



COMHAIRLE NAN EILEAN SIAR

STANDING ORDERS

# STANDING ORDERS

## *PRELIMINARY*

### **Definitions**

1 Throughout these Standing Orders and the Constitutional Documents, the following words and expressions shall have the meanings shown next to them:

1973 Act -	The Local Government (Scotland) Act 1973
1985 Act -	The Local Government (Access to information) Act 1985
1994 Act -	The Local Government etc. (Scotland) Act 1994
2003 Act	The Local Government in Scotland Act 2003
Comhairle -	Comhairle nan Eilean Siar, constituted as Western Isles Islands Council in terms of the 1973 Act, thereafter designated and known as Western Isles Council in terms of the 1994 Act and having changed its name in terms of the Local Government (Gaelic Names) (Scotland) Act 1997, and having its principal offices at Council Offices, Sandwick Road, Stornoway, Isle of Lewis, HS1 2BW.
Member -	A Councillor (when it refers to the Comhairle, a committee or sub-committee); or any person validly appointed to a committee or sub-committee, who is not a Councillor.
Convener -	The Chair of the Comhairle, elected in accordance with section 4 of the 1994 Act.
Leader	The political leader of the Comhairle elected in accordance with section 4 of the 1994 Act.
We, our, us -	Comhairle nan Eilean Siar. The main office is at the Council Offices, Sandwick Road, Stornoway, Isle of Lewis, HS1 2BW.
Committee -	A Committee of the Comhairle appointed in accordance with these Standing Orders and the Scheme of Administration.
Chief Executive -	The Chief Executive of the Comhairle or any authorised official representing or acting for him or her.
Director -	A Director of a Department of the Comhairle or any authorised officials or other member of staff representing or acting for him or her and the Chief Officer (Health and Social Care).
Minutes -	A summary of business at Comhairle, committee and sub-committee meetings.
Agenda, Summons -	The summons to members to attend meetings and the list of business to be dealt with at meeting of the Comhairle, committees and sub-committee.
Scheme of Administration -	The scheme setting out the membership, quorum, purpose and functions of the Comhairle and its committees. The Scheme of Administration also sets out the committees to be appointed by the Comhairle and regulates certain aspects of procedure.

### ***Interpretation***

2 The Interpretation Act 1978 will apply to these Standing Orders.

### ***Start***

3 These Standing Orders will apply and have effect on and after 4 May 2017.

## **MEETINGS**

### ***The First Meeting after the Election***

- 4 In an election year, we will hold our first meeting within 21 days from the date of the election of Councillors. The Chief Executive will determine the date and time of the meeting. At this meeting, we:
- (1) Elect the Convener of the Comhairle for the term of the Comhairle.
  - (2) Elect the Leader of the Comhairle for the term of the Comhairle. The Leader will be the Chair of the Policy and Resources Committee *ex-officio*.
  - (3) Elect the Depute-Convener of the Comhairle; the Leader may also be elected Depute-Convener.
  - (4) Note the Standing Orders.
  - (5) Appoint the members of committees of the Comhairle, other than the Policy and Resources Committee and Audit and Scrutiny Committee, failing to be appointed by the Comhairle in terms of the Scheme of Administration.
  - (6) Appoint the members of the Integrated Joint Board, Joint Committees and Joint Boards that we are a member of and deal with any business.
  - (7) Appoint members of the Western Isles Licensing Board.
  - (8) Deal with any urgent competent business, keeping to the terms of any law and these Standing Orders.

We will use our conventions to elect the Convener and Leader.

### ***Ordinary Meetings***

- 5 The Chief Executive will determine the date and time for the meeting and will take into account recess periods and any holidays.

### ***Special Meetings***

- 6 A special Comhairle meeting can be called any time:

- by the Convener; or
- if at least a quarter of our members demand a meeting.

We will normally hold the meeting within 14 days from when the Chief Executive receives the written request.

