



## STANDING ORDERS FOR THE REGULATION OF MEETINGS

<u>DOCUMENT HISTORY</u>		
1 January 2017	Fully revised Standing Orders in place following mid-term review	Council Executive, 22 November 2016
18 April 2017	SO24 amended to allow audio broadcasting and recording of meetings of full council	Council, 18 April 2017
21 November 2017	SO4, SO41, SO47 and SO50 to limit dates and starting times of ordinary meetings of full council, committees, sub-committees and PDSPs	Council, 7 November 2017
26 November 2018	SO26, SO42 and SO48 in relation to absence of quorum for individual items of business rather than the whole meeting	Council, 20 November 2018

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## STANDING ORDERS

### PRELIMINARY

#### 1 DEFINITIONS

C S

- (a) "Appointed Member" means a person validly appointed to a Committee, Sub-Committee, Policy Development and Scrutiny Panel, Local Area Committee or Working Group who is not an Elected Member of the Council
- (b) "Chair" means the Chair of a body listed in the Council's Scheme of Administration and "Vice-Chair" means the Vice-Chair of such a body
- (c) "Clerk" means the Chief Executive or other officer authorised by him
- (d) "Confidential information" is as defined in Section 50A of the Local Government (Scotland) Act 1973
- (e) "Council" means the West Lothian Council
- (f) "Councillor" and "Elected Member" mean a person elected to serve on the Council
- (g) "Councillors' Code of Conduct" means the Councillors' Code of Conduct made by Scottish Ministers and approved by the Scottish Parliament under the Ethical Standards in Public Life etc. (Scotland) Act 2000
- (h) "Education business" has the meaning referred to in section 124(1) of the Local Government (Scotland) Act 1973 and means any matter relating to the discharge of the functions of the Council as education authority
- (i) "Executive Councillor" means a Councillor who the Council has appointed to have responsibility for a portfolio comprising a specific area of the Council's functions
- (j) "Exempt information" is as defined in sections 50J, 50K and Schedule 7A of the Local

Government (Scotland) Act 1973

- (k) "Interest" means a financial or non-financial interest in terms of either or both of section 68 of the Local Government (Scotland) Act 1973, or in terms of the Councillors' Code of Conduct
- (l) "Leader of the Council" means an Elected Member, if any, appointed to that office
- (m) "Local Area Committee" means a Committee established in accordance with Standing Order 51
- (n) "Member" means:-
  - (o)
    - An Elected Member when it refers to the Council; or
    - An Elected or Appointed Member when it refers to a Committee, Sub-Committee, Policy Development and Scrutiny Panel, Local Area Committee or Working Group
- (p) "Parent Committee" means the Committee to which a Sub-Committee reports
- (q) "Point of Order" means an objection submitted to the Chair for decision relating to the conduct of the meeting, e.g., an alleged breach of a Standing Order or Statutory Provision
- (r) "Policy Development and Scrutiny Panel", Panel and "PDSP" mean a Working Group established under Standing Orders 50-52 as a forum for the development and scrutiny of policy, chaired by a Portfolio Holder and reporting to the Council Executive or Education Executive
- (s) "Portfolio" means the area of responsibility allocated by the Council to an Executive Councillor, and "Portfolio Holder" shall be construed accordingly
- (t) "Provost" means the Chair of the Council and "Depute Provost" (if any) means the Vice-Chair of the Council, each elected under Section 4 of the Local Government etc. (Scotland) Act 1994
- (u) "Scheme of Administration" means the Scheme of Administration approved by the Council as part of these Standing Orders
- (v) "School holiday periods" means West Lothian school summer, October, Christmas and spring/Easter holiday periods
- (w) "Working Group" is defined in Standing Order 52
- (x) "Written" and "in writing"- where provision is made for submission or delivery by a Member of a document in writing that shall include electronic delivery so long as the document otherwise complies with these Standing Orders and is received by the Clerk at the email address notified to Members for that purpose from a council email address

**C** - identifies those Standing Orders that also apply to Committees

**S** - identifies those Standing Orders that also apply to Sub-Committees

## **COUNCIL MEETINGS**

### **2 FIRST MEETING AFTER ELECTION AND REVIEW OF APPOINTMENTS**

(1) In an election year, the Council shall hold a meeting at 10 am seven days after the Council election. At this meeting or at any adjournment of it, the Council shall:-

- Appoint the Provost, and a Depute Provost, Leader of the Council, and Depute Leader of the Council if so advised
- Appoint Executive Councillors
- Determine the Committees of the Council, their remits and delegated powers
- Appoint the Chair, Vice-Chair and members of each Committee
- Agree a timetable of scheduled meetings for the Council and Committees that meet according to a regular timetable
- Determine any necessary Sub-Committees of the Committees, their remits and delegated powers
- Appoint the Chair, Vice-Chair and members of each Sub-Committee
- Agree a timetable of meetings for any Sub-Committees that meet according to a regular timetable
- Appoint the Chair, Vice-Chair and members of the other bodies listed in the Council's Scheme of Administration and agree a timetable of their meetings, as appropriate
- Appoint or nominate Members as representatives on outside bodies
- Deal with any urgent business

The Council may delegate the determination of Sub-Committees, their remit, delegated powers, Chair, Vice-Chair, membership and timetable of meetings, and appointments to outside bodies, to an appropriate Committee.

(2) Subject always to the terms of Standing Order 28, the appointments of the Provost, Depute Provost, Leader of the Council, Depute Leader of the Council, Chairs and Vice-Chairs of the bodies listed in the Council's Scheme of Administration, and Executive Councillors, shall be reviewed by the Council at any time, subject to a relevant motion appearing on an agenda for a meeting of the Council, and subject to there having been given three months' notice in writing to the Clerk of the motion.

