



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

Council Building
2 High Street
Perth PH1 5PH

Effective from 26 June 2024.

Appendices:

- 1. Categories of Exempt Information**
- 2. Protocol for Deputations**
- 3. Petitions Procedure**

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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

1.1 Interpretation

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

1.2 Definitions

1.2.1 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 ([Virtual Committee Protocol](#)).
- 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 Strategic Lead - Legal and Governance 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 Officer 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 Depute Provost.
 - (d)
 - (i) to appoint a Councillor (to be known as a Bailie) from each political group represented on the Council to support the Provost by deputising when required at civic, ceremonial functions and events. It shall be for each group to determine their own nominee.
 - (ii) to agree that the allocation of robes and chains be at the discretion of the Provost.
 - (iii) to agree that Bailies would receive no remuneration for the role.
 - (iv) to serve from the Statutory Council meeting until the next ordinary election of the Council unless they resign in writing to the Provost, cease to be a member of the Council before that date or are removed from office by a simple majority vote of the Council.
 - (e) to agree which political party(ies) shall form the Administration.
 - (f) to elect a Convener and Vice-Convener(s) of each of the Committees of the Council.
 - (g) to appoint councillors to the Committees.
 - (h) to appoint councillors to the Licensing Board.
 - (i) 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.
 - (j) to agree a scheme for the division of councillors' remuneration.
 - (k) to agree a timetable of meetings of the Council.
 - (l) 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 Depute Provost of the Council

- 4.1 The Provost and Depute 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 Depute 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 Depute 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 Strategic Lead - Legal & Governance, 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 restrictions set out in Standing Order 19.9 and 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 Strategic Lead - Legal and Governance 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 Strategic Lead - 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.
- 8.6 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 Strategic Lead - Legal and Governance.

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.
- 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 reports¹ 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.

¹ 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 33% + 1 of the councillors (unless otherwise stated) 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 Strategic Lead - Legal and Governance, 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 Strategic Lead - Legal and Governance 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) Political business items
 - (i) Ordinary business items
 - (j) Business expressly required by Statute

Section 12: Declarations of Interest

- 12.1 Councillors 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, 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**.

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 Strategic Lead - Legal and Governance 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 will 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 2.8 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 Strategic Lead - Legal and Governance 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 Strategic Lead - Legal & Governance.
- 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 Strategic Lead - Finance & Business Support.
- 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 Strategic Lead - Legal and Governance.
- 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 five minutes in the discussion, except with the permission of the Convener.
- 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 for a maximum of 10 minutes on any item of business on an agenda that affects their ward area. The Councillor shall address the Committee prior to questions to officers from the Committee and following any deputations from members of the public. The Councillor shall not be entitled to participate in the questioning and discussion, to sit with the members of the Committee after their deputation, or to vote on the matter. This standing order will not be applicable for meetings of the Licensing Committee, Local Review Body, Review Sub-Committee of the Learning and Families Committee or Appeals Sub-Committee of the Finance and Resources Committee, where Councillors who are not members of these committees are not permitted to make deputations.

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 Strategic Lead - Legal & Governance, 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 Standing Order 23.1 shall not apply to:

- (a) decisions in relation to the appointment of Councillors to committees, boards or other outside bodies.
- (b) decisions that result from the consideration of petitions (see Appendix 3).

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 Placemaking Committee or any Sub-Committee thereof.
- (c) Learning and Families Committee - Review Sub-Committee
- (d) Finance & 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 Strategic Lead - Legal & Governance, 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 Finance 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 Strategic Lead - Legal and Governance Services.
- 29.2 The Common Seal of the Council will be kept by the Strategic Lead - Legal and Governance 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 or 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.

Appendix 2

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 to which the deputation relates. The written request should detail the purpose of the deputation i.e. views on the proposals in an officer report that is before the Council or Committee, highlighting any concerns, benefits or additional material information which is not already before the Council or Committee, and the action (if any) which is proposed that the Council should take.
2. Requests must be submitted to the Strategic Lead – Legal and Governance (via Democratic Services – committee@pkc.gov.uk) at least three clear working 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 Strategic Lead -Legal and Governance.
3. In respect of the Planning and Placemaking Committee the Strategic Lead - Legal and Governance 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 this protocol. This request shall be made in writing to the Strategic Lead - Legal and Governance (via Democratic Services – committee@pkc.gov.uk) no later than 12 noon on the working day prior to the meeting at which the subject will be considered.
4. In respect of the Planning and Placemaking 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 can be agreed.
5. If appropriate, the request shall be submitted to the relevant Committee or the Council and the Committee or the Council may, if it so resolves, hear the deputation.
6. Deputations will be permitted to speak for five minutes. Deputations forming more than one person will be permitted to speak for a combined total of ten minutes. At the discretion of the Convener, the total permitted time for deputations in relation to an item of business may be limited as deemed appropriate and guided by the volume of business on the agenda. Joint deputations should not repeat points or themes already covered.
7. Should multiple deputation requests be received in relation to an item of business, it will be at the discretion of the relevant Convener to request that speakers be asked to combine with others seeking the same proposed outcome, and present a joint deputation, to be coordinated by Clerk.