### ***Notice of Meeting***

- 7 Within this Standing Order, the term “clear days” refers to week days, excluding weekends, Comhairle Holidays taken by the Stornoway Office, the day the notice is published or the summons is dispatched or the agenda becomes available for inspection and the day on which the meeting is held. Publication of the notice includes making it available on our web site. The agenda will also be available for inspection if it can be accessed on our web site.
- (1) At least three clear days before a Comhairle or Committee meeting, the following must happen:
    - (a) The Chief Executive must publish the time and place of the meeting at the Council Offices. If the meeting is held at short notice, these will be published straight away. If the meeting is called by members of the Comhairle, the notice must be signed by those members and must set out the business they want to deal with; and
    - (b) Every Comhairle member must be sent a summons.

- (2) Summonses to attend meeting will be sent to members by one or more of the following methods:
  - (a) By post or delivered to his or her normal place of residence.
  - (b) By fax to a number we provide or nominated by the members and approved by us.
  - (c) By e-mail to an address we provide or nominated by the members and approved by us. A summons sent by this method may contain links to the papers relating to the business to be transacted at the meeting and contained on our web site or intranet.
  - (d) By electronic means.
- (3) Summonses to attend meetings will be left at or sent by post to each member's normal place of residence unless:
  - (a) A member writes to the Chief Executive indicating that he or she wishes summonses to attend meetings to be sent to him or her at some other address.
  - (b) A member writes to the Chief Executive electing to receive summonses to attend meetings by fax and nominating the fax number to which summonses are to be sent. Any change in this number must be advised to the Chief Executive in writing.
  - (c) A member writes to the Chief Executive elected to receive summonses to attend a meeting by e-mail and nominating the e-mail address to which summonses are to be sent. Any change to this address must be advised to the Chief Executive in writing.
  - (d) We decide that the usual method of sending summonses to attend meetings will be by e-mail, fax or some other electronic means allowed by law. In this event a member may elect to continue to have summonses left at or sent by post to his or her usual place of residence.
- (4) Any summonses to attend meetings sent to a member at any alternate address advised under the terms of this Standing Order will be deemed to be sufficient service of summons. A member may revoke any election made under this Standing Order as to the method of receiving summonses by writing to the Chief Executive.
- (5) If a summons is not served on any member, the meeting will still be valid.
- (6) The summons must set out the business that will be dealt with at the meeting. The summons for the Comhairle must be signed by the Chief Executive, or any other officer nominated by him or her.
- (7) The summons must give a note of the business and the proposed order for dealing with business at the meeting. We cannot deal with other business unless someone brings it before us, as a matter of urgency, under the following paragraph. If a meeting is called by Councillors, we can only deal with the business listed in the Councillors' request.
- (8) Reports will be prepared in accordance with the format approved by the Chief Executive. Reports must be lodged, in completed form, with the Chief Executive by the agenda deadline.
- (9) Should the Chief Executive not receive a completed Report by the date specified he/she shall leave the item off the agenda, unless, in the opinion of the Chief Executive, the report author can show good cause as to why the Report has not been submitted in completed format by the agenda deadline.
- (10) If three clear days notice is not given for an item, it may be considered at the meeting, if the Chair of the meeting rules that there are special reasons why it is a matter of urgency. The Chair must give those reasons. This item must be made known at the start of the meeting, before the minutes of the previous meeting are approved.

- (11) Members of the public and press can obtain copies of the agenda for a Comhairle meeting at our main offices at least three clear days before the meeting. This will not be the case if the meeting is called at short notice. If this is the case, the public and press can obtain copies when the meeting is called. If an item of business is added to the agenda, the public and press obtain copies at that time.
- (12) The Chief Executive can withdraw any item of business from the agenda of a meeting, following consultation with the Chair.