### **3 APPOINTING MEMBERS**

**C S**

(1) When appointing Members to any office or position where there are a greater number of candidates than vacancies, the decision will be taken by a vote amongst all candidates at the same time. A candidate requires a proposer and a seconder.

- (2) Where there is one vacancy and one candidate has an absolute majority of the votes cast that candidate shall be appointed. If no candidate has an absolute majority the candidate with the fewest votes shall be eliminated and another vote shall be taken amongst the remaining candidates. This process of elimination shall continue until one candidate has an absolute majority of the votes cast
- (3) Where there is an equal number of votes for the candidates with fewest votes, there shall be an extra vote to decide which to eliminate. The candidate with fewest votes shall be eliminated. If there is an equal number of votes in the extra vote between two such candidates, the elimination shall be decided by lot
- (4) Where there is one vacancy and an equal number of votes between two candidates, the appointment shall be decided by lot
- (5) Where there is more than one vacancy, the candidate with the lowest vote shall be eliminated, and another vote taken, following the procedure set out above. This process of elimination shall continue until there are an equal number of candidates to the number of vacancies
- (6) The method used to make a decision by lot shall be determined by the Clerk.

#### **4 DATE AND TIME OF SCHEDULED MEETINGS**

- (1) Scheduled meetings shall be held according to the timetable agreed at the first meeting following an election, and periodically thereafter, unless the Council agrees otherwise.
- (2) Ordinary meetings shall not be timetabled to take place during West Lothian school holiday periods or to start before 9.30 am or after 3.00 pm, unless required for the conduct of regulatory and appeals business.

#### **5 SPECIAL MEETINGS**

**C S**

- (1) A special meeting may be called -
  - by the Chair in writing to the Clerk specifying the business of the special meeting; or
  - except in the case of Local Area Committees, by one quarter of Members asking the Clerk in writing for a meeting and specifying the business of the special meeting,

in which case it shall be held within fourteen days from receipt of the request, as required by paragraph 1(4) of Schedule 7 to the Local Government (Scotland) Act 1973.

- (2) The Clerk, in consultation with the Chair, shall determine the date, time and place for the special meeting.
- (3) Only business that is included on the agenda shall be dealt with at a special meeting.

#### **6 NOTICE OF MEETING AND AGENDA**

**C S**

- (1) At least four clear days before a meeting of the Council:-
- The Clerk shall publish the notice of meeting at the Council's headquarters and on the internet, giving the time and place of the meeting
  - The meeting shall be called by the Clerk or in the Clerk's name, unless the meeting is called by Members when the notice shall be signed by those Members
  - The notice of meeting, accompanied by reports, motions and other documents relating to the meeting, shall be sent to Members by the provision by email to their council email addresses of a hyperlink to the meeting papers, except where delivery in that manner is not practicable, in which case the meeting papers shall be delivered in some other way, electronically or otherwise, as the Clerk may determine
  - The notice of meeting, accompanied by reports, motions and other documents relating to the meeting, shall be made available on the internet, but there is no requirement to do so before the meeting papers are sent to Members
- (2) The notice of meeting shall include an agenda setting out the business to be dealt with and the proposed order for dealing with it.
- (3) Officers of the Council shall submit to the Clerk any report intended for issue at least five clear days before the meeting.
- (4) A supplementary agenda may be published setting out additional business to be dealt with. If the supplementary agenda and accompanying reports and other papers are published and sent to Members less than four clear days before the meeting, any business to be dealt with shall require to be ruled urgent by the Chair in terms of Standing Order 7.
- (5) If a notice of meeting is not received by any Member the meeting shall still be valid.
- (6) If the proceedings at a meeting are challenged on the grounds that the meeting has not been called properly, the proceedings, if necessary and for the avoidance of doubt, may be validated if the minutes of the meeting subject to challenge are confirmed at the next meeting.
- (7) In calculating the latest day for issuing the agenda for a meeting under this Standing Order, the day of the meeting and the day of issuing the agenda are to be disregarded."

## **7 URGENT BUSINESS - TO BE DEALT WITH AT MEETINGS C S**

If four clear days' notice are not given for an item of business, it may be dealt with at the meeting if:-

- It is made known at the start of the meeting when the order of business is decided; and
- The Chair rules that there are reasons why it is urgent and gives those reasons



If the Chair rules that the matter is not urgent, it shall be included as an item for the next ordinary meeting, unless it is withdrawn or dealt with in some other way before then.

## **8 ORDER OF BUSINESS**

**C S**

(1) The business at ordinary meetings shall take place in the following order unless the Chair rules otherwise under Standing Order 7 or 11, as appropriate:-

- Apologies for absence
- Declarations of interest by Members
- Order of business, including notice of urgent business and declarations of interest in any urgent business
- Deputations and presentations
- Minutes, including the minutes of the previous meeting, any Special Meeting held since then, and any Committee, Sub-Committee or PDSP minutes as appropriate
- Correspondence arising from previous meetings
- Items for decision, including election business, appointments, reports, motions in terms of Standing Orders 20 and 21 and documents for execution in that order and as appropriate
- Items for information, including appointments, reports and formal questions in that order and as appropriate

(2) The business at special meetings shall take place in the same order, except that notice of urgent business, minutes and correspondence shall not be included.

## **9 CHAIR**

The Provost shall take the chair at any meeting or part of a meeting of the Council where he or she is present. If the Provost is absent the Depute Provost shall take the chair. If the Provost and Depute Provost are both absent, another Member of the Council chosen by the Members present shall take the chair.

