 These Standing Orders will also apply to Committees and Sub-Committees, unless otherwise stated.
- 2.3 Any reference to Convener of the Council or Vice Convener of the Council will be read as Convener or Vice Convener of the respective Committees and Sub-Committees when applying these Standing Orders.
- 2.4 Unless specified otherwise, any reference to the Chief Executive shall also apply to their representative.
- 2.5 Any reference to the Head of Legal and Governance Services shall also apply to their representative.
- 2.6 These Standing Orders will also apply to Council, Committee and Sub-Committee meetings which are held virtually.
- 2.7 No alteration of the Standing Orders will be made without:
  - (a) notice of intention being given at one meeting of the Council to be discussed at the following one, agreed by a majority of the councillors present and voting: **or**
  - (b) a report submitted to any meeting of the Council by the Chief Executive proposing alterations.
- 2.8 Standing orders may be suspended, in relation to any item of business on the agenda for that meeting, by way of a motion insofar as:

- a) to do so is not inconsistent with any statutory provisions; and
- b) two-thirds of the councillors of the Council or Committee present agree to do so by roll call vote.

### **Section 3: Business to be Transacted at the First Meeting of the Council following a Local Government Election.**

- 3.1 The Chief Executive, in their capacity as Returning Officer, will call a meeting of the Council within 21 days of the date of the local government election. The Chief Executive will decide the date, time and venue for this meeting.
- 3.2 At the first meeting, the Chief Executive, in the capacity of Returning will assume the chair until the Convener is elected, and the following business will be transacted: -
  - a) to elect from among the councillors of the Council, the Convener of the Council, who will be known as the Provost
  - b) to note the election of councillors
  - c) to elect a Vice-Convener of the Council, who will be known as the Deputy Provost
  - d) to agree which political party(ies) shall form the Administration
  - e) to elect a Convener and Vice-Convener(s) of each of the Committees of the Council
  - f) to appoint councillors of the Committees
  - g) to appoint councillors to the Licensing Board
  - h) to appoint / nominate councillors to represent the Council on Joint Boards; Joint Committees of the Council and other local authorities, and outside bodies on which the Council is entitled to be represented
  - i) to agree a scheme for the division of councillors' remuneration
  - j) to agree a timetable of meetings of the Council
  - k) to deal with any other business specified in the notice calling the first meeting of the Council

### **Section 4: Term of Office of Provost and Deputy Provost of the Council**

- 4.1 The Provost and Deputy Provost will normally hold office until the next ordinary election of the Council unless they cease to be councillors of the Council before that date.
- 4.2 The Provost or Deputy Provost may be removed from office before the date of the next ordinary election of the Council, provided that two thirds of the councillors of the Council present so decide.
- 4.3 Notice of any motion to remove the Provost or Deputy Provost from office must be intimated at a meeting of the Council for consideration at the next scheduled Council meeting.

### **Section 5: Decision Making Framework**

- 5.1 The Council's Scheme of Administration sets out where responsibility for decision making sits in respect of any function of local government business.

- 5.2 Any reserved matters will be determined by the full Council.
- 5.3 In respect of non-reserved matters, the Council will appoint such Committees and Sub-Committees as they consider necessary.
- 5.4 The Scheme of Administration will set out:
- a) the functions delegated to a particular Committee or Sub-Committees
  - b) constitution and membership of the Committees and Sub-Committees
  - c) the functions which are delegated to officers.
- 5.5 Notwithstanding that any matter has been delegated to a Committee or Sub-Committee in terms of the Scheme of Administration, prior to any discussion taking place on an item of business contained in the meeting agenda, the Committee or Sub-Committee may decide (by a simple majority of the voting members present at the meeting), not to exercise their delegated powers in relation to that item of business. In which case, the item of business will appear on the agenda for the next available meeting of the Council or if appropriate, the relevant Committee which appointed the Sub-Committee.

