



**ORKNEY**  
ISLANDS COUNCIL

# **Standing Orders**

For the Regulation of Proceedings and  
Business of Orkney Islands Council

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# Definitions

## 1. Definitions

1.	In these Standing Orders, the following words and expressions shall have the following meanings:
1.1.	"1973 Act" means the Local Government (Scotland) Act 1973.
1.2.	"1985 Act" means the Local Government (Access to Information) Act 1985.
1.3.	"1994 Act" means the Local Government etc. (Scotland) Act 1994.
1.4.	"2003 Act" means the Local Government in Scotland Act 2003.
1.5.	"Agenda" means the summons calling Members to attend Meetings, together with a list of business to be considered at Meetings of the Council, and its Committees and Sub-committees.
1.6.	"Chief Executive" means the Chief Executive of the Council, or any authorised official representing or acting for him/her, including the Clerk to the Meeting.
1.7.	"Clear Days" means week days, excluding weekends and public holidays, the date of publication of a notice of Meeting, and the date on which the Meeting, of which notice has been given, is held.
1.8.	"Committee" means a Committee of the Council appointed in accordance with these Standing Orders, and the Council's Scheme of Administration.
1.9.	"Confidential Information" means information as defined in Appendix 2 to these Standing Orders.
1.10.	"Convener" means the Chair of the Council, elected in accordance with section 4 of the 1994 Act, and the Council's civic head, as designated for the purposes of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.
1.11.	"Council" means Orkney Islands Council, constituted in terms of the 1973 and 1994 Acts, and having its principal offices at Council Offices, School Place, Kirkwall, Orkney, KW15 1NY.
1.12.	"Councillor" means a Member of the Council duly elected at an election or by-election and who has made and delivered to the Proper Officer of the Council a Declaration of Acceptance of Office in accordance with section 33A of the 1973 Act.
1.13.	"Depute Leader" means the Councillor appointed to deputise for the Leader.
1.14.	"Executive Director" means an Executive Director of the Council, or any authorised official representing or acting for him/her.
1.15.	"Exempt Information" means information as defined in Appendix 3 to these Standing Orders.

1.16.	"Leader" means the Councillor elected in accordance with section 4 of the 1994 Act as depute convener and designated as Leader for the purposes of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.
1.17.	"Meeting" means a Meeting of the Council, its Committees or Sub-committees, formally constituted in accordance with the 1973 Act.
1.17.1.	For the purposes of Standing Order 56, "Meeting" means a Meeting of: <ul style="list-style-type: none"> <li>• The Council.</li> <li>• Any Committee or Sub-committee of the Council.</li> <li>• Any joint committee, joint board or other body that is discharging the functions of the Council. Or</li> <li>• A meeting of any body of persons where the Member is attending as a representative of the Council.</li> </ul>
1.18.	"Member" means, in relation to the Council, a Councillor, and, in relation to any Committee or Sub-committee of the Council, any person validly appointed who is not a Councillor, whether or not entitled to vote.
1.19.	"Minute" means the summary of the business transacted at Meetings of the Council and its Committees and Sub-committees.
1.20.	"Public" means a member of the general Public and/or representatives of the press or media industries.
1.21.	"Scheme of Administration and Delegation" means the scheme which sets out the powers and functions of the Council, its Committees and Sub-committees, and the powers delegated to Chief Officials.
1.22.	"Service Committee" means the following: <ul style="list-style-type: none"> <li>• Policy and Resources Committee.</li> <li>• Development and Infrastructure Committee.</li> <li>• Education, Leisure and Housing Committee.</li> <li>• Orkney Health and Care Committee.</li> </ul>
1.23.	"Standing Committee" means the Service Committees listed at Standing Order 1.22. above, together with the following: <ul style="list-style-type: none"> <li>• Monitoring and Audit Committee.</li> <li>• Planning Committee.</li> <li>• Local Review Body.</li> <li>• Licensing Committee.</li> </ul>
1.24.	"Statutory Officer" means the following officials: <ul style="list-style-type: none"> <li>• "Chief Financial Officer" as referred to in section 95 of the 1973 Act who has responsibility for the financial affairs of the Council.</li> <li>• "Monitoring Officer" as referred to in section 5 of the Local</li> </ul>



	<p>Government and Housing Act 1989.</p> <ul style="list-style-type: none"> <li>• “Chief Social Work Officer” as referred to in section 3 of the Social Work (Scotland) Act 1968.</li> <li>• “Chief Education Officer” as referred to in section 25 of the Education (Scotland) Act 2016.</li> </ul>
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## Interpretation

### 2. Interpretation

2.	These Standing Orders are made under section 62 and paragraph 8 of Schedule 7 of the 1973 Act and, subject to the provisions of that Act, apply to meetings and proceedings of the Council and its Committees and Sub-committees.
2.1.	The Interpretation Act 1978 will apply to interpretation of these Standing Orders, in that references to the male shall include the female and, unless the context otherwise requires, words importing the singular shall include the plural and vice versa.

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## Commencement

### 3. Commencement

3.	These Standing Orders will apply and have effect on and after 5 May 2017.
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## Applicability of Standing Orders

### 4. Applicability of Standing Orders

4.	These Standing Orders shall apply to Committees and Sub-committees in the same way as they apply to the Council, with the substitution of references to Committee or Sub-committee as the case may be and to the Chair and Vice Chair of the Committee or Sub-committee, except for the following Standing Orders (marked with an asterisk) which will apply only at Meetings of the Council: 6, 8, 52, 57.5, 57.6, 72, 75, 76 and 77.
5.	Standing Order 78 will not apply at Meetings of the Planning Committee, the Local Review Body and the Licensing Committee.