## **10 CHAIR - POWERS AND DUTIES**

**C S**

(1) The Chair shall ensure that the agenda of business is properly dealt with, that the meeting is conducted in compliance with Standing Orders, and that clear decisions are reached.

(2) The Chair shall permit fair and responsible debate and shall ensure that the views and opinions of all those entitled to participate, including the advice of officers under Standing Order 14, are allowed to be expressed and that these contribute to the outcome of the meeting.

- (3) The Chair shall ensure the proper and timely conduct of the meeting, expediting the business on the agenda and reaching a sufficiency of debate, where appropriate, and determining the point at which conclusions should be reached.
- (4) The Chair may make a statement at the start of the meeting on any matter that affects the Council's interest. A spokesperson for each of the opposition parties, including each independent member, shall have the right of reply.

## **11 CHAIR - RULINGS**

**C S**

On all points of order, relevance or competency, order of business, interpretation of these Standing Orders and in relation to urgent business under Standing Order 7, the ruling of the Chair is final.

## **12 MINUTES, ATTENDANCE AND APOLOGIES**

**C S**

- (1) The Clerk shall minute all meetings. The minutes shall be published with the notice of the next ordinary meeting, subject to the reporting arrangements contained in the Council's Scheme of Administration. If that meeting agrees that they are a correct record the person chairing the meeting which so agrees shall sign them.
- (2) If the accuracy of the minute is challenged then its approval shall be determined by way of motion, amendment and vote, all in accordance with these Standing Orders.
- (3) The Clerk shall, at each meeting, record the names of the Members present, those Members who submit apologies for absence, and those Members who are absent.

## **13 DEPUTATIONS**

**C**

### Submission of Deputations

- (1) Every request for a deputation shall be submitted in writing to the Clerk by the individual, or a representative of the organisation or group, wishing to be heard. A request to be heard by a person affected by business such as disabled parking spaces and road or traffic orders shall be considered in the same way as a request for a deputation.

### Powers to Hear Deputations

- (2) The Council may hear a deputation on any matter that is included in its powers and duties or delegation, or by a person submitting a petition or a request for council support under the relevant procedures, provided the matter is one of policy. The Council will not hear a deputation on a matter which can be addressed using an alternative procedure or method set up by the Council. Examples of such alternative procedures and methods for addressing matters shall include the appeals and complaints procedures.

### Deputations Not Relating to Matters to be Included on the Agenda

- (3) A request for a deputation which does not relate to a matter to be included on the agenda for a meeting shall be delivered to the Clerk by noon no less than six clear

days before the meeting. Where the matter raised by the deputation does not comply with Standing Order 13 (2), the request for such a deputation shall not be placed by the Clerk on the agenda for a meeting of the Council.

#### Deputations Relating to Matters Included on the Agenda

- (4) A request for a deputation which relates to a matter included on the agenda for a meeting shall be delivered to the Clerk no later than 12 noon on the working day before the meeting. Where the matter raised by the deputation does not comply with Standing Order 13 (2), the request for such a deputation shall not be placed before the meeting of the Council by the Clerk.

#### Deputations Submitted Late

- (5) A request for a deputation which relates or does not relate to a matter included on the agenda for the meeting may be submitted to the Clerk later than these times. Where the matter raised by the deputation does not comply with Standing Order 13 (2), the request for such a deputation shall not be placed before the meeting of the Council by the Clerk. Where the matter is placed before the meeting it may be considered provided the Chair so rules in terms of Standing Order 7 or 11 as appropriate.

#### Procedure for Hearing Deputation

- (6) In all cases the Council shall decide whether to hear a deputation. A Member may move that the deputation be not heard. The Member shall explain briefly the reason for so moving and the motion shall be put to the vote without amendment or discussion.
- (7) A deputation shall have five minutes to present its case and shall confine itself to the matter contained in the request to be heard. The Chair may rule that deputations be heard together if the Council decides to hear more than one deputation on the same subject. When deputations are heard together, the Chair shall rule how much time to allow.
- (8) After the deputation has spoken, Members may put relevant questions to the deputation. The Chair shall rule how much time to allow.
- (9) The Council shall consider the views of the deputation and a written or verbal report by officers of the Council at that meeting or a subsequent one before reaching a decision on any matter raised by a deputation.

### **14 ITEMS OF BUSINESS – OFFICERS AND QUESTIONS**

**C S**

- (1) The Chair may invite officers of the Council to speak on an item of business, at any time.
- (2) Members may ask the Chair relevant questions on each item of business. The Chair may rule that the questions be answered by an officer of the Council. The Chair may rule that the questions be answered in writing at a later date, in which case a copy of the answer shall be sent to all members of the body concerned.
- (3) The Chair may rule to limit the time available for putting questions on an item of business, insofar as this is consistent with Standing Order 10.