## **Section 6 –Membership of Committees and Sub-Committees**

- 6.1 In appointing councillors to Committees and Sub-Committees, the Council will, so far as is reasonably practicable, give effect to the principles regarding political balance set out in the Local Government and Housing Act 1989.
- 6.2 Councillors will be appointed to Committees at the first meeting of the Council after the ordinary local government election. It will, however, be competent for the Council to vary the membership at any time, provided that the principles regarding political balance referred to in Standing Order 6.1 are maintained.
- 6.3 Councillors who are appointed to any Committee or Sub-Committee which are quasi-judicial in nature (as specified in 24.3 below) will be required to undertake the relevant training, to the satisfaction of the Head of Legal & Governance Services, prior to them taking up their position on the respective Committee or Sub-Committee.
- 6.4 Any councillor may attend a meeting of any Committee to which they have not been appointed, as an observer, subject to the same exceptions as set out in Standing Order 25
- 6.5 Subject to the provisions of Standing Order 6.3, if a member of a Committee or Sub-Committee is unable to attend a meeting, they: -
- (a) may ask another Councillor to attend that meeting as their substitute, with powers to act on their behalf
  - (b) will ensure that the substitute has access to the appropriate meeting papers; and
  - (c) will advise the Head of Legal and Governance Services accordingly in advance of the meeting.

The substitute will require to be in attendance for the duration of the meeting unless they and the standing member have agreed otherwise.

In the case of a Sub-Committee, the substitute will be a member of the parent Committee.

## **Section 7: Role of the Convener and Depute Convener in meetings**

- 7.1 The Convener, or in the absence of the Convener, the Vice Convener, will chair the Council meeting. If both are absent, the Council will appoint another councillor to preside at the meeting.
- 7.2 Subject to 7.1, the Convener, with appropriate advice from the Head of Legal & Governance, will decide all matters of procedure and their ruling shall be final.
- 7.3 Subject to 7.1, the Convener may determine that the Vice Convener will lead discussion on any item(s) of business on the agenda, however it remains for the Convener to determine matters under 7.2 above.
- 7.4 In relation to Committee and Sub-Committee meetings, the provisions of this section similarly apply to the role of Convener and Vice-Convener. Where neither the Convener or Vice Convener of a Committee or Sub-Committee is available, it is for the Committee/ Sub-Committee to appoint another member to chair the meeting.

## **Section 8: Calling of Meetings**

- 8.1 Ordinary meetings of the Council will be held in accordance with a programmed cycle of meetings as agreed annually by the Council. Any subsequent changes to the date or time of meetings must, where possible, be approved by the Council, failing which the change must be approved by the Convener.
- 8.2 A meeting will be deemed to be called once formal notice of the following has been given to every councillor of the Council by the Chief Executive:
  - a) the date of the meeting
  - b) the time of the meeting
  - c) the venue where the meeting is to be held; and
  - d) the business to be transacted (the "Agenda").
- 8.3 The Chief Executive will give every councillor formal notice of any meeting, at least six days before the date of the meeting, unless special circumstances require the meeting to be convened at shorter notice. It will be for the Convener in consultation with the Chief Executive, to determine whether there are special circumstances.
- 8.4 In addition to the ordinary meetings of the Council, the Chief Executive will call a special meeting of the Council in the following circumstances:
  - (a) in response to a resolution of the Council; **or**
  - (b) on being required in writing so to do by the Convener; **or**

- (c) on receiving a request in writing for that purpose specifying the business proposed to be transacted at the meeting signed by ten councillors of the Council.

As regards meetings under 8.4 (a) and (b) above, these shall be held within fourteen days of receipt of the request and will deal only with the business specified in the request.

- 8.5 Notwithstanding 8.4 above, a special meeting of the Council will be scheduled each year to set the Council's revenue budget, on such date as agreed with the Convener in consultation with the Chief Executive.
- S Special meetings of Committees will be held on such dates and times as the respective Conveners of these Committees may determine in consultation with the Head of Legal and Governance Services.

