

# Minute

## Special General Meeting of the Council

Wednesday, 6 May 2020, 10:30.

Microsoft Teams.



### Present

Councillors J Harvey Johnston, Stephen G Clackson, Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Andrew Drever, Barbara Foulkes, Steven B Heddle, Rachael A King, W Leslie Manson, John T Richards, Stephen Sankey, John A R Scott, Gwenda M Shearer, Graham L Sinclair, James W Stockan, Magnus O Thomson, Owen Tierney and Duncan A Tullock.

### Clerk

- John W Mundell, Interim Chief Executive.

### In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- Gillian Morrison, Executive Director of Corporate Services.
- Sally Shaw, Chief Officer/Executive Director, Orkney Health and Care.
- James Wylie, Executive Director of Education, Leisure and Housing.
- Gareth Waterson, Head of Finance.
- Gavin Mitchell, Head of Legal Services.
- Brian Archibald, Head of Marine Services, Engineering and Transportation (for Items 15 to 18).
- Hayley Green, Head of IT and Facilities.
- Roddy Mackay, Head of Planning, Development and Regulatory Services (for Items 1 to 14).
- Rosemary Colsell, Procurement Manager (for Items 15 to 18).
- Laura Cromarty, Transportation Manager (for Items 15 to 18).
- Kenny MacPherson, ICT Strategy Manager (for Items 10 to 14).
- Lorna Richardson, Strategic Policy and Projects Manager (for Item 11).
- Ian Rushbrook, Capital Programme Manager (for Items 15 and 16).
- Jordan Low, Economic Development Officer (for Items 8 to 12).
- Hazel Flett, Senior Committees Officer.

## **Observing**

- Jackie Thomson, Development and Regeneration Manager (for Items 10 to 12).
- Stuart Allison, Economic Development Manager (for Items 10 to 14).
- Claire Kemp, Business Gateway Manager (for Items 1 to 14).
- Paul Kemp, Strategic Finance Manager.
- Jayne Venables, Islands Growth Deal Project Manager (for Item 11).
- Kirsty Groundwater, Project Officer (Communications and Engagement).

## **Declarations of Interest**

- Councillor Stephen Sankey – Item 10.
- Councillor Magnus O Thomson – Item 17.

## **Chair**

- Councillor J Harvey Johnston, Convener.

## **1. Death of Mr Kevin F Woodbridge**

### **Member for North Isles**

After the Council had observed a minute's silence, the Convener paid tribute to the late Mr Kevin F Woodbridge, member for North Isles, for his contribution to public life in Orkney, and extended the Council's sympathies to his family.

## **2. Disclosure of Exempt Information**

The Council noted the proposal that the public be excluded from the meeting for consideration of Items 15 to 17, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

## **3. General Meeting of the Council**

### **Minute of Meeting held on 3 March 2020**

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the General Meeting of the Council held on 3 March 2020 as a true record.

## **4. Planning Committee**

### **Minute of Meeting held on 4 March 2020**

On the motion of Councillor Robin W Crichton, seconded by Councillor John A R Scott, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 4 March 2020 as a true record.

## **5. Licensing Committee**

### **Minute of Meeting held on 5 March 2020**

On the motion of Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 5 March 2020 as a true record.

## **6. Special General Meeting of the Council**

### **Minute of Special Meeting held on 23 March 2020**

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the Special General Meeting of the Council held on 23 March 2020 as a true record.

## **7. Special General Meeting of the Council**

### **Minute of Special Meeting held on 16 April 2020**

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the Special General Meeting of the Council held on 16 April 2020 as a true record.

## **8. Local Review Body – Proposed Suspension of Site Inspections**

After consideration of a report by the Chief Executive, copies of which had been circulated, and after hearing a report from the Head of Planning, Development and Regulatory Services, the Council:

Noted:

**8.1.** That, on 8 July 2014, the Council adopted a policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review.

**8.2.** That there were currently three outstanding reviews which could not be progressed due to restrictions imposed on social distancing and group activities as a result of the Covid-19 emergency.

The Council resolved:

**8.3.** That, as a result of restrictions imposed by the Covid-19 emergency, the policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review, be temporarily suspended, to be reviewed at the General Meeting of the Council to be held on 6 October 2020.

**8.4.** That powers be delegated to the Chief Executive to withdraw the temporary policy suspension, referred to at paragraph 8.3 above, when the circumstances of the present Covid-19 emergency allowed, namely when there were changes to the current social distancing and group activity restrictions that would allow normal arrangements to resume.

## **9. Review of Standing Orders**

After consideration of a report by the Chief Executive, copies of which had been circulated, the Council:

Noted:

**9.1.** That, since the Standing Orders were last reviewed in 2014, a further review had been undertaken, including benchmarking with other local authorities' Standing Orders, incorporating best practice, amended to suit the local context.

**9.2.** The proposed amendments to the Standing Orders, as detailed in section 4 of the report by the Chief Executive.

The Council resolved:

**9.3.** That the revised Standing Orders, attached as Appendix 1 to this Minute, be approved, to take effect from 7 May 2020.

## **10. Local Business Hardship Assistance – Business Loan Element**

Councillor Stephen Sankey declared a financial interest in this item, in that his company could potentially benefit from proposals to assist local businesses, and was not present during discussion thereof.

After consideration of a joint report by the Chief Executive, the Head of Finance and the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, the Council:

Noted:

**10.1.** That, although there were national lending schemes available to businesses, the Council had received several requests to make loans available to businesses to ease the immediate pressure from poor cash flow and the consequent risk of business failure across Orkney.

**10.2.** That, on 16 April 2020, the Council approved establishment of a Coronavirus Response Fund, to be used for Business Hardship Support Grants and Business Loans, with an opening balance of £5,000,000.

**10.3.** That the Council also agreed that the Chief Executive should arrange for the detail and operation of the Business Loan element of the Coronavirus Response Fund to be further developed and thereafter submit a report to the Council in due course.

**10.4.** The two national loan schemes that businesses will be expected to have applied to before seeking a cash flow loan from the Council, as follows:

- Coronavirus Business Interruption Loan.
- Coronavirus Bounce Back Loan schemes.

**10.5.** That the Council would require to be regulated by the Financial Conduct Authority to operate in the area of offering loans of less than £25,000.

**10.6.** That an application form for the Council's proposed Coronavirus Pandemic Emergency Loan Scheme was currently under development, with the latest draft attached as Appendix 2 to the joint report by the Chief Executive, the Head of Finance and the Executive Director of Development and Infrastructure.

The Council resolved:

**10.7.** That the Council establish a Coronavirus Pandemic Emergency Loan Scheme offering secured loans of between £50,000 and £100,000.

**10.8.** That the loan terms and policy guidance in respect of the Coronavirus Pandemic Emergency Loan Scheme, attached as Appendix 2 to this Minute, be approved.

**10.9.** That applications to the Council's Coronavirus Pandemic Emergency Loan Scheme be administered by the Economic Development Service.

**10.10.** That applications to the Council's Coronavirus Pandemic Emergency Loan Scheme be accepted from businesses that could demonstrate they had completed the process of applying for loans through the nationally available Coronavirus Business Interruption Loan or the Coronavirus Bounce Back Loan schemes.

**10.11.** That loans from the Council's Coronavirus Pandemic Emergency Loan Scheme be initially restricted to loans of £50,000 or over, up to a maximum of £100,000, to be funded from the Coronavirus Business Hardship Support Fund.

**10.12.** That the Council's Coronavirus Pandemic Emergency Loan Scheme be entirely discretionary with no absolute entitlement to a loan.

**10.13.** That each application to the Council's Coronavirus Pandemic Emergency Loan Scheme be considered on an individual basis and determined by the Head of Finance, in consultation with the Head of Legal Services, to ensure compliance with State Aid and that the terms of the loan were not ultra vires.

Councillor Rachael A King joined the meeting during consideration of this item.

## **11. Islands Growth Deal**

After consideration of a joint report by the Chief Executive and the Executive Director of Development and Infrastructure, copies of which had been circulated, the Council:

Noted:

**11.1.** That the Chief Executive, in consultation with the Leader and Depute Leader, continued to negotiate and progress, for Orkney Islands Council's interest and the wider Orkney Community, a Deal for the Islands for discussion with the Scottish and UK Governments.

**11.2.** Progress with the Islands Growth Deal towards an announcement for the Islands, as set out in section 4 of the joint report by the Chief Executive and the Executive Director of Development and Infrastructure.