## **15 ITEMS OF BUSINESS - DEBATE**

**C S**

- (1) After the conclusion of Members' questions on a report, the Chair shall, subject to Standing Order 10, allow those Members who indicate that they want to speak to do so in turn. Members shall address the Chair and shall speak for up to three minutes directly to the item of business or on a point of order.
- (2) The Chair shall have the right to move the approval of a report or a minute. Approval of a report or a minute shall be considered as a motion. If approval of the report or minute is to be agreed unanimously then no seconder, amendment, debate or vote shall be required.
- (3) A motion and amendment(s) may be moved on each item of business dealt with. A motion shall be relevant to the item of business being dealt with. An amendment shall be relevant to the motion.
- (4) Every motion and amendment shall have a mover and a seconder. The mover of a motion or amendment shall not speak to the motion or amendment until a seconder has been identified. The mover and seconder of a motion or amendment shall declare his or her intention to move or second a motion or amendment before making a speech.
- (5) Motions or amendments that are not seconded shall not be discussed or recorded in the minutes, but the mover's dissent shall be recorded in the minute.
- (6) Every motion and amendment shall be given in writing to the Clerk, except with the permission of the Chair.
- (7) Where a motion or amendment with financial consequences is moved during a debate of an item of business, those consequences shall be stated in the motion or amendment and the Head of Finance and Property Services shall advise, where possible, on the financial implications of such motion or amendment.
- (8) A motion or amendment may be withdrawn at any time prior to it being put to a vote.
- (9) The mover of a motion or amendment shall not speak for more than five minutes. The seconder of a motion or amendment shall not speak for more than three minutes. Members shall not speak more than once in a debate, except to raise a point of order or, with the permission of the Chair, to give an explanation. Members shall not speak for more than three minutes.
- (10) The mover of a motion has a right of reply, which shall not last longer than five minutes and shall not introduce any new matter into the debate.
- (11) The question shall then be put to a vote by the Chair. After the question has been put to a vote, no Member shall speak until the result of the vote has been announced.

## **16 VOTING PROCEDURE**

**C S**

- (1) Except where a roll call vote is required by the Scheme of Administration, a vote shall normally be taken by a show of hands, but any member may ask for the vote to be taken by roll call. No seconder is required and this shall take precedence over taking a vote by a show of hands.

- (2) Members shall be asked to vote for the amendment and then the motion. When a motion and more than one amendment have been moved, a vote will be taken on the motion against the first amendment moved. A vote will then be taken on the surviving position against the second amendment moved, and in the same way for other amendments, if any. All members are entitled to vote at any and all stages.
- (3) If a Member immediately challenges the accuracy of the count, the Chair shall rule on whether the vote shall be repeated and a recount taken.
- (4) All questions shall be decided by a majority of the Members voting, unless the law or these Standing Orders say otherwise.
- (5) If there is an equal number of votes for a motion and an amendment, the Chair shall have a casting vote, except where the vote is to appoint a Member to any particular office or position. In that case, the decision shall be taken according to Standing Order 3.

## **17 VOTING INTENTIONS**

**C S**

Members shall not agree before a meeting to be bound to cast their vote in a particular way and shall not be required to cast their vote in a particular way when the item of business is a regulatory or quasi-judicial matter to which Part 7 of the Councillors' Code of Conduct applies.

## **18 FORMAL QUESTIONS - PROVOST, CHAIRS & EXECUTIVE COUNCILLORS**

- (1) A Member may put a formal question at a Council meeting to the Provost, the Chair of a Committee or an Executive Councillor about any matter that is included in the Council's powers and duties or delegation. The Clerk must receive the question, signed and in writing, by noon at least fourteen clear days before the meeting. A "formal question" may be a series of questions dealing with one subject.
- (2) Formal questions and written answers (if any) shall be numbered in the order in which the questions were received, and included on the agenda for the meeting.
- (3) The Clerk shall send a copy of all questions timeously lodged to all Members. A formal question may be answered in writing in advance of the meeting. A written answer, signed by the Member concerned, shall be lodged with the Clerk by noon at least five clear days before the meeting. Written answers submitted later than noon five clear days before the meeting may be tabled at the meeting if the Chair of the meeting so rules in terms of Standing Order 7 or 11 as appropriate.
- (4) The Chair of the meeting may rule that questions on the same subject be answered together, or that a question shall not be answered. If asked, the Chair shall explain the reason for the ruling.
- (5) Formal questions submitted later than noon fourteen clear days before the meeting may be answered if the Chair of the meeting so rules in terms of Standing Order 7 or 11 as appropriate. Urgent questions shall be given to the Clerk before the start of the meeting and passed to the Chair to enable a ruling to be made.

- (6) The Member who puts each formal question may put two supplementary questions. A supplementary question must be relevant to the principal formal question and/or answer to it.
- (7) The Member to whom a supplementary question is put shall decide whether it shall be answered verbally at the meeting, or in writing after the meeting. If a supplementary question is to be answered after the meeting, a copy shall be provided to all Members.
- (8) The Chair of the meeting may rule under Standing Order 11 to disallow any supplementary question. If asked, the Chair shall explain the reason for the ruling.
- (9) The total time allowed for all such questions and answers shall not be more than 30 minutes. The total time allowed for asking each supplementary question and replying to it shall not be more than three minutes. No discussion, debate or decision shall be allowed on any verbal, written or supplementary questions or their answers.
- (10) The minute of the meeting shall record that a written question was asked and answered, and by whom, and (if appropriate) that supplementary questions were asked and how they were answered, and shall refer to the subject matter of the questions and answers.

## **19 URGENT MOTIONS**

**C S**

- (1) Urgent motions not relating to the business on the agenda for the meeting and not included on the agenda for the meeting may be dealt with at the meeting if submitted in writing, signed and ruled urgent by the Chair in terms of Standing Order 7. Urgent motions shall be given, signed and in writing, to the Clerk before the start of the meeting and passed to the Chair to enable a ruling to be made.
- (2) If the Chair rules that the motion deals with a matter already being dealt with, the motion shall not be considered.
- (3) Only members of a Committee or Sub-Committee may sign and submit an urgent motion intended for that Committee or Sub-Committee.
- (4) Motions which, if approved, would have financial consequences for the council must:-
  - Contain information regarding those consequences,
  - Confirm that the Head of Finance and Property Services has verified the financial implications of the motion.