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## Meetings of the Council

### 6. \* The Statutory General Meeting

6. *	The Council will hold its first General Meeting within 21 days of the date of a Local Government Election.
6.1.	The Chief Executive will determine the date and time of the Meeting.
6.2.	At the Meeting, the Council will:
6.2.1.	Note the persons elected as Councillors for the wards within the Orkney local government area following the ordinary election of Councillors.
6.2.2.	Elect the Convener, who shall hold office for two years and shall be eligible for re-election.
6.2.2.1.	The Convener shall be Chair of the Council, and shall, ex officio, be a Member of every Service Committee of the Council, with the exception of the Orkney Health and Care Committee.
6.2.3.	Elect the Leader, who shall hold office until the next Local Government Election.
6.2.3.1.	The Leader shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council, with the exception of the Orkney Health and Care Committee.
6.2.4.	Elect the Depute Leader, who shall hold office for two years and shall be eligible for re-election.
6.2.4.1.	The Depute Leader shall ex officio be Vice Chair of the Policy and Resources Committee.
6.2.5.	Elect the Chair of each Service Committee of the Council and such other Committees, Sub-committees, boards or other bodies as the Council may determine.
6.2.5.1.	A Chair shall hold office for two years, and shall be eligible for re-election.
6.2.5.2.	The order of election of Chairs shall be determined following the drawing of lots by the Chief Executive.
6.2.5.3.	The results of Standing Order 6.2.5.2 will be given to Members with the Agenda for the Meeting.
6.2.6.	Appoint Members to Committees and Sub-committees, in terms of the Scheme of Appointments of Members to Committees, which forms Appendix 1 to these Standing Orders.
6.2.6.1.	Unless the Council shall otherwise resolve, all such appointments shall be for two years, with the exception of the Licensing Committee, which shall be until the next Local Government Election.

6.2.7.	Appoint or nominate, as appropriate, members of joint committees, joint boards and community planning partnerships of which the Council is a member, members of the Licensing Board and all other bodies and representative organisations on which the Council is entitled, or is invited, to be represented.
6.2.7.1.	All such appointments, or nominations, shall be for two years, unless otherwise provided by statute, or unless the Council shall otherwise resolve.
6.2.8.	Deal with any urgent and competent business.
<b>7. Ordinary Meetings</b>	
7.	The Council shall hold such number of Meetings in each year for the transaction of business as it may determine.
7.1.	The Chief Executive will determine the date and times of Meetings of the Council.
<b>8. * Special Meetings</b>	
8. *	A special Meeting of the Council will be called by the Chief Executive at any time:
8.1.	Upon receipt of a written request to do so from the Convener. Or
8.2.	Upon receipt of a written request from at least one quarter of Members of the Council, rounded up to the nearest whole number.
9.	The request, referred to at Standing Order 8 above, must specify the business which is proposed to be transacted at the Meeting.
10.	The special Meeting will be held within 14 clear days of receipt of the written request, referred to at Standing Order 8 above.
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<b>Notice of Meetings</b>	
<b>11. Place of Meetings</b>	
11.	Meetings of the Council shall normally be held within Council Offices, Kirkwall, but may be held at such other places as the Chief Executive may decide.
<b>12. Publication of Time and Place of Meeting</b>	
12.	At least three Clear Days before a Meeting, and normally seven days before a Meeting, the Chief Executive must:
12.1.	Publish, at the Council Offices, Kirkwall, the time and place of the Meeting. And
12.2.	Issue the Agenda to Members.

13.	If the Meeting is held at short notice, the time and place of the Meeting will be published and the Agenda issued as soon as possible.
<b>14. Method of Sending Agenda</b>	
14.	The Agenda, signed by the Chief Executive, shall be sent to Members by one or more of the following methods.
14.1.	By post to their normal place of residence or at such other address as a Member may specify.
14.2.	By leaving at a designated post box within the Council Offices, Kirkwall for the Member to collect. Or
14.3.	By e-mail to an address provided by Council.
15.	Where a Meeting is called in terms of Standing Order 8 above, the Agenda will be signed by those Members who requested the Meeting.
16.	The Agenda will be left at, or sent by post to, each Member's normal place of residence unless a Member writes to the Chief Executive:
16.1.	Indicating that the Agenda be sent to some other address.
16.2.	Indicating that the Agenda be left at a designated post box within the Council Offices, Kirkwall, for the Member to collect. Or
16.3.	Electing to receive the Agenda by e-mail.
17.	If an Agenda is not received by any Member, the Meeting will still be valid.
<b>18. Agenda to Specify Business to be Transacted</b>	
18.	The Agenda shall specify the business to be transacted at the Meeting and the proposed order for dealing with business.
18.1	Reports relating to business to be transacted at the Meeting will normally be issued with the Agenda.
18.2	Reports relating to business to be transacted at the Meeting not issued with the Agenda can still be considered at the Meeting.
19.	Business not specified on the Agenda will not be considered, unless:
19.1.	It is brought to the Meeting, as a matter of urgency, in terms of Standing Order 59 below. Or
19.2.	The business must be considered at the Meeting by law.
<b>20. Withdrawal of Item of Business</b>	
20.	The Chief Executive can withdraw any item of business from the Agenda, following consultation with the Convener.
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## Admission of Public

### 21. Admission of Public

21.	Except where specified in Standing Orders 22 and 23 below, every Meeting of the Council will be open to the Public.
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### 22. Confidential Information

22.	The Public must be excluded from a Meeting when an item of business is being considered and it is likely that, if the Public were present, Confidential Information would be disclosed to them in breach of an obligation of confidence.
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### 23. Exempt Information

23.	The Public may be excluded from a Meeting when an item of business is being considered, if it is likely that Exempt Information would be disclosed.
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### 24. Disorderly Conduct

24.	A member of the Public may be excluded from a Meeting in order to prevent or stop disorderly conduct.
25.	A member of the Public may be kept out of a Meeting or the Chair may require them to leave, if they are hindering or are likely to hinder the work of the Council.
26.	If a member of the Public interrupts any Members, the Chair may warn that person.
26.1.	If the member of the Public continues the interruption, the Chair may order the person to be removed from the room where the Meeting is being held.
27.	If there is general disturbance in any part of the room that is open to the Public, the Chair may order that part to be cleared.

