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Council Building
2 High Street
Perth
PH1 5PH

Friday, 23 February 2018

Attached is a supplementary agenda for the meeting of **Perth and Kinross Council** being held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 28 February 2018** at **14:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.

Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.

Members:

Provost D Melloy
All Councillors

Perth and Kinross Council

Wednesday, 28 February 2018

SUPPLEMENTARY AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

11 REVIEW OF STANDING ORDERS AND SCHEME OF ADMINISTRATION

5 - 30

Report by Chief Executive (copy herewith 18/71) (appendix 2 to follow)

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PERTH & KINROSS COUNCIL

28 February 2018

REVIEW OF STANDING ORDERS AND SCHEME OF ADMINISTRATION

Report by Chief Executive

PURPOSE OF REPORT

This report makes recommendations on revisions to the Council's Standing Orders and Scheme of Administration following the review of political decision-making structures agreed by the Council on 20 December 2017.

1. BACKGROUND

- 1.1 The Council's present decision-making structure was approved by the Council on 20 December 2017 ([Report 17/419](#) refers).
- 1.2 The Council's decision-making processes and structures must be supported by robust Standing Orders regulating the proceedings at meetings and also a Scheme of Administration detailing –
 - The constitution and membership of the Committees of the Council;
 - The functions of the Committees of the Council;
 - The delegation to Committees to exercise the functions of the Council; and
 - The delegation to officers to exercise the functions of the Council
- 1.3 In line with the requirements of Standing Orders, notice was given that revised Standing Orders would be submitted to the next Council meeting in February 2018, and also that a revised Scheme of Administration reflecting changes to the decision-making structure agreed by the Council would be submitted to that meeting.

2. PROPOSALS

Standing Orders

- 2.1 Standing Order 19 sets out the rules governing the recording of meetings of the Council and its committees, and this has been amended to reflect the decision of the Council to record the proceedings at public meetings and broadcast after the meeting.
- 2.2 Standing Order 34 sets out the order of business at an ordinary meeting of the Council which requires that formal notices of motion submitted in accordance with Standing Orders 39 and 40 are considered prior to the substantive business before the Council. In order that the Council is able to give due attention to that substantive business, it is proposed that formal notices of motion are considered following the substantive business on the agenda. The Council will retain the ability to agree to vary the order of business where

members believe that the subject of the formal notice of motion is of sufficient significance that it should be considered at an earlier point on the agenda.

- 2.3 Standing Order 34 also requires that business which the convener determines should be considered as a matter of urgency in accordance with Standing Order 29(b) is considered at the end of the agenda. In order that the Council can give due attention to such urgent business, it is proposed that this is considered immediately before the substantive business before the Council.
- 2.4 Standing Order 73 sets out how public petitions received by the Council are to be dealt with and has been amended to reflect the decision by the Council to introduce a more open and transparent petitions procedure.
- 2.5 Standing Order 27 is an additional provision setting out how the Council deals with members who fail to attend meetings. Although this is set out within Section 35 of the Local Government (Scotland) Act 1973, a recent internal audit recommended that explicit provision should be made in the Council's Standing Orders.

Scheme of Administration

- 2.6 The Scheme of Administration has been reviewed in its entirety to reflect not only the changes to the decision-making structure and the senior management structure, but also to simplify the language and improve the presentation.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 This report proposes revised Standing Orders and Scheme of Administration to support the political decision-making structures agreed by the Council on 20 December 2017.
- 3.2 It is recommended that the Council -
 - (a) approve the revised Standing Orders contained at Appendix 1 to this report, to be effective from 1 March 2018
 - (b) approve the revised Scheme of Administration contained at Appendix 2 to this report, to be effective from 1 March 2018, with the exception of the provisions relating to the Executive Director (Housing & Environment) service which will be effective from 1 April 2018.

Author(s)

Name	Designation	Contact Details
Gillian Taylor	Head of Democratic Services	Ext 75135 committee@pkc.gov.uk

Approved

Name	Designation	Date
Bernadette Malone	Chief Executive	20 February 2018

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 The proposals support the delivery of the priorities in the Perth and Kinross Community Plan/Single Outcome Agreement.