## **20 MOTIONS FOR INCLUSION ON THE AGENDA**

**C S**

- (1) Subject to Standing Order 20 (3), a motion intended for inclusion on the agenda for a meeting shall be signed by the Member or Members submitting the motion, and received, signed and in writing, by the Clerk by noon at least fourteen clear days before the meeting. All such motions shall be included on the agenda for the meeting in the order in which they are received. The Clerk shall send a copy of all motions timeously lodged to all Members.
- (2) If the Chair rules under Standing Order 11 that the motion deals with a matter already

being dealt with, the motion shall not be considered.

- (3) Only members of a Committee or Sub-Committee may sign and submit a motion intended for inclusion on an agenda for that Committee or Sub-Committee.
- (4) Once a motion is submitted in writing to the Clerk and received by him or her that motion may not be withdrawn prior to the meeting, and shall in all cases be included on the agenda for disposal at or by the meeting concerned.
- (5) Motions which, if approved, would have financial consequences for the council must:-
  - Contain information regarding those consequences,
  - Confirm that the Head of Finance and Property Services has verified the financial implications of the motion.

## **21 MOTIONS FOR REMIT TO A COMMITTEE**

**C**

- (1) A motion intended for remit to a Committee shall be signed by the Member or Members submitting the motion, and received, signed and in writing, by the Clerk by noon at least fourteen clear days before the meeting. All such motions shall be included on the agenda for the meeting in the order in which they are received. The Clerk shall send a copy of all motions timeously lodged to all Members.
- (2) The mover of the motion shall be invited to attend and speak at the Committee for consideration of that motion, and any later consideration by the Committee that directly relates to the motion until it is discharged.
- (3) The motion shall be remitted to the Committee without debate, unless the motion is ruled out of order. No seconder is required.
- (4) If the Chair rules that the motion deals with a matter already being dealt with by the Committee, the motion shall not be considered.
- (5) A Member shall not submit a motion to the Council for remit to a Committee that he or she is a member of.
- (6) Once such a motion is submitted in writing to the Clerk and received by him or her that motion may not be withdrawn prior to the meeting, and shall in all cases be included on the agenda for disposal at or by the meeting concerned.
- (7) Motions which, if approved, would have financial consequences for the council must:-
  - Contain information regarding those consequences,
  - Confirm that the Head of Finance and Property Services has verified the financial implications of the motion.

## **22 OBSTRUCTIVE OR OFFENSIVE CONDUCT - MEMBERS**

**C S**

- (1) Members are accountable for their own individual conduct in the Chamber at all times in terms of the Councillors' Code of Conduct and Guidance and shall observe the

following standards in their conduct during meetings of the Council, its Committees, Sub-Committees, PDSPs and working groups:-

- Members must observe the rules of conduct stemming from the law, the Councillors' Code of Conduct and any guidance from the Standards Commission, and the rules, standing orders and regulations of the Council.
  - Members must respect and behave courteously towards the chair, their Member colleagues, Council employees and any members of the public present at meetings or other formal proceedings of the Council.
  - Members shall at all times conduct themselves in an orderly, courteous and respectful manner, shall comply with rulings of the Chair and shall otherwise respect the authority of the Chair. When the Chair speaks, any Member who is addressing the meeting shall stop.
  - When a Member is speaking other Members shall not converse, or otherwise behave, in a manner which is disruptive to the Member speaking or to the meeting, or make any noise or disturbance which is so disruptive.
  - Members shall be seated unless addressing the meeting when invited to do so by the Chair, or when entering, leaving or moving to any other part of the Chamber during debate, and shall not stand in any of the passageways or other parts of the Chamber.
  - Members shall ensure that all electronic devices are switched to "silent" mode or are turned off.
- (2) The Chair shall take appropriate action under Standing Order 10 or 11 where necessary, if he or she is of the view that a Member is in breach of one or more of the foregoing standards, including requiring the withdrawal of a remark, requiring an apology, requiring the Member's behaviour to cease or any other action required to allow the meeting to properly proceed.
- (3) If a Member continues to behave obstructively or offensively in disregard of the authority or rulings of the Chair, a motion may be moved and seconded to suspend the Member for the rest of the meeting. The mover will explain briefly the reasons for so moving, and the Member who is the subject of the motion shall have the right to make a brief reply. The motion shall then be put to a vote in accordance with these Standing Orders but without amendment or discussion. If it is carried, the Member shall withdraw from the meeting and take no further part in it.

**23 OBSTRUCTIVE OR OFFENSIVE CONDUCT - PUBLIC C S**

If a member of the public interrupts any meeting, the Chair may warn that person to stop the interruption. If they continue the interruption, the Chair may order the person to be removed from the meeting. If there is general disturbance at any meeting that is open to the public, the Chair may order that the public be removed from the meeting.

**24 PUBLIC AND PRESS - ACCESS C S**

- (1) Except where this Standing Order says otherwise, every meeting of the Council, its



Committees, Sub-Committees and PDSPs shall be open to the public and press.

- (2) The public shall not be admitted to a meeting when an item of business is being dealt with if it is likely that they would hear:-
  - Confidential information
  - Exempt information
- (3) Meetings of full council shall be broadcast live (sound only) through the internet and sound recordings shall be made available on the council's website. Otherwise, no form of audio or visual recording, photography or transmission of the proceedings of any meeting will be allowed, unless the meeting so agrees.
- (4) No broadcast shall be made when the public is excluded under this Standing Order.
- (5) Broadcasts and the availability of recordings are subject to the controls and restrictions the Clerk deems necessary in relation to:-
  - confidential or exempt information
  - data protection
  - freedom of information, including environmental information
  - offensive or defamatory conduct or language
- (6) Where broadcasting and recording is permitted under these Standing Orders, meetings shall proceed even if recording or broadcasting equipment fails or is otherwise not available.