**11.3.** The proposed strategy and approach towards finalising the content of the Islands Growth Deal, in particular with regard to the Orkney components, as set out in section 5 of the joint report by the Chief Executive and the Executive Director of Development and Infrastructure.

The Council resolved:

**11.4.** That the Chief Executive should submit a report to the Council, in due course, on the final content of the Islands Growth Deal, following ongoing negotiations with the Scottish and UK Government.

**11.5.** That powers be delegated to the Chief Executive, in consultation with the undernoted members and officers, to achieve final sign off of the Heads of Terms document anticipated this calendar year, noting the experience of other Growth Deals in that the process required a rapid response:

- Leader.
- Depute Leader.
- Chair, Development and Infrastructure Committee.
- Chair, Education, Leisure and Housing Committee.
- Chair, Orkney Health and Care Committee.
- Executive Director of Development and Infrastructure.
- Head of Finance.
- Solicitor to the Council.

## **12. Community Development Fund**

### **Application Number 0/5/8/64 – John Rae Society**

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Economic Development Officer, the Council:

Noted:

**12.1.** That John Rae Society had applied for assistance from the Community Development Fund towards feasibility work in respect of future restoration plans for the Hall of Clestrain.

**12.2.** That the feasibility work would focus on developing a business plan, an options appraisal and a conservation report, at a total estimated eligible cost of £29,460.

**12.3.** That John Rae Society was contributing £10,830 of its own resources towards the project.

**12.4.** That John Rae Society had secured £3,900 of grant funding support from the Architectural Heritage Fund towards the feasibility works.

**12.5.** That messages of support had been received from the undernoted groups and individuals:

- Firth and Stenness Community Council.
- Kirkwall and St Ola Community Council.
- Orphir Community Council.
- Stromness Community Council.
- European Marine Energy Centre.
- Hope Community School.
- Jamie Halcro-Johnston MSP.
- Liam McArthur MSP.
- Orkney Heritage Society.
- Orkney Museum.
- Scott Polar Research Institute.
- Visit Scotland.

On the motion of Councillor J Harvey Johnston, seconded by Councillor Graham L Sinclair, the Council resolved:

**12.6.** That a grant amounting to 50% of total eligible costs, up to a maximum sum of £14,730, to be met from the Community Development Fund, be offered to John Rae Society towards feasibility work in respect of future restoration plans for the Hall of Clestrain, subject to the full funding package being secured.

**12.7.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Solicitor of the Council, to conclude an Agreement, on the Council's standard terms and conditions, with John Rae Society in respect of the funding, detailed at paragraph 12.6 above.

### **13. Information Technology Capital Replacement Programme**

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, and after hearing a report from the Head of IT and Facilities, the Council:

Noted:

**13.1.** That the current approved capital programme included an annual provision of £420,000 in respect of the Information Technology Capital Replacement Programme.

**13.2.** That, for financial year 2020 to 2021, the annual allocation of £420,000 had been reduced by £80,000, to £340,000, to part fund a capital project to replace the Council's telephone system across financial years 2019 to 2021.

The Council resolved:

**13.3.** That the Information Technology Capital Replacement Programme for 2020 to 2021, to be funded from the allocation of £340,000 per annum within the Council's current approved capital programme, attached as Appendix 3 to this report, be approved.

## **14. Exclusion of Public**

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved that the public be excluded for the remainder of the meeting, as the business to be considered involved the disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

Councillor Stephen G Clackson left the meeting at this point.

## **15. Impact of Covid-19 on Procurement and Existing Contractual Arrangements**

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraphs 4 and 6 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, and after hearing a report from the Head of IT and Facilities, the Council:

Noted:

**15.1.** Scottish Procurement Policy Notes, released by the Scottish Government and the Convention of Scottish Local Authorities (COSLA), which set out guidance for public bodies to consider in respect of supplier support to ensure service continuity during the current Coronavirus outbreak and/or post virus, as detailed in section 3 of the report by the Executive Director of Corporate Services.

**15.2.** The proposal to implement a programme of supplier relief to existing contractors to the Council, up to 30 June 2020, in accordance with the principles described in the guidance, referred to at paragraph 15.1 above.

**15.3.** Appendices 3, 4 and 5 to the report by the Executive Director of Corporate Services which, subject to further refinement, could be used to support a simple application process for supplier relief.

The Council resolved:

**15.4.** That a programme of supplier relief be implemented to existing contractors to the Council, up to 30 June 2020, in accordance with the principles described in the Scottish Government and COSLA guidance, supported by a simple application process utilising the documentation referred to at paragraph 15.3 above.

**15.5.** That, if deemed necessary, relevant Executive Directors be authorised to make arrangements with existing contractors in accordance with the programme of supplier relief referred to at paragraph 15.4 above.

**The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.**



## **16. Revenue Repairs and Maintenance and Capital Improvement Programmes**

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Capital Programme Manager, the Council:

Noted:

**16.1.** The five year projection for the Revenue Repairs and Maintenance and Capital Improvement Programmes for the period 2020 to 2025, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

**16.2.** That a multi-year approach to the Revenue Repairs and Maintenance and Capital Improvement Programmes allowed for additional flexibility to vary the timing of individual projects as a result of unforeseen events.

**16.3.** The requirement for all planned capital improvement works, costed at £150,000 and above, to be formally reviewed through the Capital Project Appraisal process.

The Council resolved:

**16.4.** That the undernoted programmes for 2020 to 2021, together with provisional programmes for 2021 to 2022 and 2022 to 2023, attached as Appendix 4 to this Minute, be approved:

- Revenue Repairs and Maintenance Programme, to be funded from the allocation of £1,675,900 per annum set annually as part of the budget setting process.
- Capital Improvement Programme, to be funded from the allocation of £1,351,400 per annum within the approved capital programme, with the following additions for 2020 to 2021 only:
  - Rebuild of the Fourth Barrier public convenience in the sum of £75,000, to be funded from an insurance payment.
  - Early Learning and Childcare projects in the sum of £637,000, to be funded from the allocation received from Scottish Government.
- Strategic Reserve Fund Revenue Repairs and Maintenance Programme, to be funded from the allocation of £80,300 per annum set annually as part of the budget setting process.
- Strategic Reserve Fund Capital Improvement Programme, to be funded from the allocation of £118,600 per annum with the approved capital programme.

**16.5.** That additions to the Capital Improvement Programme for 2020 to 2021 and beyond, costed at £150,000 and above, will remain provisional items only pending conclusion of the Capital Project Appraisal process.

**16.6.** That the cost of developing the individual Capital Project Appraisals, referred to at paragraph 16.5 above, be funded from within the annual Capital Improvement Programme.

**16.7.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Head of Finance, to adjust the three year programmes, referred to at paragraph 16.4 above, as variations arose in order to maximise use of the annual budget allocations.

## **17. School and Public Bus Service Contract**

Councillor Magnus O Thomson declared a financial interest in this item, being a potential contractor for school bus services, and left the meeting at this point.

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraphs 6 and 9 of Part 1 of Schedule 7A of the Act.

After consideration of a joint report by the Executive Director of Development and Infrastructure and the Executive Director of Education, Leisure and Housing, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Engineering and Transportation, the Council:

Resolved what action should be taken with regard to the school and public bus service contract.

**The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.**

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## **18. Conclusion of Meeting**

At 16:10 the Convener declared the meeting concluded.

Signed: Harvey Johnston.



# **Standing Orders**

For the Regulation of Proceedings and  
Business of Orkney Islands Council

**Review/Updates to Standing Orders.**

<b>Date.</b>	<b>Committee.</b>	<b>Review/update – amendments made.</b>
17 April 2018.	Policy and Resources.	Update – Constitutional Arrangements of Orkney Health and Care Committee – Standing Orders 6.2.2.1 and 6.2.3.1 amended.
19 June 2018.	Policy and Resources.	Update – Method of Voting at Meetings – Standing Orders 92.1, 108, 109 and 134.1 amended.
July 2018.	Not applicable.	Annual Review: <ul style="list-style-type: none"> <li>• Amendments made to Standing Orders 1.21, 1.24, 3, 20, 22, 23, 60, 68.1, 90, 99 and 100.</li> <li>• New Standing Orders – 1.21.1 and 94.2. Additional clarification and/or factual accuracy.</li> </ul>
December 2019.	Special General Meeting.	Addition – Protocol for Appointment of Chief Officers.
6 May 2020.	Special General Meeting.	Annual Review and Update, including complete renumbering.