### **Section 9: Protocol for Considering Business**

- 9.1 Meetings of the Council, Committees or Sub-Committees are ordinarily held in the Council Chamber at 2 High Street, Perth. These meetings are open to the public in terms of Section 50A of the Local Government (Scotland) Act 1973 and are generally recorded for broadcast online after the meeting (except for the Licensing Committee).
- 9.2 In terms of Section 50A of the Local Government (Scotland) Act 1973, unless the Council, Committee or Sub-Committee decide otherwise, the taking of photographs of any proceedings at a meeting or the making of any public commentary on any proceedings as they take place, will not be permitted.
- 9.3 An item of business will not be considered at a meeting of the Council unless either:
  - (a) a copy of the agenda including reports\* has been open to inspection by members of the public for at least three working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
  - (b) by reason of special circumstances, which will be specified in the minutes, the Convener is of the opinion that, in terms of Section 50B (4)(b) of the Local Government (Scotland) Act 1973, the item should be considered at the meeting as a matter of urgency.

\* excluding those reports which, in the opinion of the Head of Legal and Governance Services should not be considered while the meeting is open to the public as provided for in terms of Section 50B (2) of the Local Government (Scotland) Act 1973 – (see **Appendix 1** to these Standing Orders).

- 9.4 The quorum for a meeting of Council will be one fourth of the councillors and no business will be transacted unless the quorum is present.
- 9.5 If, within ten minutes of the time appointed for a meeting of the Council, a quorum is not present, the Convener will adjourn the meeting to a time fixed then or as soon as



practicable afterwards. In the event of the Convener being among those absent, the Vice-Convener, or in their absence also, the Head of Legal and Governance Services, will bring the meeting to an end. It shall be formally recorded in the minute of the meeting that, due to the lack of the necessary quorum, no business was transacted. The meeting will then be reconvened at the earliest possible future date.

### **Section 10: Notices of Motion (political business items)**

- 10.1 Every notice of motion will be in writing and will be signed by the councillor giving the notice and counter-signed by at least one other. If the notice is sent via e-mail, then an email will be sent by the councillor submitting the motion and a further email then sent by the councillor seconding the motion.
- 10.2 A notice of motion which has not been received by the Head of Legal and Governance Services by 12 noon on the fourteenth day prior to the day fixed for any meeting of the Council, Committee or Sub-Committee, will not be included in the agenda for such meeting and will not be moved at such meeting.
- 10.3 Standing Orders 10.1 and 10.2 will not apply in a case where the Convener decides, in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973, that the matter is one of urgency in terms of Standing Order 9.3(b).

### **Section 11: Order of business**

- 11.1 At an ordinary meeting of the Council, the order of business (unless otherwise agreed by the Council at the meeting) will be: -
  - (a) Sederunt
  - (b) Notification of apologies
  - (c) Declarations of Interest in terms of the Councillors' Code of Conduct
  - (d) Requests for Deputations
  - (e) Consideration of Petitions
  - (f) Urgent business items
  - (g) Approval of the accuracy of the minute of the previous meeting
  - (h) Ordinary business items
  - (i) Political business items
  - (j) Business expressly required by Statute
- 11.2 Upon a request to consider any item of political business, which has been accepted onto the agenda, at an earlier point in proceedings, the Convener will seek the agreement of Council, in the absence of which they will put the matter to simple majority vote without further discussion.

## **Section 12: Declarations of Interest**

- 12.1 Councillors who consider that, in terms of the Councillors' Code of Conduct ([link to be added](#)), they have a financial or non-financial interest in any matter being considered at a meeting of the Council, are required to declare that interest, unless the requirement to declare an interest has been removed or excluded by way of a dispensation issued by the Standards Commission for Scotland.
- 12.2 Any member of a committee or sub-committee, who is not a councillor, must similarly declare whether they have a financial or non-financial interest in any matter being considered at the meeting.
- 12.3 A member who has declared a financial interest will leave the meeting when that matter is under consideration.
- 12.4 A member who has declared a non-financial interest, but who deems that such an interest is not significant, may decide to continue to take part in the proceedings at their own discretion.