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## Attendance by Councillors at Meetings

### 28. Attendance by Councillors at Meetings

28.	Unless Standing Order 30 below applies, any Member of the Council may attend a Meeting of a Committee of which s/he is not a Member.
28.1.	Such a Member cannot take part in the deliberations of the Committee, nor may s/he vote.
28.2.	Should the Member remain present during the discussion of items containing Confidential Information or Exempt Information, his/her

	presence will be recorded in the Minute.
<b>29. Invitation by Chief Executive to Attend Meeting</b>	
29.	If a Member has been invited by the Chief Executive to attend the Meeting and has been issued with the Agenda and relevant reports, it is competent for that Member to participate in the deliberations of the Committee in respect of the items for which s/he has been invited.
29.1.	The Member may not make, or second, a motion or an amendment, nor may s/he vote.
<b>30. Exclusion of Members from Meetings</b>	
30.	If a Member is not a Member of a Committee, or Sub-committee, he may not attend a Meeting where:
30.1.	It is decided that Confidential Information or Exempt Information will be disclosed and the Public have been excluded from the Meeting. And
30.2.	A matter where the decision of the Committee or Sub-committee may affect the interests or rights of any person as an individual, or a commercial undertaking. And
30.3.	The decision is made after a hearing and the person has the right to be heard in person or through a representative.
<b>31. Meetings Conducted by Hearings</b>	
31.	If a Committee or Sub-committee has a hearing:
31.1.	On a matter where the decision may affect the interests or rights of any person as an individual, or a commercial undertaking. And
31.2.	Where the person has the right to be heard in person or through a representative;
	a Member of the Committee or Sub-committee may only participate and/or vote on the matter if s/he has been present throughout consideration of the whole item of business.
<b>32. Planning Applications</b>	
32.	Elected Members shall take no part in the decision making process in respect of planning applications to be determined by officers in terms of delegated powers.
<b>33. Remote Attendance</b>	
33.	Where the law allows and proper facilities are available, and at the direction of the Chair, whom failing the Vice Chair, a Member may be regarded as being present at a Meeting if s/he is able to participate from a remote location by a video or other communication link.
33.1.	A Member participating in a Meeting from a remote location will be

	counted for the purposes of deciding if a quorum is present.
33.2.	A Member will not be permitted to participate in a Meeting from a remote location where the decision may affect the interests or rights of any person as an individual or a commercial undertaking or where the decision is made after a hearing and the person has a right be heard in person or through a representative.
34.	A Member participating in a Meeting from a remote location will be excluded from the Meeting when an item of business is being considered and it is likely that Confidential Information and/or Exempt Information will be disclosed.

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## Quorum

### 35. Quorum

35.	A quorum must be present to enable a Meeting to proceed and for the business set out in the Agenda to be dealt with.
36.	Except in certain circumstances set out in law, the quorum of a Meeting of the Council will be one quarter of its Members, rounded up to the nearest whole number, and shall not be less than 3 Members.
37.	If, at any time during a Meeting, a question arises on whether a quorum is present, the Chair will allow an interval of 5 minutes, after which a count shall be taken of Members present.
37.1.	If a quorum is not present, the Meeting shall stand adjourned to such time as the Chair may determine.

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## Chair

### 38. Chairing a Meeting

38.	The Convener will take the Chair at a Meeting of the Council.
38.1	If the Convener is not present, the Convener shall, in advance of the Meeting, nominate a Councillor as his/her depute, who shall then chair the Meeting, subject always to that nomination being ratified by the Council.
39.	If both the Convener and his/her nominated depute are not present, the Council will appoint a Member to act as Chair until either the Convener or his/her nominated depute is present.

### 40. Powers and Duties of the Chair

40.	Deference shall at all times be paid to the authority of the Chair.
40.1.	When the Chair wishes to speak, any Member who is addressing the

	Meeting must cease to do so.
40.2.	It is the duty of the Chair to keep good order and to ensure that all Members obtain a fair hearing.
41.	The Chair shall decide all matters of order, competency and relevancy arising at a Meeting.
41.1.	The Chair shall determine all questions of procedure for which no express provision is made in these Standing Orders.
41.2.	His/her decision is final and not open to discussion.
42.	The Chair will decide amongst Members who wish to speak, by calling the Member whom s/he has first observed as requesting to speak at the Meeting.
43.	If there is disorder at any Meeting, the Chair may adjourn the Meeting to a later time.
43.1.	His/her departure from the Chair will indicate that the Meeting is adjourned.
44.	In the event that the Chair departs the Chair in other circumstances, the Chair shall then be taken in terms of Standing Orders 38 and 39 above.

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## Committees

### 45. Election of Vice Chair

45.	Each Committee shall elect a Vice Chair from amongst its membership.
45.1.	The Vice Chair shall continue in office until the Special General Meeting of the Council held in May every second year from the Statutory General Meeting and shall be eligible for re-election.