Corporate Plan

- 1.2 The proposals support the achievement of the priorities in the Council's Corporate Plan.

2. Resource Implications

Financial

- 2.1 N/A

Workforce

- 2.2 N/A

Asset Management

- 2.3 N/A

3. Assessments

Equality Impact Assessment

3.1 N/A

Strategic Environmental Assessment

3.2 N/A

Sustainability

3.3 N/A

Legal and Governance

3.4 Following the decision by the Council in December 2017 in relation to future political decision-making structures, there is a requirement to ensure that there are robust Standing Orders regulating the proceedings and meetings, and a Scheme of Administration detailing –

- The constitution and membership of the Committees of the Council;
- The functions of the Committees of the Council;
- The delegation to Committees to exercise the functions of the Council; and
- The delegation to officers to exercise the functions of the Council

Risk

3.5 Following the decision by the Council in December 2017 in relation to future political decision-making structures, the issues set out in this paper help to mitigate the risk that there is a lack of clarity around proceedings at meetings and the operation of the decision-making structure.

4. Consultation

Internal

4.1 The proposals have been the subject of consultation with senior officers.

External

4.2 N/A

5. Communication

5.1 N/A

2. BACKGROUND PAPERS

N/A

3. APPENDICES

Appendix 1 – Revised Standing Orders

Appendix 2 – Revised Scheme of Administration



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

Effective from 1 March 2018

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<u>Standing Order</u>	<u>Topic</u>
1	Commencement
2	Interpretation
3	Definitions
4	Suspension of Standing Orders
5	Alteration of Standing Orders
6-7	Alteration or Revocation of Previous Decision
8	Application of Standing Orders to Committee and Sub-Committees
9-10	First Meeting of the Council following Elections
11	Ordinary Meetings of the Council
12	Special Meetings of the Council
13	Calling of Meetings
14-15	Term of Office of Convener and Depute Convener of the Council
16-17	Duties of Convener and Depute Convener
18-24	Conduct at Meetings
25	Quorum
26	Lack of Quorum
27	Failure of Attend Meetings
28	Human Rights
29	Business to be considered
30-33	Disclosure of Information
34	Order of Business
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36-38	Approval and Signing of Minutes
39-41	Notices of Motion
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53-54	Closure of Debate
55-58	Voting
59-60	Recording of Dissent
61	Appointment of Committees and Sub-Committees
62-66	Membership of Committees and Sub-Committees
67	Use of Delegated Powers
68	Reference up by Committee and Sub-Committees
69-70	Days and Times of Meetings of Committees

<u>Standing Order</u>	<u>Topic</u>
71	Use of Substitutes
72	Reception of Deputations
73	Receipt of Petitions
74-76	Appointment of Chief Executive and Executive Directors
77-78	Execution of Deeds and Use of Common Seal

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

Commencement

- 1 These Standing Orders shall apply with effect from 1 March 2018.

Interpretation

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

Definitions

- 3 In these Standing Orders the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:

‘Council’ means the Perth & Kinross Council incorporated under the Local Government etc. (Scotland) Act 1994.

‘Chief Executive’ means the Chief Executive appointed by the Council.

‘Provost’ means the civic head appointed by the Council.

‘Councillor’ means a councillor duly elected in terms of Section 33A of the Local Government (Scotland) Act 1973.

‘Member’ means a person appointed as a member of that Committee or Sub-Committee whether or not entitled to vote.

Suspension of Standing Orders

- 4 As long as it is consistent with any statutory provisions, any one or more of the Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting, provided that two-thirds of the members of the Council present so decide.

Alteration of Standing Orders

- 5 No alteration of the Standing Orders shall be made:-
 - (a) without notice being given at one meeting of the Council to be discussed at the following one, and shall not be effected except in a resolution adopted by a majority of the members present and voting; **or**
 - (b) Excepting that a report can be submitted to any meeting of Council by the Chief Executive proposing alterations, which alterations will be inherent in the

terms of a report or minute to the Council, so as to come into immediate effect on a resolution passed by a majority of the members present and voting.