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<b>1. Definitions</b>		
1.1.	In these Standing Orders, the following words and expressions shall have the following meanings:	
	1.1.1.	"1973 Act" means the Local Government (Scotland) Act 1973.
	1.1.2.	"1985 Act" means the Local Government (Access to Information) Act 1985.
	1.1.3.	"1994 Act" means the Local Government etc. (Scotland) Act 1994.
	1.1.4.	"2003 Act" means the Local Government in Scotland Act 2003.
	1.1.5.	"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.
	1.1.6.	"Chief Executive" means the Chief Executive of the Council, or any authorised official representing or acting for him/her.
	1.1.7.	"Clerk to the Council" means the Monitoring Officer, as defined in Standing Order 1.1.28 below.
	1.1.8.	"Clerk to the Meeting" means the official in attendance, authorised by the Chief Executive, with responsibility for the administration of the Council, and its Committees and Sub-committees.
	1.1.9.	"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.
	1.1.10.	"Committee" means a Committee of the Council appointed in accordance with these Standing Orders, and the Council's Scheme of Administration.
	1.1.11.	"Confidential Information" means information as defined in Appendix 2 to these Standing Orders.
	1.1.12.	"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.
	1.1.13.	"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.
	1.1.14.	"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.
	1.1.15.	"Depute Leader" means the Councillor appointed to deputise for the Leader.

	1.1.16.	"Executive Director" means an Executive Director of the Council, or any authorised official representing or acting for him/her.
	1.1.17.	"Exempt Information" means information as defined in Appendix 3 to these Standing Orders.
	1.1.18.	"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.
	1.1.19.	"Meeting" means a Meeting of the Council, its Committees or Sub-committees, formally constituted in accordance with the 1973 Act.
		1.1.19.1. For the purposes of Standing Order 12.10, "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>
	1.1.20.	"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.
	1.1.21.	"Minute" means the summary of the business transacted at Meetings of the Council and its Committees and Sub-committees. This will not be a verbatim record.
	1.1.22.	"Participate" means attendance, speaking and/or voting, whether in person or remotely, at a Meeting by a Member.
	1.1.23.	"Public" means a member of the general Public and/or representatives of the press or media industries.
	1.1.24.	"Scheme of Administration" means the scheme which sets out the powers and functions of the Council, its Committees and Sub-committees.
	1.1.25.	"Scheme of Delegation to Officers" means the scheme which sets out the powers delegated to Chief Officers.
	1.1.26.	"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>

	1.1.27.	<p>"Standing Committee" means the Service Committees listed at Standing Order 1.1.26 above, together with the following:</p> <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>
	1.1.28.	<p>"Statutory Officer" means the following officials:</p> <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 Government and Housing Act 1989.</li> <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> <li>• "Chief Internal Auditor", being the senior officer responsible for operating and managing the internal auditing service in accordance with recognised standards and practices.</li> </ul>
<b>2. Interpretation</b>		
2.1	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.	
2.2.	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.	
<b>3. Commencement</b>		
3.1.	These Standing Orders will apply and have effect on and after 7 May 2020.	
<b>4. Applicability of Standing Orders</b>		
4.1	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:	
	<ul style="list-style-type: none"> <li>• Standing Order 5 – Meetings of the Council – The Statutory General Meeting.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Standing Order 5 – Meetings of the Council – Special Meetings.</li> <li>• Standing Order 12.3 – Conduct at Meetings – Standing While Speaking.</li> <li>• Standing Orders 13.1.5 and 13.1.6 – Proceedings at Meetings – Order of Business.</li> <li>• Standing Order 15.5 – Minutes – Accuracy of Minutes.</li> <li>• Standing Orders 16.4 and 16.5 – Minutes – Amendments at General Meetings of the Council.</li> <li>• Standing Orders 16.6 to 16.8 – Minutes – Consideration of Recommendations at General Meetings.</li> </ul>
4.2.	Standing Order 16.9 will not apply at Meetings of the Planning Committee, the Local Review Body and the Licensing Committee.
<b>5. Meetings of the Council</b>	
<b>The Statutory General Meeting*</b>	
5.1.	The Council will hold its first General Meeting within 21 days of the date of a Local Government Election.
5.2.	The Chief Executive will determine the date and time of the Meeting.
5.3.	At the Meeting, the Council will:
	5.3.1. Note the persons elected as Councillors for the wards within the Orkney local government area following the ordinary election of Councillors.
	5.3.2. Elect the Convener, the Leader and the Depute Leader.
	5.3.2.1. The Convener, who shall hold office for two years and be eligible for re-election, shall be Chair of the Council, and shall, ex officio, be a Member of every Service Committee of the Council.
	5.3.2.2. The Leader, who shall hold office until the next Local Government Election, 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.
	5.3.2.3. The Depute Leader, who shall hold office for two years and be eligible for re-election, shall ex officio be Vice Chair of the Policy and Resources Committee.
	5.3.3. 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.
	5.3.3.1. A Chair shall hold office for two years, and shall be eligible for re-election.
	5.3.3.2. The order of election of Chairs shall be determined following the drawing of lots by the Chief Executive.

		5.3.3.3.	The results of Standing Order 5.3.3.2 will be given to Members with the Agenda for the Meeting.
	5.3.4.	Appoint Members to Committees and Sub-committees, in terms of the Scheme of Appointment of Members to Committees, which forms Appendix 1 to these Standing Orders.	
		5.3.4.1.	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.
	5.3.5.	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.	
		5.3.5.1.	All such appointments, or nominations, shall be for two years, unless otherwise provided by statute, or unless the Council shall otherwise resolve.
	5.3.6.	Deal with any urgent and competent business.	
<b>Ordinary Meetings</b>			
5.4.	The Council shall hold such number of Meetings in each year for the transaction of business as it may determine.		
5.5.	The Chief Executive will determine the date and times of Meetings of the Council.		
5.6.	No meetings will be held on a Saturday or Sunday or on public holidays observed by the Council.		
5.7.	It will be within the discretion of the Chief Executive to cancel, advance or postpone a meeting to another date if, in his/her opinion, acting reasonably, there is good reason for so doing.		
<b>Special Meetings*</b>			
5.8.	A special Meeting of the Council will be called by the Chief Executive at any time:		
	5.8.1.	Upon receipt of a written request to do so from the Convener. Or	
	5.8.2.	Upon receipt of a written request from at least one quarter of Members of the Council, rounded up to the nearest whole number.	
5.9.	The request, referred to at Standing Order 5.8 above, must specify the business which is proposed to be transacted at the Meeting.		
5.10.	The special Meeting will be held within 14 clear days of receipt of the written request, referred to at Standing Order 5.8 above.		

<b>6. Notice of Meetings</b>		
<b>Place of Meetings</b>		
6.1.	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>Publication of Time and Place of Meeting</b>		
6.2.	At least three Clear Days before a Meeting, and normally seven days before a Meeting, the Chief Executive must:	
	6.2.1.	Publish, at the Council Offices, Kirkwall, the time and place of the Meeting. And
	6.2.2.	Issue the Agenda to Members.
6.3.	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>Method of Sending Agenda</b>		
6.4.	The Agenda, signed by the Chief Executive, shall be sent to Members by one or more of the following methods.	
	6.4.1.	By post to their normal place of residence or at such other address as a Member may specify.
	6.4.2.	By leaving at a designated post box within the Council Offices, Kirkwall for the Member to collect. Or
	6.4.3.	By e-mail to an address provided by Council.
6.5.	Where a Meeting is called in terms of Standing Order 5.8 above, the Agenda will be signed by those Members who requested the Meeting.	
6.6.	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:	
	6.6.1.	Indicating that the Agenda be sent to some other address.
	6.6.2.	Indicating that the Agenda be left at a designated post box within the Council Offices, Kirkwall, for the Member to collect. Or
	6.6.3.	Electing to receive the Agenda by e-mail.
6.7.	If an Agenda is not received by any Member, the Meeting will still be valid.	
<b>Agenda to Specify Business to be Transacted</b>		
6.8.	The Agenda shall specify the business to be transacted at the Meeting and the proposed order for dealing with business.	
6.9.	Reports relating to business to be transacted at the Meeting will normally be issued with the Agenda.	