## **25 ADJOURNING A MEETING**

**C S**

A meeting may be adjourned for a reasonable interval until the date and time that is determined by the Chair. A meeting shall be adjourned if -

- The Chair rules to adjourn; or
- A motion to adjourn is moved and seconded. The mover shall explain briefly the reason for moving, and the motion shall be put to a vote in accordance with these Standing Orders but without amendment or discussion

## **26 QUORUM**

A quorum of the Council shall be one quarter of Members. If a quorum is not present within 15 minutes of the scheduled start time, the meeting shall be adjourned until the date and time that is determined by the Chair at the time or afterwards. If a quorum is not present for individual items of business, those items shall be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The meeting shall proceed to deal with the remaining items of business.

## **27 FINANCIAL AND OTHER INTERESTS – DISCLOSURE AND RESTRICTION ON PARTICIPATION AND VOTING**

**C S**

- (1) A Member who is present at a meeting where a contract or any other item of business

in which he or she has any interest is to be dealt with shall disclose that interest as soon as possible after the start of the meeting.

- (2) If less than a quorum is entitled to vote on an item of business because Members have declared financial or other interests which require them to leave the room in terms of the Councillors' Code of Conduct then that item cannot be dealt with at the meeting and shall be carried forward to the next meeting.

## **28 CHANGING A DECISION C S**

A decision cannot be changed within six months unless the Chair rules that there has been a material change of circumstances. If asked, the Chair shall explain the reason for the ruling.

## **29 ATTENDANCE AT HEARINGS C S**

Members may take part in or vote on a hearing only if they have attended the entire proceedings of the hearing where the item of business is a regulatory or quasi-judicial matter to which Part 7 of the Councillors' Code of Conduct applies.

## **30 FAILING TO ATTEND MEETINGS**

If a Councillor fails to attend meetings for six months of the Council or any Committee, Sub-Committee, Joint Committee or Joint Board which has Council functions delegated to it the Clerk shall tell the Council. Unless the Council decides that the failure to attend was due to some reason approved by it, the Councillor shall stop being a Member of the Council, subject to section 35 the Local Government (Scotland) Act 1973.

## **31 URGENT BUSINESS - ACTION BY CLERK C S**

- (1) The Clerk is authorised to take any necessary action where a matter arises of such urgency that it cannot await the decision of the Council or the Committee or Sub-Committee concerned.
- (2) Prior to using this delegated authority, the Clerk shall consult with the Provost, Depute Provost, Leader of the Council, or the Chair of the Committee or Sub-Committee concerned, as appropriate, and shall not proceed until the signatures of the appropriate Member or Members are obtained.
- (3) Where any of the Members who shall be consulted under this Standing Order are not available, the Clerk shall consult with appropriate Members who are available.
- (4) All action taken by the Clerk under this delegated authority shall be reported to the next meeting of the Council, or the Committee or Sub-Committee concerned.

## **32 MEMBERSHIP OF AND ATTENDANCE AT OUTSIDE BODIES AND CONFERENCES C S**

- (1) The appointment of a Member to an outside body ends when the person appointed

ceases to be a Member, unless terminated earlier by resignation or by the Council.

- (2) Any Member who has been appointed to attend a meeting with another organisation or a conference or make a visit can appoint a substitute to attend in their place if he or she is unable to attend themselves, and subject to the agreement of the other organisation where appropriate.

### **33 STANDING ORDERS – AMENDMENT AND PUBLICATION**

- (1) The Council, and only the Council, may change these Standing Orders and the Scheme of Administration if the agenda gives notice of the proposed change, subject to the provisions of the Local Government (Scotland) Act 1973.
- (2) The Clerk shall publish the Standing Orders of the Council, and shall arrange for them to be re-published to incorporate all changes.

## **SCHEME OF ADMINISTRATION**

### **COMMITTEES**

#### **34 APPOINTMENT OF CHAIRS AND MEMBERS, REMIT AND MEETINGS OF COMMITTEES**

The Council shall appoint the Chair, Vice-Chair and Members of all Committees. Each Committee shall have a remit setting out its powers to conduct business in specific areas of the Council's responsibility, as determined by the Council. Each Committee shall meet according to a regular timetable as determined by the Council or as otherwise provided in the Council's Scheme of Administration. The remits of the Committees shall be included in the Council's Scheme of Administration forming part of these Standing Orders.

#### **35 DELEGATION AND REFERENCE TO COMMITTEES**

- (1) The Council shall not delegate functions to a Committee if the law forbids such delegation.
- (2) The Council may deal with any matter included in the delegation to a Committee, even if there is no report from that Committee on the matter.
- (3) The Council may alter the delegation to a Committee. The Clerk shall arrange for these Standing Orders to be re-published to incorporate the change.
- (4) The Council may refer a matter to a Committee for consideration but not delegate powers to that Committee to reach a decision. In this case the Committee shall make a recommendation to the Council which shall require to be considered by the Council.
- (5) Committees shall follow any instructions, decisions and policies of the Council, even when these affect matters delegated or referred to that Committee.
- (6) Committees shall not incur expenditure which does not keep to financial regulations, or is inconsistent with the approved capital and revenue budgets, unless specific

delegation has been made.

- (7) Committees shall not take decisions, introduce new policies or change policies which have a significant impact on the corporate plan or the resources of the Council, unless specific delegation has been made.
- (8) Committees shall not take decisions, introduce new policies or change policies which fall within the remit of, or conflict with the declared policy of the Council or another Committee.

### **36 CHAIR**

The Chair shall take the chair at any meeting or part of a meeting of a Committee where he or she is present. If the Chair is absent, the Vice-Chair shall take the chair, failing whom another Member of the Committee chosen by the Members present following the procedure in Standing Order 3.