### ***Letting in the Public and Press***

- 8 (1) Except where this Standing Order says otherwise, every meeting of the Comhairle, its committees and sub-committee, will be open to the public and press.
- (2) We may keep anybody out of a meeting in order to prevent or stop disorderly conduct. We may keep any members of the public out of a meeting or require them to leave, if they are hindering or are likely to hinder our work. If a member of the public interrupts any members, the Chair may warn that person. If they continue the interruption, the Chair may order the person to be removed from the room where the meeting is being held. 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.
- (3) The public will be kept out of a meeting when an item of business is being considered, if it is likely that they would hear confidential information. Nothing in this Standing Order authorises or requires confidential information to be disclosed in breach of the obligation of confidence, as defined in the 1985 Act.
- (4) We may decide to keep the public out of a meeting when an item of business is being considered, if it is likely that they would hear information that is defined as exempt in Section 50A(4) and Schedule 7A of the 1973 Act. The definitions of exempt information are set out in the Appendix to these Standing Orders.
- (5) Documents marked secret shall be those containing information so classified by HM Government, their contents shall in no circumstances be quoted in public or divulged.

### ***Councillors Attending Meetings***

- 9 (1) Unless paragraph (2) of this Standing Order applies, any member may go to a meeting of a committee, even if he or she is not a member of that committee. The member cannot take part in the formal debate and cannot vote on any issue. However, the Chair may decide that the member can speak on any issue.
- (2) If a Council member is not a member of the committee, he/she cannot go to a committee meeting if either of the following apply and it is also decided that the item is exempt or confidential:
  - (a) the meeting is about a matter which may affect the interests of one particular person; or
  - (b) the decision is made after a hearing and the person or their representative has a right to put their case.
- (3) If a committee of sub-committee has a hearing:
  - (a) on a matter where the decision may affect the interests or rights of any person as an individual; and
  - (b) where the person has the right to be heard in person or through a representative;members of the committee or sub-committee can only take part or vote on the matter if they have been at the whole of the hearing.
- (4) Where the law allows and proper facilities are available, a member may be regarded as being present at a meeting if he or she is able to participate from a remote location by a video link or other communication link. A member participating in a meeting in this way will be counted for the purposes of deciding if a quorum is present.

### **Quorum**

- 10
- (1) A quorum of the members of the Comhairle or any committee, sub-committee, panel or working group must be present to enable a meeting to proceed and for the business set out in the agenda to be dealt with.
  - (2) The quorum of the Comhairle will be one quarter of its members, unless the law says otherwise.
  - (3) The quorum of the committees of the Comhairle will be one third of the members of the committee or three members of the committee if it has a membership of less than seven.
  - (4) The quorum of any sub-committee shall be three members of that sub-committee.
  - (5) If at any time during a Comhairle, committee, or sub-committee meeting a question arises on whether there is a quorum the Convener or Chair will leave an interval of three minutes and then instruct the Chief Executive to count the members who are present. If a quorum is not present, the meeting will be adjourned until the time of day and hour that the Convener or Chair then or later decides. If less than a quorum can vote on an item because of the terms of Section 38 of the 1973 Act that item cannot be dealt with at the meeting.

## **CHAIR**

### **Appointment**

- 11
- (1) Every committee shall appoint a Chair and a Vice-Chair from among its members.
  - (2) Without prejudice to the Leader's *ex-officio* vice-chairmanship of the Comhairle, a member shall be eligible for appointment to only one office of Chair or Vice Chair of a committee.
  - (3) Without prejudice to the Leader's *ex-officio* chairmanship of Policy and Resources Committee, the Convener and Leader shall not be eligible for appointment to the office of Chair or Vice-Chair of any committee.
  - (4) Every sub-committee shall appoint a Chair and may appoint a Vice-Chair from among its members.
  - (5) The term of office of the Chair and Vice-Chair of any committee shall be until the next ordinary election of councillors.