Alteration or Revocation of Previous Decision

- 6 Subject to Standing Order 7, a decision shall not be altered or revoked within a period of 6 months from the date of such decision being taken.
- 7 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 39 and 40.

Application of Standing Orders to Committee and Sub-Committees

- 8 These Standing Orders shall also apply, so far as relevant, to Committees and Sub-Committees.

SECTION 2 - MEETINGS AND PROCEEDINGS OF THE COUNCIL

First Meeting of the Council following Elections

- 9 In a local government election year, the Chief Executive will call a meeting of the Council within 21 days of the date of the election. The Chief Executive will decide the date, time and venue for this meeting.
- 10 At the first meeting, the Returning Officer or the Chief Executive will assume the chair until the Convener is elected, and the following business will be transacted:-
- (a) To note the election of councillors
 - (b) To elect from among the members of the Council, the Convener of the Council, who shall be known as the Provost;
 - (c) To elect a Depute Convener of the Council, who shall be known as the Depute Provost;
 - (d) To agree a decision-making structure for the Council.
 - (e) To elect a Convener and Vice-Convener of each of the Committees of the Council;
 - (f) To appoint members of the Committees;
 - (g) To appoint members to the Licensing Board
 - (h) To appoint / nominate members 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 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

Ordinary Meetings of the Council

- 11 Ordinary meetings of the Council shall be held in accordance with a cycle of meetings to be determined from time to time by the Council. Any changes to the date or time of meetings must be approved by the Council or in exceptional circumstances when for reasons of time it is not possible to seek the approval of Council, approved by the Provost.

Special Meetings of the Council

- 12 In addition to the ordinary meetings of the Council, the Chief Executive shall call a special meeting of the Council in the following circumstances:-
- (a) By a resolution of the Council; **or**
 - (b) On being required in writing so to do by the Provost; **or**
 - (c) On receiving a request in writing for that purpose specifying the business proposed to be transacted at the meeting signed by eleven members of the Council, which meeting shall be within fourteen days of receipt of the request and shall deal only with the business specified in the request.

Calling of Meetings

- 13 Notice of the date, time and venue for a meeting of the Council stating the business to be transacted at the meeting shall be given by the Chief Executive by being delivered to the usual place of residence of every member of the Council or at such other address advised to the Chief Executive, or) by such other means as may be deemed appropriate by the Chief Executive, at least six days before the meeting or, if the meeting is called at shorter notice, then at the time it is called.

Term of Office of Convener and Depute Convener of the Council

- 14 The Convener and Depute Convener shall normally hold office until the next ordinary election of the Council unless they cease to be members of the Council before that date.
- 15 The Convener or Depute Convener may be removed from office before the date of the next ordinary election of the Council provided that two thirds of the members of the Council present so decide. No proposal to remove the Convener or Depute Convener from office shall be made without notice given at one meeting of the Council to be discussed at the following one.

Duties of Convener and Depute Convener

- 16 The Convener, or in the absence of the Convener the Depute-Convener, shall preside. If both are absent, the Council shall appoint another member of the Council to preside.
- 17 The Convener shall decide all matters of procedure, competency and relevancy. The Convener's ruling shall be final and shall not be open to discussion

Conduct at Meetings

- 18 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 oral report on any proceedings as they take place, shall not be permitted.
- 19 Proceedings of meetings of the Council, Committee or Sub-Committee held in the Council Chamber at 2 High Street, Perth and which are open to the public in terms of Section 50A of the Local Government (Scotland) Act 1973 (with the exception of the Licensing Committee), will be recorded for broadcast after the meeting.
- 20 Smoking shall not be permitted at meetings of the Council.
- 21 It shall be the duty of the Convener to preserve order.
- 22 In the event of any member disregarding the authority of the Convener, or being guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend such member for the remainder of the meeting and, if supported by a majority of the members present, such motion shall be declared carried. The motion shall be put without discussion and, if it is carried, the Council Officer shall act on any orders as may be received from the Convener in pursuance of the resolution.
- 23 In the event of disorderly conduct by a member of the public, the Convener may ask the person to leave the meeting room.
- 24 In the event of disorder arising, the Convener shall be entitled, to adjourn the meeting to a time fixed then or decided afterwards, and vacating the Chair shall indicate that the meeting is adjourned.