## **Section 13: Deputations**

- 13.1 The protocol for deputations is set out in **Appendix 2**.

## **Section 14: Petitions**

- 14.1 The protocol for the consideration of petitions is set out in **Appendix 3 (to follow)**.

## **Section 15: Approval of Minutes**

- 15.1 The minutes of meetings will be submitted to the next scheduled meeting for approval of their accuracy as a record of the meeting and the decisions reached.
- 15.2 Any motion to challenge the substantive accuracy of the minute of a meeting should be intimated in writing to the Head of Legal and Governance Services at least two working days prior to the meeting at which the minute is to be considered.
- 15.3 Minor or typographical errors if identified and accepted, will be noted by the Convener and the minute will be amended accordingly.

## **Section 16: Consideration of Business items**

- 16.1 With the exception of quasi-judicial committees, in respect of each substantive item of business the order of discussion will be: -
- Introduction
  - questions
  - motion
  - amendment(s)

- comments/discussion
- summing up
- vote.

## **16.2 Points of clarification**

- 16.2.1 From the point of view of the public being able to follow the discussion, it is important that the discussion is structured. It is more important however that councillors have the right information to enable them to make the best decisions. If, in considering an item of business, councillors require further information they can raise a point of clarification during any part of the proceedings.
- 16.2.2 Where during discussion, a councillor considers that there has been a factual misunderstanding of their comment (not simply a difference of opinion) they can seek permission from the Convener to make a point of clarification.
- 16.2.3 Where officers consider that additional factual information or clarification in relation to a particular issue is required to further assist councillors in their deliberation, they can seek permission from the Convener to provide such information or clarification at any point in the meeting, except during any submissions from a deputation.

## **16.3 Points of order**

- 16.3.1 Any Member may raise a point of order at any point in the meeting, and must specify which Standing Order, law or section of the Councillors' Code of Conduct will be, or has been, breached.
- 16.3.2 Any councillor who is addressing the meeting when a point of order is raised will stop speaking until the question has been decided by the Convener.
- 16.3.3 No other councillor may speak to the point of order unless with permission of the Convener.
- 16.3.4 The Convenor shall determine the point the order and their decision be final.

## **16.4 Questions**

- 16.4.1 The Convener will try to ensure that all councillors who wish to, have an opportunity to ask questions.
- 16.4.2 Where councillors wish to ask several questions, they should indicate this to the Convener, who will determine how best to manage these within the time constraints of the meeting.
- 16.4.3 To make sure that all councillors get an opportunity to raise their questions, the Convener will decide the order in which questions will be taken.

- 16.4.4 Notwithstanding the above, a Councillor may ask a supplementary question which is directly related to the officer response, with permission from the Convener.
- 16.4.5 Questions and answers should be succinct and relevant to the business item under consideration.

### **Section 17: Procedural Motions**

- 17.1 A Procedural Motion is a motion on the procedure being proposed or undertaken at the meeting, including, but not restricted to: -
- Proposing that an item be deferred to a later date
  - Moving exempt business to the public section of the agenda
  - Proposing that an item be referred to another Committee or directly to full Council
  - Proposing that no further discussion or questioning take place
  - Proposing the suspension of a Standing Order.
- 17.2 A Procedural Motion must be moved and seconded. If a Procedural Motion is not seconded, it will fall and this will be recorded in the minute.
- 17.3 When a Procedural Motion has been moved and seconded, it will be put immediately to a simple majority agree/disagree vote, without any discussion, except for a motion to suspend Standing Orders in accordance with 2.6 above.