### **Chairing a Meeting**

- 12
- (1) The Convener will chair any Comhairle meeting if he or she is present. If the Convener is not present at the meeting the Leader will chair it. If the Convener and Leader are not at the meeting, another member of the Comhairle, elected by the members present, will chair the meeting.
  - (2) The Chair will chair any committee or sub-committee meeting if he or she is present. If the Chair is not present at the meeting, the Vice-Chair will chair it. If the Chair and Vice-Chair are not at the meeting, another member of the committee or sub-committee, elected by the members present, will chair the meeting.

### **Chair – Powers and Duties**

- 13 The Chair's decision is final on all matters that come up at meetings and he or she will have discretion, with or without discussion, to determine all questions of procedure for which no express provision is made in these Standing Orders. When the Chair speaks, any member who is addressing the meeting must stop. The Chair must keep order and make sure that members have a fair hearing. The Chair will decide on all matters of order, points of order, competence and relevance arising at Comhairle, committee or sub-committee meetings. The Chair will also decide between two or more members wishing to speak by calling the member whom he or she first observes. If there is disorder at any meeting, the Chair may adjourn the meeting to a time he or she may then, or afterwards, decide and his or her leaving the Chair will indicate that the meeting is adjourned. The Convener, Chair or Leader may make a statement at the start of the meeting on any matter that affects the Comhairle's or the committee's interest. The Chair will gauge the sense of the meeting on any matter before the meeting. The Chair may require the mover of any motion or amendment, if it has been seconded, to put the motion or amendment in writing and hand it to the Chief Executive.

### **Notice of Challenge**

- 14 (1) On receipt of a Notice of Challenge signed by a majority of the total membership of the Comhairle, a committee or sub-committee calling for the appointment of any individual Office-Bearer under the Comhairle to be challenged the Chief Executive shall arrange for the matter to be considered at a meeting of the Comhairle, a committee or a sub-committee. The Notice must name the Office-Bearer and specify the sanction proposed. Sanctions include censure of the actions of the named Office-Bearer and removal from office.
- (2) A Notice of Challenge relating to the Convener or Leader may be considered only by the Comhairle, and will require the signature of a majority of the members of the Comhairle to be valid.
- (3) A Notice of Challenge relating to the Chair or Vice-Chair of a committee or sub-committee may be considered only by that committee or sub-committee and will require the signature of a majority of the members of the committee or sub-committee to be valid. When determining the validity of a Notice of Challenge under this paragraph, only the signatures of the members entitled to vote at meetings of the committee or sub-committee will be taken into account.
- (4) A Notice of Challenge shall be submitted and considered within the time limits set out in Standing Order 15.
- (5) With the consent of two-thirds of the members of the Comhairle, the committee or the sub-committee present at the meeting the sanction specified in the Notice of Challenge may be amended.
- (6) A Notice of Challenge will be considered effective if a majority of the members of the Comhairle, the committee or the sub-committee present at the meeting vote in favour of the Notice. If the sanction proposed in the successful Notice of Challenge was for removal from office, the position of the Office-Bearer specified in the Notice may then be immediately subject to election.
- (7) When considering a Notice of Challenge submitted in terms of this standing order, the procedure set out below shall be followed:
- (a) no member who has signed a Notice of Challenge or who is the subject of a Notice of Challenge may chair a meeting at which the Notice is considered. In the event that no elected member is eligible to chair the meeting, the Chief Executive shall chair the meeting;
  - (b) the proposers of the Notice shall state the issues which have led to the submission of the Notice;
  - (c) the Office-Bearer who is subject of the Notice shall have the opportunity to respond to the matters raised;
  - (d) other members of the Comhairle, committee or sub-committee shall have the opportunity to speak;
  - (e) no member shall speak more than once. Except that the Office-Bearer who is subject of the Notice of Challenge shall be able to respond to further issues raised by members; and
  - (f) at the conclusion of discussion a vote shall be taken on the Notice of Challenge unless it is withdrawn with the consent of all the members present at the meeting.