Quorum

- 25 No business shall be transacted at a meeting of the Council unless one-fourth of the members of the Council are present.

Lack of Quorum

- 26 If within ten minutes of the time appointed for a meeting of the Council a quorum is not present, the Convener shall adjourn the meeting to a time fixed then or afterwards and in the event of the Convener being among those absent, the Head of Democratic Services shall minute that owing to the lack of the necessary quorum, no business was transacted.

Failure to Attend Meetings

- 27 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 shall cease to be a member of the Council.

Human Rights

- 28 In terms of Article 6 of the European Convention of Human Rights 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 shall 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. The party whip should not be used in deciding how any member should vote on any item of business covered by this Standing Order. 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
- (e) *Scrutiny Committee-Social Work Complaints Review Committee.

* The Social Work Complaints Review Committee will remain in existence solely to deal with complaints submitted prior to 1 April 2017 and thereafter will be dissolved. Until dissolved it will report to the Scrutiny Committee and its remit, membership and operation will be as previously decided by Council.

Business to be considered

- 29 An item of business shall 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 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 shall be specified in the minutes, the Convener of the meeting 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 Democratic 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 to these Standing Orders).

Disclosure of Information

- 30 Information, whether contained in a document or otherwise, which is confidential information within the meaning of Section 50A of the 1973 Act, shall not be disclosed to any person by any member or officer.

- 31 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" shall 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.
- 32 Any information regarding proceedings of the Council from which the public may have been excluded shall 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.
- 33 Without prejudice to the foregoing no member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a member where such disclosure would be to the advantage of the member or of anyone known to him/her or which would be to the disadvantage of the Council

Order of Business

- 34 At an ordinary meeting of the Council, the order of business (unless otherwise agreed by the Council at the meeting) shall 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 brought forward by the Convener in accordance with Standing Order 29(b)
 - (g) Approval of the accuracy of the minute of the previous meeting
 - (h) Approval / noting of minutes of meetings of Committees
 - (i) Business contained in the agenda for the meeting
 - (j) Business expressly required by Statute
 - (k) Motions, in respect of which formal notice has been given in terms of Standing Orders 39 and 40, in the order in which they have been received

Declarations of Interest

- 35 Councillors and members who consider that in terms of the Councillors' Code of Conduct, they have a financial or non-financial interest in any matter being considered at a meeting of the Council, Committee or Sub-Committee 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. . A councillor or member who has declared a financial interest shall leave the meeting room when that matter is under consideration. A councillor or member who has declared a non-financial interest, but who deems that such an interest is not significant may continue to take part in the proceedings.

Approval and Signing of Minutes

- 36 Minutes of meetings of Committees with delegated powers shall be submitted to the

next meeting of that Committee for approval of their accuracy and thereafter signed by the Convener of that Committee.

- 37 Minutes of meetings of Committees, which do not have delegated powers, will be submitted to Council for approval of the decisions contained therein and to the next meeting of that Committee for approval of their accuracy.
- 38 No motion to challenge the accuracy of the minute of a meeting shall be competent unless intimated in writing to the Head of Democratic Services at least two working days prior to the meeting at which it is intended to challenge the minute.

Notices of Motion

- 39 Every notice of motion shall be in writing and shall be signed by the member of the Council giving the notice and counter-signed by at least one other member.
- 40 A notice of motion which has not been received by the Head of Democratic Services by 12noon on the fourteenth day prior to the day fixed for any meeting of the Council, shall not be included in the agenda for such meeting and shall not be moved at such meeting.
- 41 Standing Orders 39 and 40 shall 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 29 (b).