8. Any member of the Committee or 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.
9. 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. Prior to any Council or Committee meeting, if a request is made to the relevant Convener/Vice-Convener or Strategic Lead - Legal and Governance 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 Strategic Lead - Legal and Governance, if received in sufficient time prior to the meeting.

Deputations are verbal only and any visual or written information should be circulated to members of the Committee by obtaining their email address from the Council website. It is not permissible for members of the public to display visual information on the day of the Committee.

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. If permitted, the statement will be read by the Clerk.



**Perth and Kinross Council
Petitions Procedure**

Effective from 9 March 2022

Perth and Kinross Council

Petitions Procedure

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1. Introduction

Perth and Kinross Council aims not only to deliver services which meet the needs of citizens and communities but also to make its decision-making process, open and transparent and as accessible to people, as possible.

The petitions process is one way for individuals, communities, groups or businesses to raise issues with the Council and to be involved in the Council's decision-making process.

Note – Councillors may not submit a petition as they have other methods to progress an issue on behalf of a constituent(s). In addition, in signing a petition a councillor may create a conflict of interest for themselves if they sit on the committee which will hear the petition.

2. Issues that can be considered

Petitions should be about services provided by the Council or issues that affect you or your community that the Council is involved in.

Petitioners may freely disagree with the Council and/or call for changes in policy and the Council will accept petitions about most issues. There are some matters/issues that the Strategic Lead - Legal and Governance would not consider to be appropriate to deal with by way of a petition, usually because such matters are dealt with by some other legal or corporate process. These are detailed in Section 3 below. A final decision on whether a petition is to be considered will be taken by the relevant Committee Convener in consultation with the Strategic Lead - Legal and Governance (other than those matters that fall under the last point of Section 3).

3. Issues that are not considered appropriate for the Petitions Procedure

- Matters which are the subject of individual planning, licensing or other similar regulatory processes where there are already [procedures](#) in place to consider objections and an appeal against a decision.
- Matters which are subject to a specific statutory or administrative process (for example, school placing request refusal appeals).
- Matters which are the subject of current or anticipated court proceedings.
- Matters which have been raised through the Council's [Complaints Procedure](#) and the process is not yet completed.
- Matters relating to employees' terms and conditions of employment.
- Operational business matters (for example, individual or personal issues such as housing allocations or a neighbour dispute).
- Issues affecting an individual business interest.
- Complaints against individual councillors, Council staff or other individuals. These matters will either be dealt with by the [Ethical Standards Commissioner / Standards Commission](#) or the [Council's Complaints Procedure](#).
- An allegation that an individual or organisation has broken the law as this is a police matter.

- A matter which is identical or similar to another petition considered during the preceding 12 months.
- Any matter which is potentially unlawful or deemed by the Strategic Lead - Legal and Governance to be out with the Council's statutory powers.

4. Action before submitting a petition

In addition to considering the information in Section 3, petitioners may also wish to consider the following before submitting a petition:

- Have you raised the issue with the relevant [local elected member](#) or with a [Member of Parliament](#), [Member of the Scottish Parliament](#), [Community Council](#) or [Area Action Partnership](#)?
- Is the subject of your petition covered as part of a current [consultation exercise](#) or engagement process?
- Is the issue something that has been or could be submitted as a [Freedom of Information](#) request?
- Is the matter already scheduled to be considered as an item of business at a [Council / Committee / Sub-Committee](#) meeting?

Petitioners should ensure that any relevant correspondence is included as supporting information and submitted with the petition.

5. Submitting a petition

To assist, a form for petitions is included as an Appendix to this procedure and can be downloaded from the Council's website at www.pkc.gov.uk/petitions.

Petitions can be submitted by email to petitions@pkc.gov.uk, by post or by hand. For all petitions submitted by email, by post or by hand, there are some basic requirements.

The petition should be titled and include a clear statement of no more than 250 words which covers the purpose of the petition and details of the results which the petitioners expect to achieve.

A petition **must** include the following:

- (i) the **name** of the **principal petitioner** who must be on the Register of Electors for the Council area or be a secondary school pupil on the roll of a secondary school in the Council area or in the case of a local business be on the Valuation Roll for the Council area;
- (ii) the **contact address** of the **principal petitioner** to which all communications should be sent;
- (iii) the **name, address and signature** of any person(s) supporting the petition unless the petition is supported by a community council (see below).