6.10.	Reports relating to business to be transacted at the Meeting not issued with the Agenda can still be considered at the Meeting.	
6.11.	Business not specified on the Agenda will not be considered, unless:	
	6.11.1.	It is brought to the Meeting, as a matter of urgency, in terms of Standing Order 13.3 below. Or
	6.11.2.	The business must be considered at the Meeting by law.
<b>Withdrawal of Item of Business</b>		
6.12.	The Chief Executive can withdraw any item of business from the Agenda, following consultation with the Chair.	
<b>7. Attendance by Public at Meetings</b>		
<b>Admission of Public</b>		
7.1.	Except where specified in Standing Orders 7.2 and 7.3 below, every Meeting of the Council will be open to the Public.	
<b>Confidential Information</b>		
7.2.	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, as defined in Appendix 2 to these Standing Orders, would be disclosed to them in breach of an obligation of confidence.	
<b>Exempt Information</b>		
7.3.	The Public may be excluded from a Meeting when an item of business is being considered, if it is likely that Exempt Information, as defined in Appendix 3 to these Standing Orders, would be disclosed.	
<b>Disorderly Conduct</b>		
7.4.	A member of the Public may be excluded from a Meeting in order to prevent or stop disorderly conduct.	
7.5.	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.	
7.6.	If a member of the Public interrupts any Members, the Chair may warn that person.	
	7.6.1.	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.

7.7.	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.	
<b>8. Attendance by Councillors at Meetings</b>		
<b>Attendance by Councillors</b>		
8.1.	Unless Standing Order 8.5 below applies, any Member of the Council may attend a Meeting of a Committee of which s/he is not a Member.	
	8.1.1.	Such a Member cannot take part in the deliberations of the Committee, nor may s/he vote.
8.2.	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>Invitation by Chief Executive to Attend Meeting</b>		
8.3.	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.	
8.4.	The Member may not make, or second, a motion or an amendment, nor may s/he vote.	
<b>Exclusion of Members from Meetings</b>		
8.5.	If a Member is not a Member of a Committee, or Sub-committee, he may not attend a Meeting where:	
	8.5.1.	It is decided that Confidential Information or Exempt Information will be disclosed and the Public have been excluded from the Meeting. And
	8.5.2.	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
	8.5.3.	The decision is made after a hearing and the person has the right to be heard in person or through a representative
<b>Meetings Conducted by Hearings</b>		
8.6.	If a Committee or Sub-committee has a hearing at, or subsequent to, which a decision of a quasi-judicial or regulatory nature is to be made and at which a party 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.	

8.7.	Should a Member leave the Meeting during any part of the hearing, s/he shall not be permitted to re-enter the Meeting during the remaining part of the hearing and the subsequent decision making process.
<b>Planning Applications</b>	
8.8.	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>Remote Attendance</b>	
8.9.	Where the law allows and proper facilities are available, and at the discretion 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.
8.10.	A Member participating in a Meeting from a remote location will be counted for the purposes of deciding if a quorum is present.
8.11.	A Member will not be permitted to participate in an item at a Meeting from a remote location where, in respect of that item, a party has a right be heard in person or through a representative and the decision to be made, in respect of that item, is as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.
8.12.	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.
<b>Quorum</b>	
8.13.	A quorum must be present to enable a Meeting to proceed and for the business set out in the Agenda to be dealt with.
8.14.	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.
8.15.	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.
	8.15.1. If a quorum is not present, the Meeting shall stand adjourned to such time as the Chair may determine.
<b>9. Chair</b>	
<b>Chairing a Meeting</b>	
9.1.	The Convener will take the Chair at a Meeting of the Council.

9.2.	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.	
9.3.	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.	
<b>Powers and Duties of the Chair</b>		
9.4.	Deference shall at all times be paid to the authority of the Chair.	
9.5.	It is the duty of the Chair to keep good order and to ensure that all Members obtain a fair hearing.	
9.6.	When the Chair wishes to speak, any Member who is addressing the Meeting must cease to do so.	
9.7.	The Chair shall decide all matters of order, competency and relevancy arising at a Meeting.	
9.8.	The Chair shall determine all questions of procedure for which no express provision is made in these Standing Orders.	
	9.8.1.	His/her decision is final and not open to discussion.
9.9.	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.	
9.10.	If there is disorder at any Meeting, the Chair may adjourn the Meeting to a later time.	
	9.10.1.	His/her departure from the Chair will indicate that the Meeting is adjourned
9.11.	In the event that the Chair departs the Chair in other circumstances, the Chair shall then be taken in terms of Standing Orders 9.2 and 9.3 above.	
<b>10. Committees</b>		
<b>Election of Vice Chair</b>		
10.1.	Each Committee shall elect a Vice Chair from amongst its membership.	
10.2.	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.	
<b>11. Sub-Committees</b>		
11.1.	Committees of the Council may appoint, with the consent of the Council, Sub-committees.	

<b>Appointment of Chair and Vice Chair</b>	
11.2.	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.
11.3.	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>Membership</b>	
11.4.	Sub-committees shall normally consist of Members of the parent Committee.
11.5.	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.
11.6.	A person appointed to a Sub-committee who is not a Member of the Council will remain a member of the Sub-committee until the next ordinary election of Councillors, subject to their right to resign or their removal by the nominating body.
11.7.	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.
<b>12. Conduct at Meetings</b>	
<b>Councillors' Code of Conduct</b>	
12.1.	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>Register of Interests</b>	
12.1.	The Chief Executive shall keep a register of interests made by Members, including co-opted Members.
12.2.	The register of interests shall be open to inspection by members of the Public.
<b>Standing While Speaking*</b>	
12.3.	At General Meetings of the Council, Members shall stand when speaking, and shall address the Convener.

<b>Addressing Speakers</b>	
12.4.	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.
12.5.	In referring to or addressing the Chair, the officer or Member shall address the Chair as "Chair".
12.6.	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.
<b>Obstructive or Offensive Conduct</b>	
12.7.	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.
12.8.	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.
12.9.	Should the Member refuse to withdraw from the Meeting room, the Chief Executive will make arrangements to implement the decision of the Meeting.
<b>Failing to Attend Meetings</b>	
12.10.	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.
12.11.	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.
12.12.	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.
<b>13. Proceedings at Meetings</b>	
<b>Order of Business</b>	
13.1.	The order of business at every General Meeting of the Council shall be as follows:
	13.1.1. The names of the Members present at the Meeting shall be taken and apologies for absence given.
	13.1.2. The Convener will advise of any item of business which has been withdrawn from the Agenda.
	13.1.3. 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.

	13.1.4.	The Convener will ask Members whether they have an interest to declare in relation to any item on the Agenda.
	13.1.4.1.	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.
	13.1.4.2.	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.
	13.1.5.*	The Minute of the last Meeting of the Council shall be held as read and submitted for confirmation.
	13.1.6.*	The Minutes of Meetings of Committees will be considered.
	13.1.7.	Any other business intimated on the Agenda to be considered.
	13.1.8.	Any business required by law to be considered.
	13.1.9.	Any Notices of Motion, in the order received by the Chief Executive.
<b>Variation of Order of Business</b>		
13.2.	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>Urgent Business</b>		
13.3.	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.	
13.4.	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.	
<b>14. Agenda Management</b>		
<b>General Principles</b>		
14.1.	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 and Statutory Officers.	
14.2.	Reports will be prepared in accordance with the format for the preparation of Committee reports approved by the Chief Executive.	

14.3.	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.
14.4.	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.
14.5.	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 14.1 above, or his/her representative.
	14.5.1. 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.
	14.5.2. It will not normally be permissible to move a motion or an amendment at this stage.
14.56.	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.
14.7.	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>Member wishing to raise a matter</b>	
14.8.	If a Member wishes to raise a matter, he should approach the relevant officer, referred to at Standing Order 14.1 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.
	14.8.1. Should a report be submitted, the Member shall normally have the opportunity to speak on the report at Committee.
	14.8.2. If the Member is not a Member of the Committee, Standing Order 8.3 will apply.
14.9.	If it is the judgement of the officer approached in Standing Order 14.8 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 17 below, together with any relevant background information for consideration by the appropriate Committee.
	14.9.1. The Notice of Motion shall be accompanied by a report from the Chief Executive or the relevant Executive Director on the implications of any suggested course of action.



	14.9.2.	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 17.6 below.
14.10.		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.
<b>15. Minutes</b>		
<b>Preparation of Minutes</b>		
15.1.		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.
15.2.		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.
<b>Accuracy of Minutes</b>		
15.3.		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.
15.4.		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.
15.5.*		In the event that a correction to the Minute would result in the substantial alteration of a recommendation, Standing Order 16.4 will apply.
<b>Dissent</b>		
15.6.		A Member who wishes his/her dissent from a decision of the Council to be minuted must request that his/her dissent be recorded immediately following the decision.
<b>16. Motions and Amendments</b>		
16.1.		A motion and an amendment must be proposed by a Member, and seconded by another Member.
16.2.		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.
16.3.		Every amendment must be relevant to the motion on which it is moved; its relevancy shall be decided by the Chair.