- (8) Where a Notice of Challenge has not been successful or has been withdrawn, then no Notice naming the same Office-Bearer in the same office will be valid if submitted within six months of the date of the meeting at which the Notice was considered.
- (9) No member of the Comhairle, a committee or sub-committee will be permitted to propose or second a Notice of Challenge if he or she has proposed or seconded a Notice naming the same Office-Bearer in the same office if the new Notice of Challenge is submitted within nine months of the date of the meeting at which the original Notice was considered.
- (10) In this Standing Order "Office-Bearer" means the Convener and Leader of the Comhairle, and Chair and Vice-Chair of a committee or sub-committee.
- 15 Any Notice of Challenge under the terms of Standing Order 14 shall be submitted to the Chief Executive not later than the deadline set by the Director for the submission of reports to be placed on the agenda for any scheduled meeting of the Comhairle, a committee or a sub-committee. Where the next ordinary meeting of the Comhairle, committee or sub-committee is not scheduled within four weeks of the date of submission of the Notice, it may be specified in the Notice that a special meeting of the Comhairle, committee or sub-committee be called within four weeks to consider the Notice.

## **CONDUCT**

### ***Councillors Code of Conduct***

- 16 (1) All members of the Comhairle and co-opted members of committees, sub-committees, panels and working groups are required to comply with the Councillors' Code of Conduct
- (2) The Monitoring Officer shall keep a Register of Disclosures of pecuniary interests and other interests made by members of the Comhairle, including Co-opted members. The Register shall be open to public inspection. Where a member discloses a pecuniary or other interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Comhairle at which the contract or other matter is the subject of consideration, that member shall, after disclosing the fact, withdraw from the room where the meeting is being held while the contract, proposed contract or other matter, is under discussion.

### ***Obstructive or Offensive Conduct***

- 17 If any member at any meeting disregards the authority of the Chair, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the member for the rest of the meeting. There will be no discussion of the motion and no changes to it. If the motion receives the majority of the votes cast by those present, the member must immediately leave the meeting. If he or she refuses to do so, the Chief Executive will act on any orders received by the Chair to carry out the decision.

### ***Disorder***

- 18 The Chair shall be entitled, in the event of disorder arising at any meeting of the Comhairle, to adjourn the meeting to a time he or she may then or later decide.

### ***Failing to attend meetings***

- 19 If a Councillor attends no meetings, for six months, of:
- the Comhairle or any committee or sub-committee; or
  - any Joint Committee or Joint Board which has Comhairle functions delegated to it;

the Chief Executive must tell us (unless we have granted leave of absence to the member). We will consider whether the absence was caused by some reason approved by us. If we are not satisfied about the cause of the failure, the member will stop being a member of the Comhairle. The 1973 Act applies to this Standing Order.



### ***Excluding Officers from Meetings***

- 20 If a majority of members present and voting decide to exclude an officer from a meeting of the Comhairle, a committee or sub-committee, the officer concerned shall leave the meeting immediately. The exclusion, and the reasons for it, shall be recorded in the Minute.

## **PROCEEDINGS AT MEETINGS**

### ***Order of Business***

- 21 The Order of Business at every meeting shall, unless changed by the Chair, be as specified in the agenda for the meeting. There will be a time limit of fifteen minutes for presentations with a further fifteen minutes for questions.

### ***Approval of Minutes***

- 22 The Chief Executive will minute all our meetings and other meetings at which we are represented as may be determined by him or her. The minute will record the names of the members and officers who attended the meeting and will contain a summary of the business of the meeting. Minutes will be printed and, as far as possible, sent to members of the Comhairle, at least three clear days before the next ordinary meeting of the Comhairle. There, they will be presented and corrected, if necessary. If they are held to be a true record of the meetings they relate to, the person chairing the next meeting will sign them. No motion or discussion will be allowed about the minutes, except about their accuracy. Any questions about the accuracy of minutes will be decided by a majority of the members.