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## Sub-Committees

### 46. Sub-Committees

46.	Committees of the Council may appoint, with the consent of the Council, Sub-committees.
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### 47. Appointment of Chair and Vice Chair

47.	The Sub-committee may appoint a Chair and Vice Chair, from amongst its membership, who shall continue in office until the Special General Meeting of the Council held in May every second year from the Statutory General Meeting and shall be eligible for re-election.
47.1.	For the avoidance of doubt, the Chair and Vice Chair of a Sub-committee shall, unless otherwise agreed, be the Chair and Vice Chair of the parent



	Committee.
<b>48. Membership</b>	
48.	Sub-committees shall normally consist of Members of the parent Committee.
48.1.	Where in law it is competent to appoint persons to the Sub-committee who are not Members of the Council, such persons shall not be appointed to membership of a Sub-committee except with the consent of the Council.
49.	A Committee, when remitting or referring any matter to a Sub-committee, may add additional Members of the Council, who are not Members of the Committee, to the membership of a Sub-committee, with the consent of the Council.
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<b>Conduct at Meetings</b>	
<b>50. Councillors' Code of Conduct</b>	
50.	All Members and co-opted Members of Committees, Sub-committees, panels and working groups must comply with the terms of the Councillors' Code of Conduct made by Scottish Ministers in terms of the Ethical Standards in Public Life (Scotland) Act 2000.
<b>51. Register of Interests</b>	
51.	The Chief Executive shall keep a register of interests made by Members, including co-opted Members.
51.1.	The register of interests shall be open to inspection by members of the Public.
<b>52. * Standing While Speaking</b>	
52. *	At General Meetings of the Council, Members shall stand when speaking, and shall address the Convener.
<b>53. Addressing Speakers</b>	
53.	In addressing officers or Members at Meetings, no officer or Member shall use the first name or names alone of the officer or Member being addressed or referred to.
54.	In referring to or addressing the Chair, the officer or Member shall address the Chair as "Chair".
54.1.	In the case of the General Meeting of the Council, addressing the Chair as "Convener" is also acceptable, where the Convener is in the Chair.

## **55. Obstructive or Offensive Conduct**

55.	If any Member at any Meeting disregards the authority of the Chair, or behaves obstructively or offensively, a motion may then be moved and seconded to suspend the Member for the remainder of the Meeting.
55.1.	The motion shall be put to the Meeting without discussion and, if supported by a majority of those present and voting, shall be declared carried, whereupon the Member shall withdraw from the Meeting room.
55.2.	Should the Member refuse to withdraw from the Meeting room, the Chief Executive will make arrangements to implement the decision of the Meeting.

## **56. Failing to Attend Meetings**

56.	If a Member does not attend any Meeting of the Council within a period of six consecutive months, the Chief Executive must report this to the Council, unless leave of absence has been granted to the Member.
56.1.	If the Council is not satisfied as to the cause of the failure to attend, the Member will cease to be a Member of the Council.
56.2.	The Member will not cease to be a Member of the Council if the absence is due to the Member having been suspended by the Standards Commission.

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## **Proceedings at Meetings**

### **57. Order of Business**

57.	The order of business at every General Meeting of the Council shall be as follows:
57.1.	The names of the Members present at the Meeting shall be taken and apologies for absence given.
57.2.	The Convener will advise of any item of business which has been withdrawn from the Agenda.
57.3.	The Convener will advise of any requests that urgent business be considered, and shall advise of his/her decision as to whether and when, if relevant, the urgent business will be considered.
57.4.	The Convener will ask Members whether they have an interest to declare in relation to any item on the Agenda.
57.4.1.	Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest, include some information on the nature of the interest and confirm whether or not s/he intends to withdraw from the Meeting room.
57.4.2.	A Member must withdraw from the Meeting room, including the Public

	gallery, where s/he has declared an interest that prevents him/her from participating in the discussion of, and voting on, the item.
57.5. *	The Minute of the last Meeting of the Council shall be held as read and submitted for confirmation.
57.6. *	The Minutes of Meetings of Committees will be considered.
57.7.	Any other business intimated on the Agenda to be considered.
57.8.	Any business required by law to be considered.
57.9.	Any Notices of Motion, in the order received by the Chief Executive.
<b>58. Variation of Order of Business</b>	
58.	The order of business at a Meeting shall be as specified on the Agenda, unless changed by the Chair in order to facilitate the conduct of the Meeting.
<b>59. Urgent Business</b>	
59.	Business which has not been specified on the Agenda may be considered provided that, in the opinion of the Chair, the business is relevant, competent and urgent.
59.1.	A request for an urgent item to be considered must be submitted, in writing, to the Chair prior to commencement of the Meeting, together with a written explanation of the reason for urgent consideration, which will be recorded in the Minute.
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<b>Agenda Management</b>	
<b>60. General Principles</b>	
60.	In order to ensure that the Council receives appropriate and necessary advice before making decisions, Agendas shall consist of reports from the Chief Executive, Executive Directors, Statutory Officers or the Chief Internal Auditor.
61.	Reports will be prepared in accordance with the format for the preparation of Committee reports approved by the Chief Executive.
62.	Reports must be lodged, in completed form, with the Chief Executive by the dates specified, namely 12:00 three working days prior to the day on which the Agenda is to be issued.
63.	Should the Chief Executive not receive a completed report by the date specified, s/he will leave the item off the Agenda, unless, in the opinion of the Chief Executive, the report writer can show good cause as to why the report has not been completed and lodged by the date specified.
64.	All business before the Council which is the subject of a written report will be introduced by the relevant officer in terms of Standing Order 60

	above, or his/her representative.
64.1	Members will then have the opportunity to ask questions, seek clarification or request any further information on the content of the report and/or its recommendations.
64.2	It will not normally be permissible to move a motion or an amendment at this stage.
65.	Once a report has been introduced and the Chair decides that all questions have been answered, and further information given, the Chair will inform the Meeting that the matter is open for debate.
66.	A General Meeting of the Council shall only consider business remitted to a Committee and where that business has not been submitted to that Committee, in exceptional circumstances, as determined by the Chief Executive.
<b>67. Member wishing to raise a matter</b>	
67.	If a Member wishes to raise a matter, he should approach the relevant officer, referred to at Standing Order 60 above, at the earliest opportunity to establish whether the matter is to be raised in the normal course of events or whether the officer is prepared to submit a report to Committee.
67.1.	Should a report be submitted, the Member shall normally have the opportunity to speak on the report at Committee.
67.2.	If the Member is not a Member of the Committee, Standing Order 29 will apply.
68.	If it is the judgement of the officer approached in Standing Order 67 above that it would not be appropriate to submit a report and the Member still wishes to pursue the matter, the Member shall have the right to submit a Notice of Motion, in terms of Standing Order 94 below, together with any relevant background information for consideration by the appropriate Committee.
68.1.	The Notice of Motion shall be accompanied by a report from the relevant Executive Director on the implications of any suggested course of action.
68.2.	A Notice of Motion which suggests a course of action contradictory of a resolution made by the Council within the preceding 12 months shall conform with Standing Order 97 below.
69.	The final decision on the submission of any item to Council shall rest with the Chief Executive, other than in cases where the Council has instructed, formally, that a report should be submitted.
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## Minutes