<b>Amendments at General Meetings of the Council*</b>	
16.4.	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.
16.5.	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 16.4 above.
<b>Consideration of Recommendations at General Meetings*</b>	
16.6.	Recommendations contained within the Minute of a Committee shall be deemed to be approved in the absence of any amendment being formally moved to the contrary.
16.7.	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.
16.8.	A Member, who has submitted an amendment, in terms of Standing Order 16.4 above, should normally move that the matter be referred back to the Committee for further consideration.
<b>Recommendation to be taken as the Motion</b>	
16.9.	The recommendations contained in a report shall normally be taken as the motion, provided that these recommendations are moved and seconded.
<b>Motions and Amendments with Financial Consequences</b>	
16.10.	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:
	16.10.1. Identifies the source of funding to meet the additional expenditure or to compensate for the income lost. Or
	16.10.2. Seeks referral of the identification of funding to the next Meeting, or to the Policy and Resources Committee.
16.11.	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>Moving and Seconding</b>	
16.12.	A Member shall not move or second more than one motion or amendment on a single issue.
16.13.	It is competent for a Member:

	16.13.1.	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.
	16.13.2.	If a motion or amendment has subsequently been withdrawn, to move or second another motion or amendment on the same issue.
	16.13.3.	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>Withdrawal of Motions or Amendments</b>		
16.14.	A motion or amendment once proposed shall not be altered or withdrawn without the consent of the mover and seconder.	
<b>Motions or Amendments subsequently withdrawn</b>		
16.15.	A motion or amendment withdrawn after being seconded shall not be recorded in the Minute.	
<b>Consideration of One Amendment only</b>		
16.16.	Only one amendment can be moved and seconded at one time.	
16.17.	No further amendment will be moved until the Council has dealt with the amendment under discussion.	
16.18.	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>Further Amendments</b>		
16.19.	If an amendment is defeated, other amendments, for which notice has been given under Standing Order 16.18 above, can be moved on the original motion.	
16.20.	If an amendment is carried, the amendment will replace the original motion.	
16.21.	Any further amendment can then be moved on the new motion.	
16.22.	Any further amendment must be relevant to the motion on which it is moved and be substantially different to the original motion or the new motion.	
16.23.	The Chair shall have exclusive discretion to determine whether an amendment is relevant to the motion on which it is moved or is substantially different to the original motion or the new motion.	

<b>Speaking to Motions or Amendments</b>	
16.24.	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.
16.25.	The movers of any motion and amendment shall have a right of reply, prior to the vote being taken.
16.25.1.	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.
<b>Closure of Discussion</b>	
16.26.	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.
16.27.	The matter shall then be put to the Meeting by the Chair.
<b>Motion that the “Question Be Now Put”</b>	
16.28.	A Member who has not spoken on an item may propose “that the question be now put”.
16.29.	If this motion is seconded, and the Chair considers that the matter has been discussed sufficiently, s/he will order a vote, by a show of hands, to be taken on the motion.
16.29.1.	No amendment or discussion will be competent at this stage.
16.30.	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.
16.31.	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”.
<b>17. Notice of Motion</b>	
<b>Form of Notice of Motion</b>	
17.1.	A Notice of Motion must be in writing, signed by a Member of the Council and, subject to Standing Order 17.6 below, countersigned by one other Member.
17.2.	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.
17.3.	In accordance with Standing Order 14.9.1 above, the Notice of Motion shall be accompanied by a report from the Chief Executive or the relevant Executive Director on the implications of any suggested course of action.

<b>Failure to move Motion of which Notice has been given</b>	
17.4.	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.
<b>Motion Contradictory of Previous Decision</b>	
17.5.	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.
17.6.	The Chief Executive may, however, accept a Notice of Motion, in terms of Standing Order 17.5 above, if the Notice of Motion:
17.6.1.	Is in writing.
17.6.2.	Is signed by the Member of the Council giving notice. And
17.6.3.	Is countersigned by at least six other Members.
<b>18. Speeches</b>	
18.1.	A speech by the mover of a motion or an amendment will not be longer than 5 minutes.
18.2.	During debate, a Member must direct his/her speech to the matter under discussion and shall speak for no more than 5 minutes.
18.3.	The mover of the original motion, together with the mover of any amendment, shall have the right to speak for 5 minutes in reply.
18.4.	The time limits referred to in Standing Orders 18.1 to 18.3 above may be exceeded with the consent of the Chair.
<b>19. Points of Order, Information and Personal Explanations</b>	
19.1.	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.
19.2.	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.
19.3.	When giving a point of information, a Member must briefly give information to correct an alleged inaccuracy in a speech about the matter.
19.4.	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.
19.5.	The Chair's ruling on a point of order, point of information or personal explanation will not be open to discussion.

<b>20. Adjournment of Meetings</b>	
20.1.	A motion to adjourn a Meeting may be made at the conclusion of any speech and shall have precedence over all other motions.
20.2.	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”.
20.3.	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.
20.4.	All Meetings will adjourn at or before 17:00.
<b>21. Voting</b>	
21.1.	Unless the law or these Standing Orders say otherwise, all matters before the Council will be decided by a majority of the Members voting.
<b>Form of Voting</b>	
21.2.	A vote may be taken by the following methods:
	21.2.1. By a show of hands.
	21.2.2. By calling the roll.
	21.2.3. By secret ballot. Or.
	21.2.4. By electronic voting (where available and in operation).
21.3.	Subject to Standing Order 22.7 below and notwithstanding Standing Order 4 above, the usual method of voting at meetings of the Council and Service Committees will be by calling the roll.
21.4.	Subject to Standing Order 22.7 below, and notwithstanding Standing Order 4 above, the usual method of voting at all other meetings not falling within Standing Order 21.3 above, will be by a show of hands.
21.5.	Notwithstanding Standing Order 21.3 above, all voting on procedural matters will be by a show of hands.
	21.5.1. A procedural matter includes, but is not restricted to: <ul style="list-style-type: none"> <li>• Proposing that the Public be excluded for the consideration of exempt business.</li> <li>• Proposing “that the question be now put”, as detailed in Standing Order 16.28 above.</li> <li>• Proposing the suspension of a Standing Order.</li> <li>• Proposing an alternative method of voting.</li> </ul>
21.6.	A Member may request that the vote be taken other than by the usual method and, if a majority of Members present vote in favour, the vote shall be taken by one of the alternative methods at Standing Order 21.2 above, whichever is requested by the Member.

21.7.	All votes on the method of voting shall be taken by a show of hands.
<b>Calling the Roll</b>	
21.8.	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”.
21.9.	The name of each Member voting and the manner in which they voted will be recorded in the Minute.
<b>Electronic Voting</b>	
21.10.	Where an electronic voting system, approved by the Council, is available and in operation, Standing Orders 21.12 to 21.14 will apply with regard to the method of voting.
21.11.	Standing Orders 21.1 to 21.7 will apply where no electronic voting system is available and in operation.
21.12.	Subject to Standing Order 22.7 below, the usual method of voting will be by electronic voting.
21.13.	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 21.2 above, whichever is requested by the Member.
21.14.	All votes on the method of voting shall be taken by use of the electronic voting system.
<b>Casting Vote of Chair</b>	
21.15.	If there is an equal number of votes, the Chair will have, in addition to his/her deliberative vote, a casting vote except:
	21.15.1. Where the vote relates to the appointment of a Member to an office, in which case the matter will be determined by lot. Or.
	21.15.2. Where the matter relates to the removal from office of the Convener, Leader, Depute Leader, Chair or Vice Chair, which, subject to Standing Orders 22.15 and 22.16, requires a simple majority notwithstanding Standing Order 5.
<b>22. Appointments</b>	
<b>Nomination for Election of Office Bearer</b>	
22.1.	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.