### **37 MEMBERSHIP**

**S**

Every Elected Member of a Committee shall stop being a member of the Committee when he or she stops being an Elected Member.

### **38 ATTENDANCE OF NON-MEMBERS AT COMMITTEES**

**S**

- (1) A Councillor can observe the whole proceedings of any meeting of a Committee that he or she is not a member of, except when the item of business is a regulatory or quasi-judicial matter to which Part 7 of the Councillors' Code of Conduct applies and is to be heard in private under Standing Order 24.
- (2) Any Councillor can take part in the discussion of any item of business being dealt with by a Committee that he or she is not a member of if the subject matter relates substantially to the Councillor's own ward interest. The Councillor shall inform the Chair of his or her intention to do so before the start of the meeting
- (3) Where the Councillor observing a meeting of a Committee or attending to take part in the discussion on a particular item or items has an in any item of business being discussed by that Committee, the Councillor shall disclose the interest as soon as possible after the start of the meeting. He or she shall leave the room during consideration of the item of business and not observe or take part in the discussion on the item of business, unless the Councillors' Code of Conduct permits otherwise.

### **39 REPORTING ARRANGEMENTS**

**S**

The reporting arrangements for Committees shall be as contained in the Council's Scheme of Administration.

### **40 SUBSTITUTE MEMBERS**

**S**

- (1) Members of Committees may appoint substitute Members each time they are unable to attend meetings, but only where authorised to do so in terms of the Council's

Scheme of Administration, and subject to completion of any training required in terms of that Scheme.

- (2) Members of the Appeals and Licensing Committees shall appoint substitute Members each time they are unable to attend meetings.
- (3) Where a substitute Member attends a meeting of a Committee in place of another Member, he or she shall produce to the Clerk written confirmation of the name of the Member they are replacing and the reason for the substitution.
- (4) Where such a substitution takes place, the substitute Member shall replace the other Member for the whole of the meeting.

#### **41 DATE AND TIME OF MEETINGS – COMMITTEES**

- (1) The Council shall agree a timetable of ordinary or scheduled meetings of Committees that meet according to a regular timetable at the first meeting following an election. As far as practical and subject to the terms of the Council's Scheme of Administration, ordinary meetings of Committees shall be held at these times.
- (2) Until the notice calling the meeting is issued, the Chair may alter the date or time of an ordinary meeting. The meeting shall take place within a reasonable period of time after the date first scheduled.
- (3) The Clerk, in consultation with the Chair, shall fix the date and time of meetings of those Committees that do not meet according to a regular timetable.
- (4) Ordinary meetings shall not be timetabled to take place during West Lothian school holiday periods or to start before 9.30 am or after 3.00 pm, unless required for the conduct of regulatory and appeals business.

#### **42 QUORUM - COMMITTEES**

A quorum of a Committee shall be as detailed in the Council's Scheme of Administration. If a quorum is not present within 15 minutes of the scheduled start time, the meeting shall be adjourned until the date and time that is determined by the Chair at the time or afterwards. If a quorum is not present for individual items of business, those items shall be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The meeting shall proceed to deal with the remaining items of business.

#### **43 STANDING ORDERS WHICH APPLY TO COMMITTEES**

Standing Orders 1, 3, 5-8, 10-17, 19-25, 27-29, 31-32 and 52-53 which apply to the Council apply to Committees in the same way.

### **SUB-COMMITTEES**

#### **44 SUB-COMMITTEES**

- (1) The Council may determine any Sub-Committees of its Committees, their remits,

delegated powers, and number of Members, and appoint the Chairs, Vice-Chairs and members of these Sub-Committees at the first meeting following an election or thereafter. The remits of these Sub-Committees shall be included in the Council's Scheme of Administration.

- (2) The parent Committee may determine any of its Sub-Committees their remits, delegated powers, and number of Members, and appoint the Chairs, Vice-Chairs and members of these Sub-Committees if this function is delegated by the Council. A Committee may only delegate matters which fall within its remit and delegated powers. The remits of these Sub-Committees shall be included in the Council's Scheme of Administration.
- (3) The parent Committee may set up new Sub-Committees and determine their remits, delegated powers, and number of Members, and appoint the Chairs, Vice-Chairs and members of these Sub-Committees. A Committee may only delegate matters which fall within its remit and delegated powers. The remits of these Sub-Committees shall be included in these Standing Orders.
- (4) The parent Committee may alter the membership of its Sub-Committees whether set by the Council or the parent Committee.

#### **45 DELEGATION AND REFERENCE TO SUB-COMMITTEES**

- (1) The parent Committee may deal with any matter included in the delegation to a Sub-Committee, even if there is no report from that Sub-Committee on the matter.
- (2) The parent Committee may alter the delegation to a Sub-Committee whether set by the Council or the parent Committee. The Clerk shall arrange for the Council's Scheme of Administration to be re-published to incorporate the change.
- (3) A parent Committee may refer a matter to a Sub-Committee for consideration but not delegate powers to that Sub-Committee to reach a decision. In this case the Sub-Committee shall make a recommendation to the parent Committee which shall require to be considered by the parent Committee.
- (4) Sub-Committees shall follow any instructions, decisions and policies of the Council and its Sub-Committees, even when these affect matters delegated or referred to that Sub-Committee.
- (5) Sub-Committees shall not incur expenditure which does not keep to financial regulations, or is inconsistent with the approved capital and revenue budgets.
- (6) Sub-Committees shall not take decisions, introduce new policies or change policies which may have a significant impact on the corporate plan or the resources of the Council.
- (7) Sub-Committees shall not take decisions, introduce new policies or change policies which fall within the remit of, or conflict with the declared policy of, the Council, the parent Committee or another Committee or Sub-Committee.