Order of Debate

Formal Proposal of Motions and Amendments

- 42 Every motion and amendment raised during debate shall be relevant to the business before the meeting and shall be moved and seconded. Every amendment must be relevant to the motion to which it is moved.
- 43 The Convener shall decide as to relevancy and shall have the power to conjoin motions or amendments which are not inconsistent with each other.
- 44 A member shall not move or second more than one amendment upon a motion, unless the first mentioned amendment has been withdrawn.
- 45 A motion or amendment once moved and seconded, shall not be withdrawn without the consent of the mover and seconder thereof.
- 46 All alterations to a motion shall be considered as amendments to the motion and shall be disposed of accordingly.
- 47 No member shall speak in support of a motion or amendment until it has been seconded.

Limits on Contributions to Debate

- 48 Any member of the Council wishing to speak at any meeting of the Council shall so indicate by raised hand and, when called upon by the Convener, shall stand and address the Convener and restrict their remarks:-
- (a) to the matter before the meeting;
 - (b) to moving or seconding a procedural motion or any relative amendment;
 - (c) to asking a question;
 - (d) to making a point of clarification; or
 - (e) to raising a point of order.
- 49 No member shall speak more than once (except when raising a point of order, making a point of clarification, moving or seconding a procedural motion) in a debate on any one motion and amendment.
- 50 When a member raises a point of order or information, the other member speaking shall resume his/her seat until the point of order or information has been decided by the Convener.

Time Limits

- 51 No member may speak for more than five minutes at any one time in a debate except by permission of the Convener.

Summing Up

- 52 The mover of the substantive motion (or an amendment which has become the substantive motion) in any debate shall have a right of reply but, in so replying, shall not introduce any new matter.

Closure of Debate

- 53 After the mover of a motion has been called on by the Convener to reply no other member shall speak to the matter.
- 54 A motion that the debate be now adjourned, or that the question be now put, or that the meeting now pass to the next business, may be made at any stage of the debate and such motion to close the debate, if seconded, shall be the subject of a vote without further discussion.

Voting

- 55 Subject to requirements elsewhere in these Standing Orders and to any statutory provision requiring a minimum number of votes to decide a matter, every question which is the subject of a division will be determined by a majority of votes of the members present and voting.
- 56 The Convener shall have a second or casting vote except in relation to appointment of a member of the Council to any particular office or Committee in which case the decision shall be by lot.

- 57 When only one amendment is made upon a motion, the vote shall be taken between the amendment and the motion in that order. When there is more than one amendment, the amendment last proposed shall be put against that immediately preceding, and then one which is carried shall be put against the next preceding, and so on until there remains only one amendment, which will be put against the original motion.
- 58 Voting shall be by roll call of those present and voting in alphabetical order by surname, where the names for and against the motion or amendment and those not voting shall 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.

Recording of Dissent

- 59 Motions or amendments that are not seconded will not be discussed or included in the minute of the meeting, but the proposer may request that their dissent be recorded.
- 60 Any member may request that their dissent to the decision be recorded in the minutes of the meeting.

SECTION 3 - COMMITTEES AND SUB-COMMITTEES

Appointment of Committees and Sub-Committees

- 61 The Council shall appoint such Committees as they consider necessary and shall prepare and adopt a Scheme of Administration setting out –
- The constitution and membership of the Committees of the Council;
 - The functions of the Committees of the Council;
 - The delegation to Committees to exercise the functions of the Council; and
 - The delegation to officers to exercise the functions of the Council

Membership of Committees and Sub-Committees

- 62 In appointing members to Committees and Sub-Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the Local Government and Housing Act 1989.
- 63 Members shall be appointed to Committees at the first meeting of the Council after the ordinary election of Councillors. It shall, 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 62 are maintained.
- 64 The Council may, in remitting any matter to a Committee, add any member of the Council to such Committee for the special purpose of such matter.
- 65 Any councillor may attend a meeting of any Committee to which they have not been appointed, subject to the consent of the Committee where the public and press have been excluded.
- 66 Any councillor, whether or not they have been appointed to a Committee, may, with the consent of the Committee, address the Committee for not more than five

minutes on any matter that affects the councillor's electoral area or on any other matter which the Convener agrees it would be appropriate to ask the Committee to consider, but the councillor shall not be entitled to take part in any debate or to vote on such matter.