22.2.	Candidates exercising their right to speak shall have the opportunity to do so in the order in which their names have been duly nominated.
22.3.	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.
22.4.	A candidate's speech shall be limited to 5 minutes.
22.5.	Candidates who choose not to speak shall remain eligible for election to the office for which they have been duly nominated.
22.6.	A candidate who has been nominated for office but is absent from the Meeting shall remain eligible for election.
<b>Process for Making Appointments or Nominations</b>	
22.7.	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.
22.8.	A Member will be entitled to vote for as many candidates as there are vacancies.
22.9.	A Member must not vote more than once for any one candidate in any ballot.
<b>Where One Vacancy Exists</b>	
22.10.	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.
22.11.	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.
	22.11.1. This process will continue until one candidate has a majority of the votes cast.
22.12.	Where there is an equal number of votes for the candidates having least votes, an extra vote will be taken between those candidates.
	22.12.1. The name of the candidate receiving fewest votes will be removed from the list of candidates.
	22.12.2. If an equal number of votes remains, the candidate to be removed from the list of candidates will be determined by lot.
<b>Where Two or More Vacancies Exist</b>	
22.13.	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:



	22.13.1.	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.
	22.13.2.	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.
	22.13.3.	In the event that Standing Order 22.13.2 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>Limitation on Appointments</b>		
22.14.		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>Removal from Office of Convener, Leader, Depute Leader or Chair</b>		
22.15.		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>Removal from Office of Vice Chair</b>		
22.16.		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>Procedure at Meeting to Remove from Office</b>		
22.17.		Any motion in terms of Standing Orders 22.15 and 22.16 above will form the first item of business at the next applicable Meeting.
22.18.		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>Ending Office</b>		
22.19.		Anyone who ceases to be a Member of the Council will also cease to be a Member of all Committees, Sub-committees, panels and working groups to which s/he has been appointed by the Council.

<b>Appointment of Chief Officers</b>	
22.20.	The processes which apply to the appointment of Chief Officers are set out in the Protocol which forms Appendix 4 to these Standing Orders.
<b>23. Revoking Previous Resolutions</b>	
23.1.	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.
<b>Reviewing Decision within 12 Months</b>	
23.2.	Notwithstanding Standing Order 23.1 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.
<b>Material Change of Circumstances</b>	
23.3.	A material change of circumstances may include the following:
	23.3.1. 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.
	23.3.2. 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.
23.4.	The material change of circumstances will be recorded in the Minute.
<b>24. Suspension and Alteration of Standing Orders</b>	
24.1.	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.
24.2.	No amendment will be taken against a motion to suspend Standing Orders, and the vote, by a show of hands, will be taken immediately.
24.3.	None of these Standing Orders can be rescinded or altered, nor additional Standing Orders created, unless a resolution to do so is passed:
	24.3.1. After notice has been given at a previous General Meeting of the Council by the Chief Executive. Or.
	24.3.2. After consideration of a report to the Council by the Chief Executive.
24.4.	Standing Orders 24.1 and 24.3 cannot be suspended.

<b>25. Deputations</b>	
25.1.	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.
	25.1.1. A deputation is not available to Members, as the procedures at Standing Orders 5.8, 14.8 and 17.1 above apply.
25.2.	A deputation may apply to the Chief Executive to make submissions to the Council.
	25.2.1. The deputation must be in writing, duly signed, and provide sufficient detail of the matters on which it wishes to be heard.
	25.2.2. The deputation shall not exceed 3 persons.
25.3.	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.
	25.3.1. The Chief Executive shall determine whether or not the request for a deputation shall be granted.
25.4.	If the request is granted, the Chief Executive will determine the date and time for the deputation to be heard by the Council.
25.5.	A maximum period of 10 minutes shall be allowed for the deputation to present its case.
25.6.	It is competent for Members to put questions to the deputation which relate to the subject on which the deputation has been heard.
	25.6.1. 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 25.5 above).
	25.6.2. A Member shall not, however, express an opinion, or discuss the subject, until the deputation has completed its submission.
<b>26. Petitions</b>	
<b>Definition of Petition</b>	
26.1.	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.
26.2.	A petition is not available to Members, as the procedures at Standing Orders 5.8, 14.8 and 17.1 above apply.
26.3.	A valid petition should:
	26.3.1. Be concerned with the functions of the Council and issues of concern with some or all of the residents of Orkney.

	26.3.2.	Bear the signatures of not fewer than 20 members of the Public who are ordinarily resident in Orkney. And.
	26.3.3.	Contain the names and addresses of those members of the Public who wish to sign it.
26.4.	A petition will not be considered valid if:	
	26.4.1.	It relates to complaints and grievances, in which case the complaints procedure shall be used.
	26.4.2.	It relates to personal matters, commercial matters, complaints regarding individual officers or employees' terms and conditions. Or.
	26.4.3.	It is vexatious, frivolous, defamatory, discriminatory or contains offensive or inappropriate language.
26.5.	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.	
<b>Process following receipt of Petition</b>		
26.6.	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.	
26.7.	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.	
<b>27. Filming, Photography and Recording of Meetings</b>		
27.1.	Other than live audio casting and recording of Meetings by the Council, any video or sound recordings or filming or broadcasting of Meetings, or the taking of any photographs, will be subject to the express prior approval of the Chair in accordance with the Protocol which forms Appendix 5 to these Standing Orders.	
<b>28. Phones and other Electronic Communications Devices</b>		
28.1.	All Members shall ensure that phones and other electronic communications devices are switched off, on silent or on vibrate during Meetings (except when being used for the purpose of enabling remote attendance). Members shall not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Meeting, except where this is incidental to remote attendance or in connection with an emergency. Research through the internet is permitted providing this is done in a manner which respects the authority of the Chair and does not interfere with the business of the Meeting.	

<b>29. Monitoring Officer</b>	
29.1.	Any Member or officer will immediately inform the Monitoring Officer, if 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.
29.2.	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.
<b>30. Standing Orders to be Given to Members</b>	
30.1.	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.
30.2.	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.

## Appendix 1

### Scheme of Appointment of Members to Committees

#### 1. Committee Composition

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

- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Planning Committee.

In addition to the above:

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

- Either Development and Infrastructure Committee or Education, Leisure and Housing Committee; and
- Not more than two from the following:
  - Planning Committee.
  - Monitoring and Audit Committee.
  - 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.

## **Appendix 2**

### **Definition of Confidential Information**

In accordance with section 50(A)(3) 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.



## Appendix 3

### Descriptions of Exempt Information

In accordance with Schedule 7A of the Local Government (Scotland) Act 1973, Exempt Information means information which falls within the definition of the following 15 categories:

- Paragraph 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.
- Paragraph 2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
- Paragraph 3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
- Paragraph 4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
- Paragraph 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).
- Paragraph 6. Information relating to the financial or business affairs of any particular person (other than the authority).
- Paragraph 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).
- Paragraph 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.
- Paragraph 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.
- Paragraph 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.
- Paragraph 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.

- Paragraph 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).
- Paragraph 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.
- Paragraph 14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.
- Paragraph 15. The identity of a protected informant.

## Appendix 4

### Protocol for Appointment of Chief Officers

Appointment panels for the recruitment of the Chief Executive, Executive Director, Head of Service and Service Manager posts comprise the following:

<b>Level of Post.</b>	<b>Panel Chair.</b>	<b>Members.</b>	<b>Officers.</b>
Chief Executive.	Convener.	All Elected Members.	<ul style="list-style-type: none"> <li>• Independent External Advisor.</li> <li>• Head of HR and Performance.</li> </ul>
Executive Director.	Leader.	5 Members of Council, including Chair and Vice Chair of relevant Service Committee.	<ul style="list-style-type: none"> <li>• Chief Executive.</li> <li>• Independent External Advisor.</li> <li>• Head of HR and Performance.</li> </ul>
Heads of Service.	Chief Executive.	3 Members of the Council, including Chair and Vice Chair of relevant Service Committee.	<ul style="list-style-type: none"> <li>• Chief Executive.</li> <li>• Executive Director (Line Manager).</li> <li>• One other Executive Director selected by Senior Management Team.</li> <li>• Head of HR and Performance.</li> </ul>
Service Managers (Third Tier).	Executive Director.	None.	<ul style="list-style-type: none"> <li>• Executive Director.</li> <li>• Head of Service (Line Manager).</li> <li>• Senior HR Advisor.</li> </ul>

Decisions on appointments for the Chief Executive and Executive Directors will follow a secret ballot process, conducted in successive rounds until a two-thirds majority of those present and entitled to vote, is secured.

The Council has adopted a general policy of obtaining feedback appointment panels from a preliminary professional officer interview panel, chaired by the Chief Executive, and a stakeholder/ peer appraisal panel, through candidate presentation and panel question and answer sessions, for Executive Director and Heads of Service posts.

## Appendix 5

### Protocol for Audio Casting Council and Other Meetings

This Protocol has been drawn up to assist with the conduct of audio casting meetings and to ensure that, in doing so, the Council is compliant with its obligations under relevant data protection legislation.