### 70. Preparation of Minutes

70.	The Chief Executive shall prepare the Minutes of Meetings of the Council, its Committees and Sub-committees and any other Meetings at which Members are represented, as may be determined by the Chief Executive.
70.1.	The Minutes shall record the names of the Members who attended the Meeting and will contain a summary of the business of the Meeting, as may be determined by the Chief Executive.

### 71. Accuracy of Minutes

71.	The Chair and Vice Chair will normally propose and second the Minute as a true record, unless either were not present, in which case any Member present at the Meeting can either propose or second the Minute as a true record.
71.1.	If a question arises at a Meeting as to the accuracy of a Minute, the question shall be determined by the Members who were present at the Meeting to which the Minute relates and are present at the Meeting at which the matter is raised.
72. *	In the event that a correction to the Minute would result in the substantial alteration of a recommendation, Standing Order 75 will apply.

### 73. Dissent

73.	A Member who wishes his dissent from a decision of the Council to be minuted must request that his/her dissent be recorded immediately following the decision.
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## Motions and Amendments

### 74. Motions and Amendments

74.	A motion and an amendment must be proposed by a Member, and seconded by another Member.
74.1.	If requested by the Chair and prior to any vote being taken, a motion or amendment shall be put in writing and handed to the Clerk to the Meeting who shall, if requested by the Chair, read the motion or amendment to the Meeting.
74.2.	Every amendment must be relevant to the motion on which it is moved; its relevancy shall be decided by the Chair.

<b>75. * Amendments at General Meetings of the Council</b>	
75. *	A Member who wishes to propose an amendment to the recommendations of a Committee, whose Minutes will be considered at a General Meeting of the Council, shall submit such amendment, in writing, to the Chief Executive, no later than 12:00 on the day before the General Meeting.
76. *	The Convener may accept further amendments at the General Meeting of the Council, but only if the further amendment is relevant to the item for which an amendment was pre-notified in terms of Standing Order 75 above.
<b>77. * Consideration of Recommendations at General Meetings</b>	
77. *	A recommendation contained within the Minute of a Committee should not normally be overturned on the first occasion at which it is submitted to a General Meeting of the Council.
77.1.	A Member, who has submitted an amendment, in terms of Standing Order 75 above, should normally move that the matter be referred back to the Committee for further consideration.
<b>78. Recommendation to be taken as the Motion</b>	
78.	The recommendations contained in a report shall normally be taken as the motion, provided that these recommendations are moved and seconded.
<b>79. Motions and Amendments with Financial Consequences</b>	
79.	A motion or amendment which proposes either expenditure by the Council, or a reduction in its income, shall not be competent unless the motion or amendment:
79.1.	Identifies the source of funding to meet the additional expenditure or to compensate for the income lost. Or
79.2.	Seeks referral of the identification of funding to the next Meeting, or to the Policy and Resources Committee.
80.	A motion or amendment which identifies the source of funding as the Council's reserves shall not be competent without advice being provided to the Meeting by the Chief Financial Officer or his/her representative.
<b>81. Moving and Seconding</b>	
81.	A Member shall not move or second more than one motion or amendment on a single issue.
82.	It is competent for a Member:
82.1.	Who has moved or seconded a motion to approve and adopt the Minute of any Meeting to thereafter move or second an amendment to any of the

	recommendations in the Minute.
82.2.	If a motion or amendment has subsequently been withdrawn, to move or second another motion or amendment on the same issue.
82.3.	If a motion or amendment subsequently falls due to a lack of a seconder, to second another motion or amendment on the same issue.
<b>83. Withdrawal of Motions or Amendments</b>	
83.	A motion or amendment once proposed shall not be altered or withdrawn without the consent of the mover and seconder.
<b>84. Motions or Amendments subsequently withdrawn</b>	
84.	A motion or amendment withdrawn after being seconded shall not be recorded in the Minute.
<b>85. Consideration of One Amendment only</b>	
85.	Only one amendment can be moved and seconded at one time.
86.	No further amendment will be moved until the Council has dealt with the amendment under discussion.
87.	Notice of any further amendments must be given before the vote is taken on the first amendment, and the Chair shall give an opportunity for such notice to be given.
<b>88. Further Amendments</b>	
88.	If an amendment is defeated, other amendments, for which notice has been given under Standing Order 87 above, can be moved on the original motion.
88.1.	If an amendment is carried, the amendment will replace the original motion.
88.2.	Any further amendment can then be moved on the new motion.
<b>89. Speaking to Motions or Amendments</b>	
89.	A Member shall not address the Council more than once on any issue under discussion, with the exception of a point of order or, with the consent of the Chair, to make an explanation or correction as to points of factual inaccuracy.
90.	Only the mover of a motion shall have a right of reply, prior to the vote being taken.
90.1.	In exercising his/her right of reply, a Member will confine himself/herself to answering points made by previous speakers, and shall not introduce any new matter.

## 91. Closure of Discussion

91. After the reply by the mover of a motion is concluded, the discussion shall be closed, and no further points may be made, with the exception of points of order, or a question regarding the manner of taking the vote.

91.1. The matter shall then be put to the Meeting by the Chair.

## 92. Motion that the “Question Be Now Put”

92. A Member who has not spoken on an item may propose “that the question be now put”.

92.1. If this motion is seconded, and the Chair considers that the matter has been discussed sufficiently, s/he will order a vote to be taken on the motion.