### ***Questions and Notice of Motion – Comhairle Meetings***

- 23 At any of our meetings, a member may put a question to the Convener, Leader or to the Chair of a standing committee, about any relevant and competent business, not already on the agenda for the meeting. The Chief Executive shall consult the relevant Chair or, in the absence of the Chair, the Vice-Chair, when he or she receives a Question. Items which appear on the Committee Decision Reports shall be considered as relevant business on the agenda for the meeting.
- 24 A member must have given the Question to the Chief Executive, three clear days before the day of the meeting.
- 25 If the Convener rules that the Question is out of order, the Question will not be answered.
- 26 There will be no discussion about any Questions or Answers brought in this way. Every Question shall be answered orally and the minute of the meeting shall contain a verbatim record of the Question and Answer.
- 27 If any member who has asked a Question is absent when it is considered by the Comhairle, it shall be put on the agenda of the next ordinary meeting of the Comhairle. If at the next ordinary meeting the member is again absent, the Question shall fall.
- 28 Arising from each Question and Answer, the member who put the Question may put a supplementary Question. These may be answered orally by the Convener, Leader or the Chair of the appropriate committee, whom failing the Vice-Convener or the Vice-Chair. The Convener can decide to disallow any supplementary Question, either:
- because, in his opinion, the supplementary Question is not relevant to the subject matter of the Question submitted by the member and answered at the meeting; or
  - for any other reason stated by him or her.
- 29 There will be no discussion about any Questions or Answers brought in this way. The minute of the meeting shall contain a summary of the supplementary Question and the Answer to it.
- 30 In these Standing Orders, the term “Question” includes a series of Questions asked by the same member, if:
- all the Questions deal with the one subject; or
  - the Convener rules the Questions are so closely related, that they can be regarded as one subject.

31 A member who has asked a Question may, at that meeting of the Comhairle and prior to the item of business "Notice of Motion" on the agenda for the meeting, submit to the Chief Executive a written Notice of Motion signed by him or her and a seconder. The subject matter of the Notice of Motion must relate directly to the subject matter of the Question asked. The Chief Executive shall read the Notice of Motion to the meeting

32 A motion submitted in this way shall, if we so decide, be considered at the next ordinary meeting of the relevant committee in the form of a written Report by the relevant Director, under the Scheme of Administration.

33 If a motion to have a matter considered by the relevant committee is challenged by an amendment, the movers of the motion and the amendment, and their seconds only, shall be allowed to speak and no further discussion shall be allowed before the vote is taken.

***Notice of Motion: Rights of Address at Committee***

34 Where a motion is referred to a committee under Standing Order 32, the mover and seconder who signed the Notice of Motion shall have the right, subject to the Standing Orders, to address the committee meeting at a point in the meeting to be determined by the Chair. The members who put the motion forward, must move it at the meeting, or someone must do it for them. If nobody puts the motion forward, we will consider it withdrawn.

***Giving Notice Beforehand on a Matter which Members wish to Have Considered***

35 If a member wants us to consider a matter, he or she must put it in writing. They must then sign it and get another member to sign it as well. If the Chief Executive does not receive this at least ten clear days before the agenda deadline which he or she has determined for the meeting, the matter will not be put on the agenda for the meeting and will not be dealt with at the meeting.

***Debates***

36 All matters before us, which are the subject of a written Report by the Chief Executive or a Director will, if the Chair so decides, be introduced, without interruption, by the Chief Executive or relevant Director. Members will then have the opportunity to ask questions, seek clarification, or request further information. It will not be competent to move a motion or an amendment at any of these stages. Once the Report has been introduced and the Chair decides that all Questions have been responded to, the Chair will inform members that the matter is open for debate.

37 All motions and amendments must be proposed by someone and seconded by someone else. If the Chair thinks it is appropriate, the motion and/or any amendments must be put in writing and handed to him or her before any vote is taken. Every amendment must be relevant to the motion in question and may include a proposition which is the direct negative of the motion. Prior to a motion or amendment with financial consequences being debated, the Director of Finance and Corporate Resources or relevant Director shall provide advice on the potential effect on existing budgets and services.