#### Background

Following a decision taken by Elected Members to introduce audio casting, the first trial broadcasts were made in March 2015. Audio casting has been undertaken during each Committee cycle since June 2015. Committees currently broadcast are:

- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Monitoring and Audit Committee.
- Orkney Health and Care Committee.
- Policy and Resources Committee.
- Planning Committee.
- Local Review Body.

General Meetings of the Council are also broadcast, as are meetings of the Integration Joint Board and its Audit Committee.

Meetings are broadcast live over the internet and can be accessed via the Council website. In addition, recordings of each meeting are made available via the Council website. Whenever possible, these are made available within two working days of a meeting taking place.

#### Prior to the Meeting – Agenda Front Sheets and Signage

The following notice is included on the front of each agenda for designated meetings:

“Please note that this meeting will be recorded and broadcast over the Internet on Orkney Islands Council’s website. The recording will also be publicly available following the meeting and available for listening to for 12 months thereafter. The Council is a Data Controller in terms of data protection legislation. Data collected during the audio cast will be retained in accordance with the Council’s Data Protection Policy. Further information about how the Council uses your personal information and your associated rights is available on the Council’s website.”

A notice in the above terms will be displayed inside and outside the Chamber.

#### Operation of Microphones

Before speaking, press microphone switch to ON.

Wait to be introduced by the Chair.

Speak clearly into microphone.

Once finished speaking press microphone button OFF.

WARNING: Be aware that 'off-mic' comments could be picked up and transmitted.

### **Conduct of Meetings**

At the start of each meeting to be broadcast, an announcement will be made by the Chair to the effect that audio casting is taking place for live and subsequent broadcast over the internet.

### **Cessation or Suspension of Audio Casting**

No part of any meeting will be audio cast after Members have passed a resolution excluding the public because of the likely disclosure of exempt or confidential information. The Clerk to the Committee will ensure that audio casting of the meeting has ceased and will confirm this to the Chair before any discussion of exempt or confidential matters begins.

In addition, the Chair has discretion to terminate or suspend the audio cast if, in his/her opinion, continuing to audio cast would prejudice the proceedings of the meeting. Circumstances that could lead to suspension or termination of audio casting include public disturbance or other suspension of the meeting or the potential infringement of the rights of any individual.

If a technical fault develops, the meeting will continue without interruption. More often than not, the meeting will be recorded successfully, even if the live broadcast is interrupted.

### **Editing of Audio Cast**

Editing of any content of an audio cast will only be undertaken if there is a legal reason, for instance, the name of a person in witness protection was divulged by a public speaker, confidential personal information is inadvertently disclosed or defamatory comments are made. Editing of content may also be authorised in exceptional circumstances such as if an attendee is taken ill. A log will be maintained of audio casts where content has been edited. The Chief Executive will, in consultation with the Chair of the Meeting and the Council's Monitoring Officer, make the final decision on editing any audio cast material to be broadcast or published in connection with any Council meeting. The reason for any decision to edit any audio cast material will be published.

### **Obscenities or Other Inappropriate Language**

In the event of obscenities or other inappropriate or unacceptable language being used, the sound will be muted either live or in post-production as the Council's audio casts are accessible by people of different ages. All persons in attendance at meetings are required to behave respectfully towards others.

### **Other Recording or Broadcasting of Meetings**

No form of photography, filming, recording or broadcasting of meetings (other than audio casting for the Council's purposes) shall take place unless express permission is given in advance by the Chair at his/her discretion.



# Coronavirus Pandemic Emergency Loan Scheme

## Policy and Guidelines

**Contact:**

Economic Development  
Orkney Islands Council  
School Place  
Kirkwall  
KW15 1NY

- Telephone 01856 886 666
- Email [economic.development@orkney.gov.uk](mailto:economic.development@orkney.gov.uk).

## **1. Introduction**

1.1. Orkney Islands Council (the Council) has developed an emergency loan scheme, as part of a wider package of measures, aimed at supporting businesses based in Orkney to mitigate the impact of the Coronavirus Pandemic on the local economy. The purpose of this emergency loan scheme will be to supplement rather than replace existing sources of loan finance and to help established and commercially viable local businesses suffering cashflow interruption in this time of uncertainty.

1.2 The scope of the emergency loan scheme will be restricted to supporting established businesses based within the local authority geographical area. Loan applications will be assessed against key eligibility criteria as set out in Section 4 to this document.

## **2. Who can Apply?**

2.1. Sole traders, partnerships, limited liability partnerships, limited companies and other business models can all apply for emergency cashflow loan finance to sustain their businesses through the Coronavirus Pandemic and associated recovery period.

2.2. The Council can lend to micro, small and medium sized businesses (up to 250 employees and turnover not exceeding £50m).

2.3. UK Financial Services Regulations place restrictions on lending £25,000 or less to sole traders and partnerships/limited liability partnerships with 3 or fewer members. The Council is therefore unable to provide direct loans to sole traders/small partnerships of £25,000 or less but can assist with signposting to other loan providers who offer approved lending services.

2.4. Whilst there is no lower financial limit for applications from larger partnerships or limited companies, a loan of less than £25,000 from the Council is unlikely to be the most cost-effective way of accessing emergency cashflow loan finance support for businesses of this size. The availability of the Government backed Coronavirus Bounce Back Loan Scheme for loans of up to £50,000 will provide lending in the under £25,000 area that the Council cannot, leading to the Council loan offer in the £50,000 to £100,000 range.

## **3. Types of Funding Available**

3.1. Loan finance will be provided in the form of secured loans through this Emergency cashflow scheme. It is recommended that applicants discuss their requirements with Economic Development Service staff prior to applying for loan finance.

3.2. The Council's preference is to provide gap funding or co-investment with Banks and other finance providers on equal ranking terms, or on a "pari passu" basis, rather than being the primary lender to businesses. Council loans will be considered where a second ranking arrangement is all that is available provided there is a valuation available that demonstrates that there is sufficient equity in business assets to cover the loan value after the first ranking security.

3.3. All applicants are required to maximise other private and public sector forms of funding before approaching the Council. Applicants will require to evidence this as part of the application process. The Economic Development Service can assist applicants to identify other funding sources.

3.4. Subject to the agreement of any co-lender, the Council will give due consideration to any emergency cashflow loan facility being structured to provide an initial holiday period of up to 1 year before any repayments of principal and interest are scheduled. On a similar basis, loan repayments will be repayable on a simple or straight line basis over the remainder of the duration of a fixed term loan with all repayments collected by monthly Direct Debit.

3.5. The Council will act as any rational investor would do and will follow the market economy investor principle which is that when a public authority invests in an enterprise on terms and conditions which would be acceptable to a private investor operating under normal market economy conditions, the investment is not a state aid.

3.6. All offers of loan finance will be on commercial terms and conditions. Legal fees will be recharged to the borrower at cost. Arrangement fees and early repayment fees will also apply to any loan facility.

## **4. Eligibility Criteria**

4.1. Loan applications will be assessed against key eligibility criteria that local businesses can demonstrate:

- Firstly, that they were commercially viable prior to the outbreak of the Coronavirus Pandemic.
- Secondly, a requirement for additional cashflow loan finance support is demonstrated together with the capacity to service such a facility.
- Thirdly, a commitment to 'weather the storm' and come out the other side intact and contribute to and strengthen the recovery of the local economy in terms of jobs, growth and other benefits.

### **4.2. Ineligible Applications**

The following paragraphs detail the areas where applications will be considered ineligible for emergency cashflow loan finance. The Final Decision on whether projects are deemed ineligible will be made by the Head of Finance on the advice of a panel consisting of, the Executive Director of Development and Infrastructure, the Head of Planning, Development and Regulatory Services and the Head of Legal Services on the vires of the loan application.

4.2.1. Businesses that are assessed as not being financially viable prior to the outbreak of the Coronavirus Pandemic will not be eligible.

4.2.2. Funding will not be available through this scheme for specific cost items where this will have the potential to distort local market activity, such as the purchase of property on the open market.



4.2.3. Debt repayment, i.e. direct replacement of existing loan facilities, will not be eligible. Existing lenders will be expected to provide an undertaking to stand alongside the Council in providing emergency cashflow finance to businesses for the duration of any loan agreement or at least consult with the Council prior to making any decision to restructure existing loan facilities.

4.2.4. Businesses which are deemed to be failing will not be eligible for assistance. Projects which have no intrinsic value other than as rescue packages are also ineligible.

## **5. Lending Terms**

5.1. The Council will act as a rational investor at all times and follow the Market Economy Investor Principal. All loans will apply appropriate commercial terms and conditions which will be detailed in any offer of loan finance at the outset on the basis that the conditions require to be met prior to any loan funds being released. Those terms and conditions will also apply for the duration of the loan agreement.