92.2. No amendment or discussion will be competent at this stage.

92.3. If the motion is carried, the movers of any motion and amendment will have a right of reply, and the question itself will then be put to the Meeting.

93. If the Chair is of the view that the matter has not been discussed sufficiently, s/he may refuse to accept the motion “that the question be now put”.

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## Notices of Motion

### 94. Form of Notice of Motion

94. A Notice of Motion must be in writing, signed by a Member of the Council and, subject to Standing Order 97 below, countersigned by one other Member.

94.1. A Notice of Motion must be received by the Chief Executive at least 14 Clear Days prior to the date of any Meeting of the Council, in order for the Notice of Motion to be included within the business of that Meeting.

### 95. Failure to move Motion of which Notice has been given

95. If a Motion which is specified in the Agenda is not moved by the Member who has given notice, or by another Member on his/her behalf, and seconded by another Member, that Notice of Motion shall, unless deferred by the Council, be considered as withdrawn.

### 96. Motion Contradictory of Previous Decision

96. The Chief Executive will not accept a Notice of Motion which is contradictory of a previous decision or resolution of the Council, within 12 months from the date of adoption of that resolution.



97.	The Chief Executive may, however, accept a Notice of Motion, in terms of Standing Order 96 above, if the Notice of Motion:
97.1.	Is in writing.
97.2.	Is signed by the Member of the Council giving notice. And
97.3.	Is countersigned by at least six other Members.

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## **Time Limit on Speeches**

### **98. Time Limit on Speeches**

98.	A speech by the mover of a motion or an amendment will not be longer than 5 minutes.
99.	During debate, the Member must direct his/her speech to the matter under discussion and shall speak for no more than 5 minutes.
100.	The mover of the original motion shall have the right to speak for 5 minutes in reply.
101.	The time limits referred to in Standing Orders 98 to 100 above may be exceeded with the consent of the Chair.

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## **Points of Order, Information and Personal Explanations**

### **102. Points of Order, Information and Personal Explanations**

102.	If a Member wishes to make a point of order or give a point of information or a personal explanation s/he will be entitled to be heard immediately.
102.1.	A point of order must only relate to a Standing Order or legal provision that the Member thinks has been broken. The Chair will ask the Member to specify the Standing Order or legal provision and say how s/he thinks it has been broken.
102.2.	When giving a point of information, a Member must briefly give information to correct an alleged inaccuracy in a speech about the matter.
102.3.	When giving a personal explanation, a Member will only explain the part of his/her former speech, which seems to have been misunderstood in the present debate.
103.	The Chair's ruling on a point of order, point of information or personal explanation will not be open to discussion.

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## Adjournment of Meetings

### 104. Adjournment of Meetings

104.	A motion to adjourn a Meeting may be made at the conclusion of any speech, and shall have precedence over all other motions.
104.1.	The motion to adjourn must be moved and seconded and shall at once be put by the Chair to the Meeting in the form of “adjourn” or “not adjourn”.
104.2.	There will be no amendment to, or discussion of, the motion to adjourn, and it must be agreed by a majority of the Members present and voting.
105.	All Meetings will adjourn at or before 17:00.

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## Voting

### 106. Majority Vote

106.	Unless the law or these Standing Orders say otherwise, all matters before the Council will be decided by a majority of the Members voting.
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### 107. Form of Voting

107.	A vote may be taken by the following methods:
107.1.	By a show of hands.
107.2.	By calling the roll.
107.3.	By secret ballot. Or
107.4.	By electronic voting (where available and in operation).
108.	Subject to Standing Order 120 below, the usual method of voting will be by a show of hands.
109.	A Member may request that the vote be taken other than by a show of hands and, if a majority of Members present vote in favour of taking a vote other than by a show of hands, the vote shall be taken by one of the alternative methods at Standing Order 107 above, whichever is requested by the Member.
110.	All votes on the method of voting shall be taken by a show of hands.

### 111. Calling the Roll

111.	Calling the roll will be undertaken by the Chief Executive by calling the names of those Members present and entitled to vote, in a random order, with the Member responding “motion”, “amendment” or “abstain”.
111.1.	The name of each Member voting and the manner in which they voted

	will be recorded in the Minute.
<b>112. Electronic Voting</b>	
112.	Where an electronic voting system, approved by the Council, is available and in operation, Standing Orders 113 to 115 will apply with regard to the method of voting.
112.1.	Standing Orders 108 to 110 will apply where no electronic voting system is available and in operation.
113.	Subject to Standing Order 120 below, the usual method of voting will be by electronic voting.
114.	A Member may request that the vote be taken other than by use of the electronic voting system and, if a majority of Members present vote in favour of taking a vote other than by use of the electronic voting system, the vote shall be taken by one of the alternative methods at Standing Order 107 above, whichever is requested by the Member.
115.	All votes on the method of voting shall be taken by use of the electronic voting system.
<b>116. Casting Vote of Chair</b>	
116.	If there is an equal number of votes, the Chair will have, in addition to his/her deliberative vote, a casting vote except:
116.1.	Where the vote relates to the appointment of a Member to an office, in which case the matter will be determined by lot. Or
116.2.	Where the matter relates to the removal from office of the Convener, Leader, Depute Leader, Chair or Vice Chair, which, subject to Standing Orders 126 and 127, requires a simple majority notwithstanding Standing Order 6.
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<b>Appointments</b>	
<b>117. Nomination for Election of Office Bearer</b>	
117.	Candidates duly nominated for election to the offices of Convener, Leader, Depute Leader and Chair of Committees shall, if they so choose, be permitted to speak once in support of their nomination to office.
117.1.	Candidates exercising their right to speak shall have the opportunity to do so in the order in which their names have been duly nominated.
117.2.	Any such speech shall be made immediately following any speeches by all of the movers and seconders of all of the candidates and prior to other Members who have not already spoken.
117.3.	A candidate's speech shall be limited to 5 minutes.