#### **46 CHAIR**

The Chair shall take the chair at any meeting or part of a meeting of a Sub Committee

where he or she is present. If the Chair is absent, the Vice-Chair shall take the chair, failing whom another Member of the Sub-Committee chosen by the Members present following the procedure in Standing Order 3.

#### **47 DATE AND TIME OF MEETINGS**

- (1) The Council shall agree a timetable of Sub-Committee meetings, for those Sub-Committees that are set up and meet according to a regular timetable, at the first meeting following an election or thereafter. As far as practical, ordinary meetings of such Sub-Committees shall be held at these times.
- (2) Until the notice calling the meeting is issued, the Chair may alter the date or time of a meeting. The meeting shall take place within a reasonable period of time after the date first scheduled.
- (3) The Clerk, in consultation with the Chair shall fix the times of those Sub-Committee meetings that do not meet according to a regular timetable.
- (4) Ordinary meetings shall not be timetabled to take place during West Lothian school holiday periods or to start before 9.30 am or after 3.00 pm, unless required for the conduct of regulatory and appeals business.

#### **48 QUORUM**

A quorum of a Sub-Committee shall be three Members. If a quorum is not present within 15 minutes of the scheduled start time, the meeting shall be adjourned until the date and time that is determined by the Chair at the time or afterwards. If a quorum is not present for individual items of business, those items shall be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The meeting shall proceed to deal with the remaining items of business.

#### **49 STANDING ORDERS WHICH APPLY TO SUB-COMMITTEES**

Standing Orders 1, 3, 5-8, 10-17, 19, 20, 22-25, 27-29, 31-32, 37-40 and 52-53 which apply to the Council or Committees apply to Sub-Committees in the same way.

### **POLICY PANELS AND WORKING GROUPS**

#### **50 POLICY DEVELOPMENT AND SCRUTINY PANELS**

- (1) The Council shall set up Policy Development and Scrutiny Panels to allow Members to work with officers and representatives from bodies outside the Council such as the Council's partnership bodies, the Scottish Government and other public agencies and voluntary organizations as well as members of the public to develop policy and scrutinise its implementation.
- (2) The terms of reference and powers of these Panels shall be detailed in the Council's Scheme of Administration.
- (3) With the exceptions of Standing Orders 1, 50 and 52, the Standing Orders of the Council shall not apply to these Panels.

- (4) Agendas and reports for meetings of these Panels shall be published and, so far as practicable, shall be made available to the public in the same way and to the same extent as are agendas and reports for meetings of Council and its Committees and Sub-Committees.
- (5) Meetings of these Panels shall be publicised and shall be open to the public in the same way and to the same extent as are meetings of Council Committees.
- (6) Ordinary meetings shall not be timetabled to take place during West Lothian school holiday periods or to start before 9.30 am or after 3.00 pm.
- (7) Members of PDSPs may appoint substitutes each time they are unable to attend meetings.
- (8) The Chair of a Working Group shall regulate the conduct of business at meetings, and shall ensure that all Members receive a fair hearing.
- (9) Where a report contains recommendations which are to be referred to council or committee for decision and elected members disagree with that course of action, that shall be recorded in the minute and the officer responsible for the report shall ensure that council or committee is made aware of that disagreement.

## **51 LOCAL AREA COMMITTEES**

- (1) The Council shall set up Local Area Committees, one for each of the Council's wards, to act as a focus for discussion of issues affecting the individual Wards and to exercise powers delegated to it by Council or the Council Executive.
- (2) The membership, terms of reference, meeting and administrative arrangements and powers of the Local Area Committees are as detailed in the Council's Scheme of Administration.

## **52 WORKING GROUPS INVOLVING MEMBERS**

- (1) Working Groups may be set up for particular purposes by the Council or a Committee to allow Members to work with relevant officers, and invited members of the public and outside bodies.
- (2) The Council or a Committee shall determine the Chair, Vice-Chair and membership of the Working Group, and identify the lead officer.
- (3) The Council or a Committee shall determine and may adjust, the remit of the Working Group, including its expected life span.
- (4) Any matter which falls within its remit may be referred to a Working Group, but no Working Group may take a decision on behalf of the Council, Committee or Sub-Committee.
- (5) If a Working Group identifies or considers a matter which requires a decision, a report shall be submitted to the Council or a Committee by the lead officer.
- (6) The Chair of a Working Group shall regulate the conduct of business at meetings, and



shall ensure that all Members receive a fair hearing. The Standing Orders of the Council shall not apply to Working Groups.

- (7) Members of Working Groups may appoint Substitute Members from their appointing body each time they are unable to attend meetings.

## **SCHEME OF DELEGATION TO OFFICERS**

### **53 DELEGATION TO OFFICERS**

**C S**

- (1) Reference to a particular officer of the Council in these Standing Orders includes any member of staff under the officer's direction.
- (2) Officers of the Council are authorised to use the delegated powers set out in the Council's Scheme of Delegation to Officers forming part of these Standing Orders. The Council, and any committee to which the power is delegated by the Council, may change these delegated powers if the agenda gives notice of the proposed change subject to the provisions of the Local Government (Scotland) Act 1973. The Clerk shall arrange for Standing Orders to be re-published to incorporate the change.
- (3) The Clerk, in consultation with the Leader of the Council, may update the Council's Scheme of Delegation to Officers to reflect any changes to legislation or regulation which do not involve any substantive change to the scheme. The Clerk shall arrange for Standing Orders to be re-published to incorporate the change.