5.2. Applicants will be required to provide adequate security for any loan facility. The level of security cover will reflect the underlying level of risk associated with each loan facility and will be assessed on a case by case basis.

5.3. The interest rate applied to emergency cashflow loan finance will reflect the inherent level of risk associated with investing in the business. Once an interest rate has been set it is fixed for the loan period. Rates will be no lower than what a commercial lender would apply and where possible by agreement will be on equal terms or “parri passu” with existing lenders or co-lenders. Alternatively, where it is not possible to reach an agreement with existing lenders, then the Council will follow the State Aid Reference Rate methodology to establish a proxy for a commercial rate of interest to apply.

5.4. The loan period will be set following an assessment of the business model and the applicant’s ability to service the loan facility. As a guideline, an emergency cashflow loan facility with a duration of up to 6 years, based on an initial repayment holiday period of up to 1 year, followed by up to 5 years to repay the loan balance in full would be standard terms. Given the short-term nature of the emergency cashflow loan facility, requests for such a loan facility for up to 10 years may be considered in exceptional cases, but any request beyond 10 years is unlikely to be approved.

5.5. Applicants are expected to fund a proportion of their emergency cashflow requirements from sources other than the Council. The Council will not normally fund more than 50% of these requirements but may extend to 75% in exceptional circumstances.

## **6. How to Apply**

6.1. In the first instance, potential applicants should contact the Economic Development Service to discuss their requirements and their eligibility for the emergency cashflow loan finance. At this point, the Economic Development Service will identify if an applicant requires any other business support including the services offered by Business Gateway.

## 6.2. Business Gateway

6.2.1. This is a government initiative which aims to provide a range of support measures to those who wish to start up a new business or to grow an existing business. This service is supported by local and national resources and includes:

- Access to training courses.
- Business planning advice from an accredited adviser.
- Advice on funding opportunities.
- Access to national information services.

6.2.2. The Business Gateway is operated by the Council's Economic Development Service and should be the first point-of-contact for all business support enquiries.

6.2.3. Once the Economic Development Service is satisfied that a business meets the eligibility criteria for emergency cashflow loan finance, the applicant will be invited to submit a completed loan application form, business plan and supporting documentation.

## 6.3. Application Form

6.3.1. The application form details the information and documentation which is required to apply. The form is available from the Council's Economic Development Services in paper or electronic form. Contact details for Economic Development are listed on the front page and a direct link to the web page is below:

<https://www.orkney.gov.uk/Service-Directory/B/business-development.htm>

6.3.2. Within the form applicants are requested to detail their requirements for an emergency cashflow loan.

6.3.3. The application form includes a declaration and undertaking which must be printed and signed before the form is returned. The main body of the application can be emailed or submitted in paper form.

## 6.4. Business Plan

6.4.1. Support with business planning can be provided through the Business Gateway Service, if required. Contact details for Business Gateway can be found in the following link:

<https://www.bgateway.com/local-offices/orkney/local-support>

6.4.2. A business plan should include the following information:

- Business background.
- Overview of the business sector.
- Company structure.
- Management structure.
- Description of the business model including outputs and outcomes.

- Description of links in the supply chain.
- Details of current and proposed employment.
- Analysis of the market in which the business operates.
- Details of current/potential competition.
- Sources of Finance – existing and proposed. Please state what other applications have been submitted, any feedback received and/or any approvals.
- Justification for seeking emergency cashflow finance from the Council.
- Impact on the business if the cashflow finance is not secured.
- A 6-year cash flow projection.
- A 6-year projection of the business Profit and Loss Account and Balance Sheet.

6.4.3. The business plan must be supported by financial projections for a minimum of 6 years. This will include profit & loss accounts, cashflows and balance sheet forecasts. The cashflow requires to be prepared on a monthly basis and projections should be accompanied by detailed assumptions in relation to statements made in the application.

6.4.4. Businesses will also be asked to supply a full set of financial accounts for the previous 3 years. Management accounts may also be requested along with other information required in the assessment process, for example, asset lists, details of key contracts, licences held.

## **7. Decision Making Process**

7.1. On receipt of an application, Economic Development Staff will look carefully at your application and provide advice and feedback on the potential success of an application before progressing further. Applications that meet the Council's lending criteria as set out in this guide will be formally assessed and a recommendation will be made to a decision panel by the Economic Development Staff team on whether a loan should be offered.

7.2. Approval/Rejection decisions will be taken by the Head of Finance on the advice of a panel consisting of the Executive Director of Development and Infrastructure, the Head of Planning, Development and Regulatory Services and having received advice from the Head of Legal Services that the proposed loan is not ultra vires.

7.3. An indication of the timescale for a decision will be given by Economic Development Staff at an early stage in the application process.

## **8. Monitoring of Loans**

8.1. Economic Development Staff will monitor all loan advances to ensure that the loan beneficiaries meet the requirements and conditions of the Council scheme. As part of the monitoring of all loans Economic Development Staff will carry out annual business reviews on each borrower. Part of this process will involve following up on the estimated benefits to the local economy as detailed at the time of application.

8.2. Finance Staff will monitor the performance of the emergency cashflow loan book including accounting for the all scheduled loan repayments and accounting for the fair value of the financial instruments.

## **9. Applicable Legislation**

9.1. Applicants must be aware that the following UK and Scottish legislation applies to any and all information provided to the Council within the application form or accompanying documents:

### **9.1.1. Data Protection 1998**

Orkney Islands Council is registered under the Data Protection Act 1998. Any personal information provided in the application form will be used solely by the Council in connection with the application for loan assistance.

### **9.1.2. Local Government (Scotland) Act 1973**

It is normal practice for reports on applications for loan assistance to be considered in private due to the exempt content including personal and financial detail. However, some information provided in the application form and in the supporting submissions may be made public in reports to the Council or any of its relevant Committees if the Council Members decide to do so having taken legal advice. The Council may also make details of any approval public through local press releases.

### **9.1.3. Freedom of Information (Scotland) Act 2002**

Any information provided in an application may be provided to the public under the Act. If there is any information contained in the application form or supporting documentation which applicants do not wish to be publicised, they must disclose this at the time of application. Any requests for disclosure of such information may be discussed with the applicant, however, it cannot be guaranteed that information supplied in connection with an application will be kept confidential.

## Information Technology Capital Replacement Programme 2020 to 2021.

Project Name.	Activity.	Reason.	Sub Total.	Total.
Desktop Replacement.	Replace End User Desktop Infrastructure (Corporate and Schools).	Annual programme to ensure desktop/laptop end-user equipment is up to date in Councils and Schools. Win 7 replacement in schools and rolling replacement for corporate replacement of 14/15 plate machines.	£80,000.	£80,000.
Datacentre Replacements.	Replacement of Data Storage and SAN.	Replacement of Data Storage Devices (Phase 1/2) – last year money diverted to Windows 7 replacement.	£80,000.	£80,000.
Server Replacements.	Replacement of Virtual and Physical Servers.	Creation of more Resilience (additional DNS servers to increase resilience) and Update of Virtualisation Servers. Replacement of VC servers.	£45,000.	£90,000.
	Failures and Emergency Replacements of Capital Equipment.	Allocation to replace failures not covered by repairs, and any systems that fail future audit requirements.	£50,000.	
Local Area Network Replacements.	Replacement of Wireless Access Controller and redundant network switches.	Replacement of Out of Support and Incompatible Wireless Access Controller and redundant network switches.	£65,000.	£65,000.
Wide Area Network Replacements.	Fibre for Stromness.	Fibre for Stromness VTS and Warehouse.	£20,000.	£20,000.
				£340,000.

Appendix 4.

## **Revenue Repairs and Maintenance and Capital Improvement Programmes**

Pages 1991 to 2010.

Resolved that, under section 50A(4) of the Local Government (Scotland) Act 1973, the public were excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraph 9 of Part I of Schedule 7A of the Act.

Programmes for 2020 to 2021, together with Provisional Programmes for 2021 to 2022 and 2022 to 2023 in respect of the following:

- Revenue Repairs and Maintenance Programme.
- Capital Improvement Programme.
- Strategic Reserve Fund – Revenue Repairs and Maintenance Programme.
- Strategic Reserve Fund – Capital Improvement Programme.

**This constitutes a summary of the Appendix in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.**

### **Local Government (Scotland) Act 1973 – Schedule 7A**

#### **Access to Information: Descriptions of Exempt Information**

Paragraph 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.