### **Section 18: Motions and Amendments**

- 18.1 To assist with the flow of business at the meeting, every proposed amendment relating to an ordinary business item should, where practicable, be submitted to the Head of Legal and Governance Services by 12.00 noon on the day prior to the meeting.
- 18.2 The Convener will determine whether a motion or amendment is competent and relevant, with advice from the Head of Legal & Governance Services.
- 18.3 A motion or amendment moved but not seconded, or which has been ruled by the Convener to be incompetent will not be put to the vote but will be recorded in the minute.
- 18.4 The Convener will invite any relevant officer to address the meeting on the implications (e.g. operational, financial, policy etc.) of any motion or amendment.
- 18.5 A motion or amendment is incompetent if it would require the incurring of expenditure and the source of funding cannot be identified.
- 18.6 The mover of a motion or amendment cannot identify the use of reserves as the funding source without first obtaining advice from the Head of Finance.

- 18.7 The mover and seconder of any motion or amendment, can make minor alterations to their respective motion or amendment, with the consent of the Convener.
- 18.8 A motion or amendment once moved and seconded, will not be withdrawn without the consent of the mover and seconder.
- 18.9 If a motion or amendment is withdrawn, the mover and seconder can move or second and speak in support of a further motion or amendment.
- 18.10 The Convener may choose to conjoin motions or amendments which are not inconsistent with each other, with advice from the Head of Legal and Governance Services.
- 18.11 Where there is more than one amendment put forward, the movers of the amendments will be invited by the Convener to consider conjoining all or any of their amendments into a single amendment, which if agreed will be put against the motion.
- 18.12 The mover and seconder of the motion can choose to accept a proposed amendment, in full or in part, which shall then be incorporated to form the substantive motion.

#### **Section 19: Contributions from councillors**

- 19.1 No councillor will speak in support of a motion or amendment until it has been seconded.
- 19.2 Any councillor wishing to speak at any meeting of the Council will indicate this by raising their hand and, when invited to do so by the Convener, will stand (if they are able to) and address the meeting using the microphone.
- 19.3 Subject to the provisions below, no councillor may speak for more than three minutes in the discussion, except with the permission of the Convener, and subject to a maximum of five minutes.
- 19.4 The mover and seconder of any motion or amendment, shall be entitled to speak for a combined total of ten minutes.
- 19.5 In relation to the setting of the Revenue or Capital budget, the mover and seconder of any motion or amendments shall be entitled to speak for a combined total of twenty minutes.
- 19.6 The mover of a motion will have a right of reply after all other comments have been made, but in so replying, will not introduce any new matter.
- 19.7 The mover of any amendment will be entitled to sum up after comments have been made, prior to the mover of the motion exercising their right of reply in accordance with 19.6 above.
- 19.8 Where more than one amendment has been proposed, movers of the amendments will sum up in reverse order, with the mover of the last amendment summing up first and so forth.

- 19.9 Any councillor who is not a member of the Committee, may, with the consent of the Convener, address the Committee on any item of business on an agenda that affects their ward area. The councillor shall address the committee prior to questions. With the permission of the Convenor, the Councillor may ask questions, but they shall not be entitled to participate in the discussion or to vote on the matter.

## **Section 20: Closure of Discussion**

- 20.1 After the mover of a motion has been called on by the Convener to sum up if they wish, no other councillor will speak to the matter.
- 20.2 A motion to close the discussion and move straight to a vote on the item of business in question may be made at any stage of the discussion. Such motion, if seconded, will be put to the vote without further discussion.