38 A member who wishes to propose an amendment to the recommendations of a Committee whose decision report will be considered at a meeting of the Comhairle, or to a report to be considered at a Meeting of the Comhairle, shall submit such amendments, in writing, to the Chief Executive, no later than 12 noon on the day before the Comhairle Meeting. In the event that the amendment relates to a recommendation in the Audit and Scrutiny or Policy and Resources Committee decision reports the amendment shall be submitted within one hour of the conclusion of the meeting.

39 The recommendations contained in a report shall be taken as the motion, provided that these recommendations are moved and seconded.

40 Every motion and amendment proposing either expenditure or a reduction in income shall identify the source of funding to meet the additional expenditure or income lost. A motion or amendment failing to identify the source of funding shall be incompetent. Such proposals shall not include the use of the annual contingency nor the use of reserves, without the matter being considered by the Policy and Resources Committee, based on a report prepared by the appropriate Director following consultation with the Chief Executive and the Director of Finance and Corporate Resources.

- 41 No member shall be able to move or second:
- an amendment if he or she has moved or seconded the motion; or
  - more than one amendment to a motion.
- 42 A motion or amendment may be withdrawn before the start of debate by the proposer with the permission of the seconder and the meeting. If a motion is withdrawn all amendments to it shall fall.
- 43 If a motion is withdrawn the proposer and seconder shall be able to move or second another motion or an amendment to any subsequent motion. If an amendment is withdrawn the proposer and seconder shall be able to move or second another amendment.
- 44 An amendment will be relevant to the motion in question and will be:
- (1) to refer the subject of debate to the Comhairle, a committee or sub-committee to be considered;
  - (2) to leave out words;
  - (3) to leave out words and insert and add others; or
  - (4) to insert or add words.
- 45 When a motion is under debate, no other motion will be moved, except the following:
- (1) To exclude a member or officer from the meeting.
  - (2) To adjourn the meeting.
  - (3) To exclude the press and public from the meeting.
  - (4) To take the vote by ballot or by roll call under Standing Order 57.
  - (5) To defer consideration of the matter and to go on to next business.
  - (6) That the question can now be put to the vote.
  - (7) To postpone the debate.
  - (8) That a member should not be heard.
  - (9) That Standing Order should be suspended in line with Standing Order 68.

#### ***One amendment at a Time***

- 46 Only one amendment can be moved and discussed at a time. No further amendment will be moved until we have dealt with the amendment under discussion, but notice of any further amendments must be given before the vote is taken on the first amendment. A brief summary of the content of the further amendment must be given.

#### ***Further Amendments***

- 47 If an amendment is lost, other amendments, for which notice was given under Standing Order 46 above, can be moved on the original motion. If an amendment is carried, the amended motion will replace the original motion. Any further amendment can be moved on the amended motion. If an amendment to refer the subject of debate to the Comhairle, a committee or a sub-committee is successful, no further amendment can be moved and the matter will stand referred.

#### ***Order of Debate***

- 48 The Order of Debate shall be as follows:
- (1) The mover of the motion.
  - (2) The mover of the amendment.
  - (3) The seconder of the motion.
  - (4) The seconder of the amendment.
  - (5) Any other member of the Comhairle who has not spoken in that debate.
  - (6) Right of reply of the mover of the amendment.
  - (7) Right of reply of the mover of the motion.

#### ***Speeches***

- 49 A speech by the mover of a motion or amendment will not be longer than five minutes. During a debate, no member shall speak more than once or for longer than five minutes. Members will direct their speech to the question being discussed or to a personal explanation or point of order. The Chair can give permission for a speaker to speak for an extra five minutes.

50 The mover of a motion or the mover of an amendment, has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. Any member who is replying under Standing Order 48, must only answer previous speakers. They must not introduce any new matters into the debate.

***Points of Order: Information and Personal Explanations***

51 If a member wants to make a Point of Order or give a point of information or a personal explanation they will be entitled to be heard immediately.