Names and addresses can be gathered both online and on paper. If there are to be both online and paper versions of the petition, please remove repeat / duplicate names before submitting the petition.

For paper petitions, it would be helpful if petitions were typewritten or completed using a black pen. If petitioners have any special requirements, they should email petitions@pkc.gov.uk.

A petition **must** be supported by:

Petition by individual / community / group - at least 25 signatures from people who live in the Council area and are on the Register of Electors and/or secondary school pupils on the roll of secondary schools within the Council area.

OR the support of the relevant community council.

Note - Fewer signatories may be accepted where the issue concerns a small community which could not reasonably be expected to raise 25 signatories. This discretion may be exercised by the Democratic Services Manager.

Petition from local business(es) - at least 5 other businesses on the Valuation Roll for the Council area.

OR the relevant community council.

If the petition is supported by a **community council**, a community council office bearer must countersign the petition, and a copy of the minutes of the relevant community council meeting should be included as supporting information.

6. Support and help with a petition

We will accept petitions in community languages and other formats. We will also arrange for interpretation and translation services, including British Sign Language if you need it. We will take account of your needs when making arrangements to hear petitions. If you need any support, you or your representative, should discuss these with the Democratic Services Manager.

7. How to send in petitions

When the principal petitioner is satisfied that the petition meets the criteria outlined in this procedure, the petition should be submitted to the Council's Democratic Services Manager at petitions@pkc.gov.uk or by post / by hand clearly marked for the attention of the Democratic Services Manager, Council Building, 2 High Street, Perth PH1 5PH.

A written acknowledgement will be sent to the principal petitioner upon receipt of the petition.

8. Validation of petitions

The Council validates (or checks) each petition, and a certain amount of support must be included before consideration of the petition can begin.

During validation, the petition will be checked for:

- Completeness
- Number of signatories and their qualification
- Compliance with the criteria set out in Sections 3 and 5 of this procedure.

If the petition is valid then the next steps in the process are outlined in Sections 10 and 11 below.

If the petition is not valid, the petition will be returned to the principal petitioner by the Democratic Services Manager outlining the reasons for return.

9. Privacy policy and content of petitions

Information about any individual will not be used for any other purpose than in relation to the petition. Information on how the Council collects and uses information can be found at <http://www.pkc.gov.uk/dataprotection>.

Once a petition has been submitted, validated and acknowledged, the information will be made available for public access on the Council's website at www.pkc.gov.uk/petitions .

Petitioners should therefore take care not to include any information in the wording of their petition that they would not wish to be made available to the public. The name of the principal petitioner will usually be publicly available but details of individual signatories will not be disclosed to the public.

In exceptional circumstances, the Democratic Services Manager may agree that the name and address of the principal petitioner is not made publicly available. If you wish to request that your name is withheld, please email petitions@pkc.gov.uk.

- Petitioners must make sure that the Petition does not include: false, offensive or insulting statements.
- information which is protected by any court order.
- information which is commercially sensitive or confidential.
- information likely to cause personal distress, injury or loss to an individual.
- the names of individual officers of public bodies.
- the names of other individuals or information whereby they may be easily identified.
- offensive language.
- duplicate names.

Signatories to a petition should not enter the name of another individual as a signatory unless they are in possession of a signed mandate authorising them to do so.

10. Consideration of petitions

Once the petition has been validated, wherever possible it will be considered at the next available meeting of the relevant Committee, subject to the management of business on the agenda for the meeting.

The Democratic Services Manager, in consultation with the Chief Executive / relevant Strategic Lead and Convener(s), will determine which Committee is the relevant one.

If the petition is received **within 3 weeks** of the date of the next meeting of the relevant Committee, consideration of the petition will be deferred to the next available meeting of that Committee after that.

As soon as the date of the meeting at which the petition will be considered is known, the principal petitioner will be advised of the date, time and venue for the meeting.

The principal petitioner should indicate on the form whether or not they wish to have the opportunity to make a statement before the Committee.

The relevant Strategic Lead will also prepare a briefing report for the Committee outlining the issues raised in the petition and the preliminary response to these issues. This report will be included in the agenda for the Committee meeting and the principal petitioner will be provided with a copy of this report as soon as the agenda papers are issued.

Where the issues raised in the petition are particularly complex and may require further investigation or consultation with officers or third parties, the principal petitioner will be advised that formal consideration of the petition will be deferred to a future meeting to allow all relevant information to be gathered and presented.

11. Attending the committee meeting

If the principal petitioner has indicated that they wish to have the opportunity to make a statement before the Committee, the Committee will consider that request. If the Committee agrees to the request, the principal petitioner will introduce their petition with a time limit of 10 minutes allowed for speaking.