## **Section 21: Voting**

- 21.1 Subject to requirements elsewhere in these Standing Orders and to any statutory provision requiring a minimum number of votes to decide a matter, every item of business which is the subject of a division, will be determined by a simple majority of votes of the voting councillors present.
- 21.2 Should voting be tied, the Convener will have a second or casting vote, which they may choose to exercise, except in relation to the appointment of a councillor to any Committee/ Sub-Committee or other formal body, in which case the decision will be by lot and to appointments to which standing order 28 applies. Should the Convener choose not to exercise the casting vote, it shall be recorded in the Minute that no decision has been reached and that the matter shall be deferred to the next scheduled meeting.
- 21.3 Where only one amendment is made against a motion, the vote will be taken between the amendment and the motion. Whichever is carried shall be the resolution of the meeting.
- 21.4 If an amendment proposes that no decision be taken, the first vote will be between it and the motion. If the amendment is carried, the meeting will proceed to the next item of business. If the amendment is not carried, consideration of the item of business will resume.
- 21.5 Where there is an amendment to any motion, voting will be by roll call of those councillors present in alphabetical order by surname. The names for and against the motion or amendment and those not voting will be taken down in writing and entered in the minute of the meeting. Once the taking of the vote has commenced it must be completed.
- 21.6 Subject to 21.7 and 21.8 below, where there is more than one amendment to the motion, a vote will be taken between the last two amendments, and this process will be repeated until only one amendment remains. A vote will then be taken between the motion and the remaining amendment and whichever is carried by majority will become the resolution of the meeting.

21.7 Where a motion has multiple distinct parts which are not interdependent and the proposed amendments relate to separate distinct parts of the motion, any member including the Convenor may request that such amendments are each set separately against the relevant part of the motion as opposed to each other. If seconded, and subject to advice from the Head of Legal & Governance Services, this will be put to the vote and if carried, the following process will apply; -

- Each amendment will be set against the relevant part of the motion in order
- Any amendment if carried will be subsumed into the motion
- This process shall continue until all such amendments have been dealt with.

Where an amendment relates to multiple aspects of the motion, or impacts on other parts of the motion, or where more than one amendment relates to the same part of the motion, the process in 21.5 above shall apply.

21.8 In relation to the setting of the annual Revenue Budget and Capital Budget, any proposed amendments to a motion will be considered in order, as determined by political balance with the smallest political group being considered first against the next and so forth, until there is a single amendment to be considered against the motion.

## **Section 22: Recording of Dissent**

22.1 Any councillor may request that their dissent to any decision be recorded in the minutes of the meeting.

## **Section 23: Alteration or Revocation of Previous Decision**

23.1 Subject to Standing Order 23.2, a decision will not be altered or revoked within a period of 6 months from the date of such decision being taken.

23.2 Where the Convener rules that a material change of circumstances has occurred to such extent that it is appropriate for the matter to be reconsidered, a decision may be altered or revoked within 6 months by a subsequent decision arising from: -

- (a) a recommendation to that effect by an officer in a formal report; or
- (b) a motion to that effect of which prior notice has been given in terms of Standing Orders.10.1 and 10.2

23.3 This standing order shall not apply to decisions in relation to the appointment of Councillors to committees, boards or other outside bodies.

## **Section 24: Quasi-judicial decisions – Article 6 Human Rights consideration**

24.1 Article 6 of the European Convention of Human Rights provides that in the determination of a person's individual civil rights and obligations they are entitled to a fair hearing. Where the business before the Council is of such a nature as to involve such determination, no member will participate in the taking of a decision on an item of

business unless they have been present during consideration of the whole item, including where an item of business was discussed at a previous meeting.

- 24.2 The party whip must not be used in deciding how any councillor should vote on any item of business covered by this Standing Order.
- 24.3 For the avoidance of doubt it is considered that the following Committees/Sub-Committees will be covered by this Standing Order:
  - (a) Licensing Committee or any Sub-Committee thereof
  - (b) Planning and Development Management Committee or any Sub-Committee thereof
  - (c) Lifelong Learning Committee-Review Sub-Committee
  - (d) Strategic Policy & Resources Committee-Appeals Sub-Committee.

