



**STANDING ORDERS FOR THE  
REGULATION OF PROCEEDINGS  
AND BUSINESS OF THE COUNCIL**

1 April 2007

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## **PART 1 - PRELIMINARY**

### **Commencement**

1 These Standing Orders shall apply with effect from 1 April 2007.

### **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 and Kinross Council incorporated under the Local Government Etc (Scotland) Act 1994.

“Member” means in relation to the Council, a councillor duly elected at an election or by-election or duly elected to fill a council vacancy and who has made a declaration of acceptance of office in terms of Section 33A of the Local Government (Scotland) Act 1973 and in relation to any Committee or Sub-Committee, a person appointed as a member of that Committee or Sub-Committee whether or not entitled to vote.

### **Alteration of Standing Orders**

4 No alteration of the Standing Orders shall be made without notice 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.

### **Application of Standing Orders to Committee and Sub-Committees**

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

### **Declarations of Interest**

6 Members who consider that in terms of the Councillors’ Code of Conduct, they have a financial or non-financial interest in any matter are required to declare that interest. A member who has declared such an interest shall leave the meeting room when that matter is under consideration unless the Council otherwise decide or the requirement to declare an interest has been removed or excluded by way of a dispensation issued by the Standards Commission for Scotland. Members who consider that, in terms of the Councillors’ Code of Conduct, they have a non-financial interest in any matter, but who deem that such an interest is not significant may continue to take part in the proceedings.

## **PART 2 - MEETINGS AND PROCEEDINGS OF THE COUNCIL**

### **First Meeting of the Council following Elections**

7 The first meeting of the Council after the periodic ordinary election of Councillors shall take place on such date (within 21 days of the date of the election) as the Council may have determined prior to the election.

8 The business to be transacted at the first meeting shall be:-

- (i) the election, from among the members of the Council, of the Convener of the Council, who shall be known as the Provost, and, until such election has been completed, the Returning Officer shall preside;
- (ii) the election of a Depute Convener of the Council, who shall be known as the

- Depute Provost;
- (iii) the election of a Convener and Vice-Convener of each of the Committees of the Council;
  - (iv) the appointment of the members of the Committees;
  - (v) the appointment of 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; and
  - (vi) the adoption of a timetable of meetings of the Council.

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

9 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.

10 All meetings of the Council shall be held at such place and hour as the Council may, from time to time, direct.

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

11 The Chief Executive shall call a special meeting of the Council at any time on being required in writing so to do by the Convener of the Council, or 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**

12 Notice of the place and time of a meeting of the Council shall be given by or on behalf of the Chief Executive (i) 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 (ii) 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.

### **Conduct at Meetings**

13 In terms of Section 50A of the 1973 Act unless the Council decide otherwise, the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings, or the making of any oral report on any proceedings as they take place, shall not be permitted.

14 Smoking shall not be permitted at meetings of the Council.

15 In the event of any member at any Council meeting disregarding the authority of the Convener, or being guilty of obstructive or offensive conduct, a motion may be thereupon moved and seconded to suspend such member for the remainder of the sitting 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 be carried as aforesaid, the Council Officer shall act on such orders as may be received from the Convener in pursuance of such resolution.

### **Quorum**

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

17 If within ten minutes of the time appointed for a meeting of the Council a quorum be not present, the Convener shall adjourn the meeting to a time he or she may then or afterwards fix 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.

### **Human Rights**

18 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) Lifelong Learning Committee-Review Sub-Committee
- (c) Environment Committee when considering applications for licences, certificates etc
- (d) Strategic Policy & Resources Committee-Appeals Sub-Committee
- (e) Scrutiny Committee-Social Work Complaints Review Committee.

### **Order of Business**

19 At an ordinary meeting of the Council, the order of business( unless otherwise agreed by the Council at the meeting) shall be:-

- (a) Declarations of Interest in terms of the Councillors' Code of Conduct
- (b) The sederunt shall be taken.
- (c) The Minute of the previous meeting shall be submitted for confirmation.
- (d) Deputations.
- (e) Petitions.
- (f) Motions, in respect of which formal notice has been given, in the order in which they have been received.
- (g) Minutes of Committees.
- (h) Business contained in the agenda for the meeting.
- (i) Business expressly required by Statute.
- (j) Any correspondence, communications and other business specially brought forward by direction of the Convener as a matter of urgency.

20 An item of business shall not be considered at a meeting of the Council unless either:-

- (a) a copy of the agenda including reports (but 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) is open to inspection by members of the public at the offices of the Council 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 the item should be considered at the meeting as a matter of urgency.

### **Term of Office of Convener and Depute Convener of the Council**

21 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.

22 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 of the Council**

23 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.

24 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

25 It shall be the duty of the Convener to preserve order. The Convener shall be entitled, in the event of disorder arising, to adjourn the meeting to a time fixed then or decided afterwards, and vacating the Chair shall indicate that the meeting is adjourned.

### **Motions**

26 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.

27 A notice of motion which has not been received by the Head of Democratic Services by 12 o'clock in the afternoon of 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.

28 Standing Orders 26 and 27 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.

29 No motion to challenge the accuracy of a Minute 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.

### **Alteration or Revocation of Previous Decision**

30 Subject to Standing Order 31, a decision shall not be altered or revoked within a period of 6 months from the date of such decision being taken.

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

- (i) a recommendation to that effect, by an officer in a formal report; or
- (ii) a motion to that effect, of which prior notice has been given in terms of Standing Orders 26 and 27.