Use of Delegated Powers

- 67 This Standing Order applies to the use of delegated powers by any of the Committees or Sub-Committees listed in Standing Order 28. Prior to any discussion or debate taking place on an item of business contained in the agenda for the meeting, 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 and the item will appear on the agenda for the next meeting of the Council or Committee which appointed the Sub-Committee, as the case may be.

Reference up by Committee and Sub-Committees

- 68 Where a question on the use of delegated powers is put to the vote at a meeting of any Committee or Sub-Committee **not** listed in Standing Order 28 and a simple majority of the voting members present at the meeting, immediately after the question has been put to the vote, ask that the provisions of this Standing Order should be applied, the decision shall be of no effect, but shall be treated as recommendation to the Council or the Committee which appointed the Sub-Committee, as the case may be.

Days and Times of Meetings of Committees

- 69 The ordinary meetings of Committees and Sub-Committees will be held in accordance with a timetable determined by the Council.
- 70 Special meetings of Committees shall be held on such dates and times as the respective Conveners of these Committees may determine.

Use of Substitutes

- 71 Subject to the provisions of Standing Order 28 and the requirement that substitutes on the Planning and Development Management and the Licensing Committee having undergone relevant training, a member of a Committee or Sub-Committee, if he or she is unable to attend a meeting thereof to which he or she has been called, may –
- (a) make arrangements with another member to attend that meeting as his or her substitute with powers to act in his or her stead and
 - (b) shall ensure that the substitute has access to the appropriate meeting papers; and
 - (c) advise the Head of Democratic Services accordingly in advance of the meeting.

The substitute will require to be in attendance for the duration of the meeting.

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

SECTION 4 - GENERAL

Reception of Deputations

- 72 (a) Every request for a deputation to be heard shall be made in writing (including by email) 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 Democratic Services at least three clear days prior to the date of the meeting at which the subject will be considered.

In respect of the Planning and Development Management Committee and the Licensing Committee, the Head of Democratic 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 (e), (f) and (g) of this Standing Order. This request shall be made in writing (including by email) to the Head of Democratic Services no later than 12 noon on the day prior to the meeting at which the subject will be considered.

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.

- (b) If the subject of the request for a deputation falls within the remit of a Committee, the request shall be submitted to that Committee or the Council as appropriate and the Committee or the Council may, if it so resolves, hear the deputation.
- (c) 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.
- (d) 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.
- (e) No deputation consisting of more than ten persons shall be received.
- (f) No more than two members of any deputation shall be permitted to address the Council and may speak for no more than five minutes each.

- (g) 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 time available for such questions shall not exceed ten minutes. No debate or discussion on the subject shall take place until the relevant minute or other item falls to be considered in terms of the order of business.

Consideration of Petitions

- 73 In accordance with the Council's public petitions procedure, petitions will be submitted to the next available meeting of the Council or the appropriate Committee.

Appointment of Chief Executive and Executive Directors

- 74 Where there are two or more candidates for the appointment of a Chief executive or an Executive Director voting shall be by ballot. 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 shall 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.
- 75 Canvassing of members of the Council directly or indirectly by a candidate in connection with any appointment under the Council, shall disqualify the candidate. The intent of this Standing Order shall be stated in any advertisement and form of application issued. Applicants will also require to declare family relationship with any member of or person employed by the Council and this should be reported in every case to the Chief Executive.
- 76 If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary or conditions of service, or as to the conduct of any person employed by the Council, the Council shall forthwith consider a resolution to exclude the public and press from the meeting.

Execution of Deeds and Use of Common Seal

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

Appendix

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.