118.	Candidates who choose not to speak shall remain eligible for election to the office for which they have been duly nominated.
119.	A candidate who has been nominated for office but is absent from the Meeting shall remain eligible for election.
<b>120. Process for Making Appointments or Nominations</b>	
120.	In the making of appointments or nominations by the Council, where the number of candidates is greater than the number of vacancies, a vote shall be taken by secret ballot.
120.1.	A Member will be entitled to vote for as many candidates as there are vacancies.
120.2.	A Member must not vote more than once for any one candidate in any ballot.
<b>121. Where One Vacancy Exists</b>	
121.	Where only one vacancy requires to be filled and one candidate has an absolute majority of the votes cast, that candidate will be declared elected, nominated or appointed, as the case may be.
122.	Where there are more than two candidates and the first vote does not produce an absolute majority in favour of any candidate, the name of the candidate having least votes will be removed from the list of candidates, and a fresh vote will take place.
122.1.	This process will continue until one candidate has a majority of the votes cast.
123.	Where there is an equal number of votes for the candidates having least votes, an extra vote will be taken between those candidates
123.1.	The name of the candidate receiving fewest votes will be removed from the list of candidates.
123.2.	If an equal number of votes remains, the candidate to be removed from the list of candidates will be determined by lot.
<b>124. Where Two or More Vacancies Exist</b>	
124.	Where the number of vacancies exceeds one and where the number of candidates exceeds the number of vacancies, then the "first past the post" method of voting shall apply, subject to the following provisions:
124.1.	The number of candidates amounting to the same number as there are vacancies and receiving the highest number of votes cast shall be held to be duly elected, nominated or appointed, as the case may be.
124.2.	Where there is an equal number of votes between two or more candidates which affect such election, an extra vote will be taken between those candidates, whereby the candidate receiving the highest number of votes cast shall be held to be duly elected, nominated or

	appointed, as the case may be. And
124.3.	In the event that Standing Order 124.2 still produces an equality of votes, the decision will be by lot, whereby the first named candidate drawn shall be held to be duly elected, nominated or appointed, as the case may be, followed by the second named candidate, should there be more than two candidates with an equality of votes, until the number of candidates amounts to the same number as there are vacancies.
<b>125. Limitation on Appointments</b>	
125.	A Member shall be entitled to hold only one office of Chair of a Standing Committee and be entitled to receive only one special payment for being a chairperson.
<b>126. Removal from Office of Convener, Leader, Depute Leader or Chair</b>	
126.	Any motion to remove from office the Convener, Leader, Depute Leader or Chair of a Standing Committee of the Council shall, if proposed and seconded, stand adjourned without discussion to the next General Meeting of the Council.
<b>127. Removal from Office of Vice Chair</b>	
127.	Any motion to remove from office the Vice Chair of a Standing Committee shall, if proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of that Committee.
<b>128. Procedure at Meeting to Remove from Office</b>	
128.	Any motion in terms of Standing Orders 126 and 127 above will form the first item of business at the next applicable Meeting.
128.1.	Following debate, a decision as to whether an office bearer should be removed from office shall be decided by simple majority, following a secret ballot.
<b>129. Ending Office</b>	
129.	Anyone who stops being a Member of the Council will also stop being a Member of all Committees, Sub-committees, panels and working groups to which s/he has been appointed by the Council.
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<b>Revoking Previous Resolutions</b>	
<b>130. Revoking Previous Decisions</b>	
130.	A motion or amendment shall not be competent if it is contradictory of a previous decision or resolution of the Council made within 12 months of

	the date of adoption of that resolution or decision.
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### **131. Reviewing Decision within 12 Months**

131.	Notwithstanding Standing Order 130 above, it will be competent for the Council to review a decision before the end of the 12 month period provided that the Chief Executive is satisfied that a material change of circumstances has occurred.
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### **132. Material Change of Circumstances**

132.	A material change of circumstances may include the following:
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132.1.	Where there has been a new development which has a bearing on the original decision or that an important piece of information has become available since the original decision was made. Or
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132.2.	If the change had taken place before the Council took its decision or, had the Council known all the facts relevant to the decision, the change of circumstances would have influenced its judgement and the Council might reasonably have taken a different decision.
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133.	The material change of circumstances will be recorded in the Minute.
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## **Suspension and Alteration of Standing Orders**

### **134. Suspension and Alteration of Standing Orders**

134.	A Standing Order may only be suspended, in relation to a specific item of business, if two-thirds of the Members present, rounded up to the nearest whole number, so agree.
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134.1.	No amendment will be taken against a motion to suspend Standing Orders, and the vote will be taken immediately.
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135.	None of these Standing Orders can be rescinded or altered, nor additional Standing Orders created, unless a resolution to do so is passed:
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135.1.	After notice has been given at a previous General Meeting of the Council by the Chief Executive. Or
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135.2.	After consideration of a report to the Council by the Chief Executive.
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136.	Standing Orders 134 and 135 cannot be suspended.
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## **Deputations**

### **137. Deputations**

137.	A deputation allows members of the Public to raise issues of concern with the Council either on an individual basis or on behalf of a third party.
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137.1.	A deputation is not available to Members, as the procedures at Standing Orders 8, 67 and 94 above apply.
138.	A deputation may apply to the Chief Executive to make submissions to the Council.
138.1.	The deputation must be in writing, duly signed, and provide sufficient detail of the matters on which it wishes to be heard.
138.2.	The deputation shall not exceed 3 persons.
139.	On receipt of a request for a deputation, the Chief Executive shall liaise with the Convener, together with the Chair and the Vice Chair of the Service Committee and/or ward Members, as appropriate.
139.1.	The Chief Executive shall determine whether or not the request for a deputation shall be granted.
139.2.	If the request is granted, the Chief Executive will determine the date and time for the deputation to be heard by the Council.
140.	A maximum period of 10 minutes shall be allowed for the deputation to present its case.
141.	It is competent for Members to put questions to the deputation which relate to the subject on which the deputation has been heard.
141.1.	The time available for such questions shall not exceed 10 minutes (over and above the maximum period of 10 minutes allowed to receive the deputation at Standing Order 140 above).
141.2.	A Member shall not, however, express an opinion, or discuss the subject, until the deputation has completed its submission.