## **Section 25: Disclosure of Information**

- 25.1 Information, whether contained in a document or otherwise, which is confidential information within the meaning of Section 50A of the 1973 Act, will not be disclosed to any person by any councillor or officer, unless legally required to do so in terms of the Freedom of Information (Scotland) Act 2002 or some other legal provision.
- 25.2 Any information regarding proceedings of the Council from which the public may have been excluded will not be disclosed to any person unless or until disclosure has been authorised by the Council or the information has been made available to the press or to the public under Section 50B of the 1973 Act.
- 25.3 The full or any part of a document marked "not for publication by virtue of the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973" will not be disclosed to any person unless or until the document has been made available to the public or the press under Section 50B of the 1973 Act.
- 25.4 No councillor will use or disclose to any person, any confidential and/or exempt information which they learn by virtue of their office. In particular, they must not use any such confidential or exempt information: -
  - (a) for their own personal advantage or that of someone connected to them; and/or
  - (b) to the disadvantage of the Council.
- 25.5 Any councillor who is not a member of a relevant committee will, upon request, be granted access to any report containing confidential or exempt information, except where the Chief Executive, subject to advice from the Head of Legal & Governance Services, rules that the report should be subject to restricted access (e.g. due to Data Protection considerations).



## **Section 26: Conduct at Meetings**

- 26.1 It will be the duty of the Convener to maintain order and Councillors will comply immediately with any requests by the Convener to cease speaking and to take their seats.
- 26.2 If the Convener determines that any councillor at the meeting is behaving or has behaved improperly or offensively, or is deliberately obstructing the business, the Convener may take any or all the following courses of action:
- Rule that the councillor stops speaking during the rest of the consideration of the matter under discussion.
  - Put to a simple majority vote to defer the matter under discussion.
  - Following discussion with the Head of Legal and Governance Services or their representative, rule that the meeting be adjourned to a time either fixed then or to be decided afterwards, and vacate the Chair indicating that the meeting is adjourned.
- 26.3 Any Councillor, including the Convener, who believes that another member is behaving or has behaved improperly or offensively, or is deliberately obstructing the business may move any of the following which, if seconded, will be put to the vote immediately without further discussion.
- that the councillor is not allowed to contribute to the rest of the discussion on the item and is not permitted to vote
  - that the councillor is not permitted to speak to or vote on any other item of business on the agenda
  - that the councillor be instructed to leave the meeting immediately.
- 26.4. Any action taken under 26.2 or motions under 26.3 shall be formally recorded in the minutes of the meeting.
- 26.5 If a member of the public interrupts any meeting, the Convener may take the following action: -
- warn that person to stop the interruption
  - order the person to be removed from the meeting
  - if there is general disturbance at any meeting that is open to the public, order that the public be removed from the meeting.

## **Section 27: Failure to Attend Meetings**

- 27.1 Subject to the provisions of the Local Government (Scotland) 1973 Act and the Ethical Standards in Public Life etc. (Scotland) Act 2000, if a councillor fails throughout a period of six consecutive months to attend any meeting of the Council, Committee, Sub-Committee, Joint Committee, Joint Board or other body through which any functions of the Council are

being discharged, the Chief Executive must advise the Council of this, and unless the failure to attend was due to some reason approved by Council, the councillor will cease to be a member of the Council.

## **Section 28: Appointment of Chief Executive and Senior Officers**

- 28.1 Where there are two or more candidates for the appointment of a senior Council officer, in line with the remit of the Appointments Sub-Committee of the Strategic Policy and Resources Committee as set out in the Scheme of Administration, voting will be by ballot which shall be conducted by the officer providing the procedural advice to the committee.
- 28.2 If the first ballot does not produce an absolute or overall majority of votes in favour of one candidate, the candidate having the least number of votes will be struck off the list and a fresh ballot held between the remaining candidates and so on until there is an absolute majority of votes in favour of one candidate.
- 28.3 The canvassing of councillors directly or indirectly by a candidate in connection with any appointment under the Council, will disqualify the candidate. The intent of this Standing Order will be stated in any advertisement and form of application issued. Applicants must declare any family relationship with a councillor or person employed by the Council, and this should be reported in every case to the Chief Executive.