Any local member, who is not a member of the relevant Committee may, with the consent of the Committee, address the Committee for no more than 5 minutes in relation to the issues raised in the petition.

The Committee will consider petition and take any of the following actions:

- (i) decide that the issues raised do not require any further action to be taken by the Council; or
- (ii) instruct immediate action in response to the issues raised by the Petition; or refer the petition to the relevant Strategic Lead, in consultation with the Convener and Vice Convener(s), for consideration, without specific direction as to action; or
- (iii) refer consideration of the petition to another Committee or full Council; or
- (iv) continue consideration of the petition at the next meeting of the Committee, pending the submission of further information.

Following the Committee, the principal petitioner will be advised in writing of the Committee's decision.

12. Petitions log

Every valid petition submitted to the Council will be added to the petitions log on the Council's website. Petitions will be identified as live (actively being pursued) or closed. The principal petitioner will be kept advised of the progress of the petition throughout the process. All information regarding a petition will be retained in line with the Council's relevant retention schedule.

13. Contact information

All correspondence and enquiries should be directed to:

Democratic Services Manager
Council Building
2 High Street
Perth
PH1 5PH

Email petitions@pkc.gov.uk



PETITIONS FORM

If you wish to submit a petition for consideration by Committee, please complete this template.

Please refer to the Protocol on Petitions before completing the template. If you require any further information or advice, please contact the Democratic Services Manager whose details are provided at the end of this form.

Details of Principal Petitioner

Please enter the name of person and organisation (if applicable) raising the petition. Please include a contact address to which correspondence may be sent, a contact telephone number and email address if available.

Name:

Address:

Tel. No.:

Email:

Title of Petition:

Petition Statement – Please state (in no more than 250 words) what action the Petitioner wishes the Council to take.

Action Taken (if any) to Resolve Issues of Concern before Submitting the Petition

Before a petition is submitted, petitioners are expected to have taken reasonable steps in attempting to resolve the issue.

Please enter below details of any individuals or organisations approached. Copies of correspondence, including any responses, should be appended. This information will be made available to the Committee prior to its consideration of the Petition.

Appearance before Petitions Committee

Petitioners may have the opportunity to appear before the Committee to speak in support of their petition. Petitioners should indicate whether they wish to make a brief statement to the Committee when it is considering the petition. Note – Proceedings of meetings of the Council, Committees or Sub-Committees held in the Council Chambers, 2 High Street, Perth, and which are open to the public are broadcast live online and recorded/uploaded to the Council's YouTube page.

***I DO wish the opportunity to make a brief statement before the Committee**

***I DO NOT wish to make a brief statement before the Committee**

**mark box as appropriate*

Signature of Principal Petitioner

When satisfied that the petition meets all the criteria outlined in the Guidance on Petitions, the Principal Petitioner should sign and date the form in the box below.

Any additional sheets of signatures should be appended to this form.

Signature:

Date:

Name in block capitals:

Form A**PETITION TITLE:** _____**A petition must be supported by:**

at least 25 signatories from people who live in the Council area and are on the Register of Electors and/or school pupils on the school roll of secondary schools within the Council area

OR

have the support of the relevant Community Council by means of a Community Council Office Bearer countersigning the petition at the appropriate point and attaching a copy of the minutes of the Community Council meeting when the support was approved. (see Form C)

NAME	ADDRESS (inc Postcode)	SIGNATURE
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

11.		
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22.		
23.		
24.		
25.		

**Add additional sheets if required*

Form B**PETITION SUBMITTED BY LOCAL BUSINESS(ES)****PETITION TITLE:** _____**A petition must be supported by:**

at least 5 other businesses on the Valuation Roll

OR

have the support of the relevant Community Council by means of a Community Council Office Bearer countersigning the petition at the appropriate point and attaching a copy of the minutes of the Community Council meeting when the support was approved.

Name and Position held within Business	Address of Business (inc. Postcode)	Signature
1.		
2.		
3.		
4.		
5.		

Or**Support of Community Council****Name:****Signature:****Date:****(Officer Bearer of _____ Community Council)**

*Please include the minutes of the Community Council meeting when support was approved.

Submission

Please submit the original form and attachments to:

Democratic Services Manager

petitions@pkc.gov.uk

Perth and Kinross Council, Council Building, 2 High Street, Perth, PH1 5PH

Form C



PETITION TITLE: _____

Support of Community Council

Name:

Signature:

Date:

(Officer Bearer of _____ Community Council)

*Please include the minutes of the Community Council meeting when support was approved.

Submission

Please submit the original form and attachments to:

Democratic Services Manager

petitions@pkc.gov.uk

Perth and Kinross Council, Council Building, 2 High Street, Perth, PH1 5PH