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## Petitions

### 142. Definition of Petition

142.	A petition allows members of the Public to raise issues of concern with the Council either on an individual basis or on behalf of a third party.
142.1.	A petition is not available to Members, as the procedures at Standing Orders 8, 67 and 94 above apply.

### 143. Definition of Petition

143.	A valid petition should:
143.1.	Be concerned with the functions of the Council and issues of concern with some or all of the residents of Orkney.
143.2.	Bear the signatures of not fewer than 20 members of the Public who are ordinarily resident in Orkney. And
143.3.	Contain the names and addresses of those members of the Public who

	wish to sign it.
144.	A petition will not be considered valid if:
144.1.	It relates to complaints and grievances, in which case the complaints procedure shall be used.
144.2.	It relates to personal matters, commercial matters, complaints regarding individual officers or employees' terms and conditions. Or
144.3.	It is vexatious, frivolous, defamatory, discriminatory or contains offensive or inappropriate language.
145.	Petitions concerning statutory regulatory functions, such as licensing, planning, trading standards and environmental health, including where decisions have been made, require to comply with the legislative provisions and processes that are available in terms of those regulatory regimes.

### **146. Process following receipt of Petition**

146.	On receipt of a petition, the officer and/or the Member should pass the petition to the Chief Executive, who shall thereafter liaise with the Convener, together with the Chair and the Vice Chair of the Service Committee and/or ward Members, as appropriate.
147.	The Chief Executive shall determine whether a report is required in order to address the terms of the petition and, if necessary, the Chief Executive will instruct the submission of that report, which will normally be heard in public.

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## **Filming, Photography and Recording of Meetings**

### **148. Filming, Photography and Recording of Meetings**

148.	It is not permissible for the Public to film, video-record, photograph or otherwise electronically record and broadcast the proceedings of Meetings.
148.1.	Notwithstanding Standing Order 148, audio recording of Meetings will be permissible, following adoption by the Council of a Protocol for Audio Recording.
148.2.	Any recording of Meetings must be carried out in accordance with the Protocol for Audio Recording.

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## **Monitoring Officer**

### **149. Monitoring Officer**

149.	Any Member or officer will immediately inform the Monitoring Officer, if
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	and when he/she becomes aware, of any proposal, decision or omission which may lead to a report in terms of the Local Government and Housing Act 1989.
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149.1.	A Monitoring Officer's report may be required where any proposal, decision or omission by the Council may breach or has breached the law or any statutory code of practice.
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## **Standing Orders to be Given to Members**

### **150. Standing Orders to be given to members**

150.	The Chief Executive will give each Member a printed copy of these Standing Orders when s/he declares that s/he accepts office and on each occasion when the Standing Orders are amended.
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150.1.	Each Member will sign a statement to acknowledge that s/he has received the Standing Orders and agrees to comply with the provisions contained therein.
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## **Appendix 1 - Scheme of Appointment of Members to Committees**

### **1. Committee Composition**

There are 3 Committees, each comprising 12 members, as follows:

- A. Development and Infrastructure Committee
- B. Education, Leisure and Housing Committee
- C. Planning Committee.

In addition to the above:

- 1. All members will be allocated places on the Policy and Resources Committee.
- 2. 3 members will be allocated places on the Integration Joint Board.
- 3. 7 members will be allocated places on the Monitoring and Audit Committee.

And

- 4. 8 members will be allocated places on the Licensing Committee.

In total, all members, with the exception of the Convener and the Leader, will serve on the following:-

- A. Either Development and Infrastructure Committee or Education, Leisure and Housing Committee; and
- B. Not more than two from the following:
  - 1. Planning Committee.
  - 2. Monitoring and Audit Committee. And
  - 3. Licensing Committee.

### **2. Allocation Procedure**

At the Statutory General Meeting of the Council, the Convener, the Leader and the Depute Leader will be appointed followed by the Chairs of all Standing Committees. The order of appointment of Chairs to the Standing Committees will be drawn by lot and circulated to all members along with the notice of the meeting.

Following the appointment of Chairs, the remaining 11 members of the Planning Committee will be appointed, to ensure representation from each electoral ward. Thereafter 3 members will be appointed to the Integration Joint Board, together with the remaining members of the Orkney Health and Care Committee. All other appointments are made through the allocation procedure.

Members' preferences will be adjusted, if necessary, following the appointment of chairs, in order that the committee to which they have been appointed as chair is their first choice.

The system allocates all members' first preferences, unless there are more first preferences than places on any committee, in which case members will be allocated places in an order of priority generated randomly.

The process is then repeated in respect of second choices, and so on, until all allocated spaces are filled.

Notes:-

- Preferences in respect of any vacancy will be drawn by lot.
- In the event of any anomalies in committee composition arising as a result of the Scheme, powers are delegated to the Chief Executive, in consultation with the Convener, to revise the composition in line with the general principles of the Scheme.

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## **Appendix 2. Definition of Confidential Information**

### **Local Government (Scotland) Act 1973 - Section 50(A)**

In accordance with section 50(A) of the Local Government (Scotland) Act 1973, Confidential Information means:

- information furnished to the authority by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public;

or

- information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

In either case the reference to the obligation of confidence is to be construed accordingly.

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## **Appendix 3. Descriptions of Exempt Information**

### **Local Government (Scotland) Act 1973 - Schedule 7a**

#### **Access to Information: Exempt Information**

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 where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011).
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 of 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 a crime.
15. The identity of a protected informant.

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