### **Order of Debate**

32 Every motion and amendment 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. The Convener shall decide as to relevancy and shall have the power to conjoin motions or amendments which are not inconsistent with each other.

33 A member shall not move or second more than one amendment upon a motion, unless the first mentioned amendment has been withdrawn.

34 A motion or amendment once moved and seconded, shall not be withdrawn without the consent of the mover and seconder thereof.

35 All alterations to a motion shall be considered as amendments to the motion and shall be disposed of accordingly.

36 Any member of the Council wishing to speak at any meeting of the Council shall so indicate by raised hand and, when called upon, shall stand and address the Convener and restrict his/her remarks:-

- (i) to the matter before the meeting;
- (ii) to moving or seconding a procedural motion or any relative amendment;
- (iii) to asking a question;
- (iv) to making a point of clarification; or
- (v) to raising a point of order.

37 No member shall speak in support of a motion or amendment until it has been seconded.

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

39 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. However, 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.

40 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.

#### **Closure of Debate**

41 After the mover of a motion has been called on by the Convener to reply no other member shall speak to the matter.

42 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**

43 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, between which and the original motion the vote shall be taken.

44 Voting shall normally be by show of hands unless two-fifths of the voting members present at the meeting request that voting be by a division by roll call in which case the names for and against the motion or amendment shall be taken down in writing and entered in the Minutes. Once the taking of the vote has commenced it must be completed.

45 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.

#### **Dissent**

46 Any member may request that their dissent to the decision be recorded in the minutes of the meeting.

### **Suspension of Standing Orders**

- 47 So far as not inconsistent 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.

## **PART 3 - COMMITTEES AND SUB-COMMITTEES**

### **Appointment of Committees and Sub-Committees**

- 48 The Council shall appoint such Committees as they consider necessary and shall prepare and adopt a Scheme of Administration on the terms of reference and delegation to and composition of Committees and Sub-Committees and delegation to officers for the purpose of arranging for the discharge of the functions of the Council.

### **Membership of Committees and Sub-Committees**

- 49 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.

- 50 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 political balance referred to in Standing Order 49 is maintained.

- 51 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 remit.

- 52 Any member 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.

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

### **Use of Delegated Powers**

- 54 This Standing Order applies to the use of delegated powers by any of the Committees or Sub-Committees listed in Standing Order 18. 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**

- 55 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 18 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**

- 56 Ordinary meetings of Committees shall be held in accordance with a timetable approved by the Council.

- 57 Special meetings of Committees shall be held on such dates and times as the respective Conveners of these Committees determine.

#### **Use of Substitutes**

- 58 Subject to the provisions of Standing Order 18, a member of a Committee or Sub-Committee may, if he or she is unable to attend a meeting thereof to which he or she has been called, make arrangements with another member to attend that meeting as his or her substitute with powers to act in his or her stead and shall pass to that substitute the appropriate meeting papers and advise the Head of Democratic Services accordingly prior to commencement of the meeting. In the case of a Sub-Committee, the substitute shall be a member of the parent Committee.

### **PART 4 - GENERAL**

#### **Reception of Deputations**

- 59 (a) Every application for the reception of a deputation shall be in writing, by fax or by e-mail to the Head of Democratic Services at least three clear days prior to the date of the meeting at which the subject matter may be considered. The application shall state the subject on which the deputation wish to be heard and the action (if any) which it is proposed that the Council should take.

In respect of the Development Control Committee and the Licensing Committee, the Head of Democratic Services will notify the other parties of the application to be heard, and of their right to make an application to be heard by the Committee all in accordance with paragraphs (e), (f) and (g) of this Standing Order. Such application shall be in writing duly signed and delivered to the Head of Democratic Services no later than 12 noon on the day prior to the meeting at which the matter will be discussed.

- (b) If the subject matter of the application falls within the remit of a standing Committee of the Council, the application 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 matter is one on which a delegated decision has been taken by the Committee, the Council shall not hear the deputation.
- (d) In the event that an application for the reception of 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:-
- (i) defer consideration of the part of the minute relating to the subject matter of the application until such time as the deputation has been heard by the appropriate Committee; or
  - (ii) 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 in total.
- (g) Any member of the Council may put any relevant question to the deputation but shall not express any opinion on the subject matter until the deputation has withdrawn. The time available for such questions shall not exceed ten minutes. No

debate or discussion on the subject matter shall take place until the relevant minute or other item falls to be considered in terms of the order of business.

**Receipt of Petitions**

- 60 Every petition received by a Member or officer shall be delivered to the Head of Democratic Services prior to the meeting at which the subject matter may be considered. The Head of Democratic Services will advise the appropriate Convener who will decide whether the contents of the petition should be discussed at the meeting or not.

**Appointment etc of Staff**

- 61 Where there are two or more candidates for the appointment of a member of staff, 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 as between the remaining candidates shall take place and so on until there is an absolute majority of votes in favour of one candidate.

- 62 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 purport of this order shall be stated in any advertisement and form of application issued. Applicants will also require to declare family relationship with any member or official of the Council and this should be reported in every case to the Chief Executive.

- 63 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 meet in private.

**Execution of Deeds and Use of Common Seal**

- 64 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 Services.

- 65 The Common Seal of the Council shall be kept by the Head of Legal Services who shall be responsible for its safe custody.

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

(Subject to the Qualifications and Interpretations set out in the Schedule)

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.