## **Section 29: Execution of Deeds and Use of Common Seal**

- 29.1 The Common Seal of the Council will be affixed to any deed or document which requires to be sealed to give effect to a decision of the Council. All deeds, to which the Common Seal of the Council is required to be affixed, will be signed by the Head of Legal and Governance Services.
- 29.2 The Common Seal of the Council will be kept by the Head of Legal and Governance Services who will be responsible for its safe custody.

**CATEGORIES OF EXEMPT INFORMATION IN TERMS OF PART 1 OF  
SCHEDULE 7A  
TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

(Subject to the Qualifications and Interpretations set out in Parts 2 and 3 of Schedule 7A)

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under the authority.
2. Information relating to any particular occupier of former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
5. Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement made in respect of that child under the Social Work (Scotland) Act 1968.
6. Information relating to the financial or business affairs of any particular person (other than the authority).
7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in Section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
10. The identity of the authority (as well as any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter

arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

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

## **Protocol for Deputations**

1. Every request for a deputation in relation to an item of business on an agenda to be heard shall be made in writing stating the subject on which the deputation wish to be heard and the action (if any) which it is proposed that the Council should take. Requests must be submitted to the Head of Legal and Governance Services at least three clear days prior to the date of the meeting at which the subject will be considered. Late requests may be considered at the discretion of the relevant Convener in consultation with the Head of Legal and Governance Services.
2. In respect of the Planning and Development Management Committee and the Licensing Committee, the Head of Legal and Governance Services will notify the other parties of the request to be heard, and of their right to also make a request to be heard by the Committee all in accordance with paragraphs 7, 8 and 9 of this protocol. This request shall be made in writing to the Head of Legal and Governance Services no later than 12 noon on the day prior to the meeting at which the subject will be considered.
3. In respect of the Planning and Development Committee, where a request for a deputation relates to an application for planning permission which has been deferred at an earlier meeting of the Committee, and in respect of which a deputation has already been heard, no further requests for deputations will be permissible.
4. If appropriate, the request shall be submitted to that Committee or the Council and the Committee or the Council may, if it so resolves, hear the deputation.
5. If the subject of the request for a deputation is one on which a Committee has already taken a decision under its delegated powers, the Council shall not hear the deputation.
6. In the event that a request for a deputation relating to a decision of a Committee upon which a final decision requires to be taken by the Council, is received after the date of the meeting of the Committee to which it relates, but prior to the meeting of the Council at which the minutes of that meeting are to be considered, the Council may:-
  - (a) defer consideration of the part of the minute relating to the subject of the request until such time as the deputation has been heard by the appropriate Committee; or
  - (b) dispose of that part of the minute with or without hearing the deputation.
7. No deputation consisting of more than ten persons shall be received.
8. No more than two members of any deputation shall be permitted to address the Council and may speak for no more than ten minutes each.

9. Any member of the Council may put any relevant question to the deputation but shall not express any opinion on the subject until the deputation has withdrawn. The Convener will allow a reasonable time period for questions from members. No debate or discussion on the subject shall take place until the relevant item of business is reached on the agenda.
10. Members of the public can circulate written information to any elected member at any point in time by obtaining their email address from the Council website [www.pkc.gov.uk](http://www.pkc.gov.uk). Prior to any Council or Committee meeting, if a request is made to the relevant Convener/Vice-Convener or Head of Legal and Governance Services to circulate relevant written information to members of a committee prior to the consideration of a particular item of business on the agenda, then this will be circulated by the Head of Legal and Governance Services if received in sufficient time prior to the meeting.

Any request from a member of the public to have a written statement read out at a committee meeting will be treated the same as a deputation request in line with the above procedures.