- (1) A Point of Order must only be about a Standing Order or legal provision that the member feels has been broken. The Chair will ask the member to specify the Standing Order or legal provision and say how they feel it has been broken;
- (2) When giving a point of information, a member must briefly give information to correct an alleged inaccuracy in a speech about the matter;
- (3) When giving a personal explanation, a member will only explain part of their former speech, which seems to have been misunderstood in the present debate.

52 The Chair's ruling on a Point of Order, a point of information or a personal explanation, will not be open to discussion. It will be recorded in the minutes with the reasons for the ruling.

***Motion "that the Question be now put".***

53 Any member who has not spoken on the Question before the meeting, may propose "that the Question be now put". If this is seconded and the Chair thinks that the Question has been discussed enough, the Chair will order a vote on the motion (without amendment or discussion). If the motion is carried, the mover of the original motion and any amendment to the motion, will have a right of reply and the Question itself will then be put to the meeting. If the motion "that the Question be now put" is not carried, a similar motion may be made after every three further members have spoken.

***Close of Debate***

54 After the Order of Debate has been concluded, the discussion shall be held to be closed, after which no member shall be permitted to speak, except with regard to the manner of taking a vote, and the Question under the discussion shall then be put to the meeting.

***Majority Vote***

55 Unless the law or these Standing Orders say otherwise, all Questions before the Comhairle will be decided by a majority of the members voting.

***Methods of Voting***

56 At a meeting of the Comhairle, members can vote on any matter by:

- (1) Standing in their places.
- (2) Calling the roll.
- (3) Ballot.
- (4) Electronic means.

57 The usual method of voting will be by members standing in their places. However, the Convener or Chair can decide which method is most appropriate. Any member can object and ask for the vote to be taken by calling the roll or by ballot. If a majority of the members present and voting agree, then the vote will be taken by roll call or ballot. Any vote on the method of voting will be taken by members standing in their places.

58 If there are an equal number of votes, the Chair will have a casting vote, except where the vote relates to appointing a member of the Comhairle to any particular office or committee. In this case, the decision will be by lot.

59 After the Chief Executive has started to take the vote no member will be allowed to offer an opinion, ask a question or interrupt the proceedings until the result of the vote has been announced.

## **Appointments**

- 60 (1) In making appointments to any position to be filled by the Comhairle where the number of candidates is more than the number of vacancies, the persons to be selected will be determined by ballot. In each case members will be entitled to vote for as many candidates as there are vacancies. But in any ballot members may only vote once for any one candidate.
- (2) 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, selected or appointed as the case may be. If this is not the case, the name of the candidate having least votes will be taken off the list of candidates. This process of elimination will continue until the number of candidates equals the number of vacancies, or one candidate has a majority of the votes cast and there is only one vacancy.
- (3) If there is a ballot of more than two candidates and there is an equal number of votes for the candidates having least votes, there will be an extra vote of those candidates. The name of the candidate receiving fewest votes in this ballot will be taken off the list
- (4) If on a vote between the final candidates or between two or more candidates at the bottom of the list, there is an equal number of votes, the Chair will have a second or casting vote, except where the proposal relates to the appointment of a member to any particular office, committee or panel, in which case the decision will be by lot.

## **Dissent**

- 61 We will not discuss motions or amendments that are not seconded and we will not record them in the minutes. The person who proposed it can move his/her disapproval, and it will be recorded in the following way:

*“Councillor BLANK, as the mover of a motion or amendment, which failed to find a seconder, asked that his/her dissent be recorded”.*

- 62 No member shall be entitled to enter his or her dissent from a resolution of the Comhairle, except at the meeting at which such resolution is adopted and prior to the meeting commencing consideration of the next item on the agenda.

## **Reports from Committees - Comhairle**

- 63 When a Committee Report is being considered, the procedure is as follows:
- (1) The Chair or Vice-Chair of the committee will present and move the Report. If they are not at the meeting, another member of the committee will do this.
- (2) The mover of the Report will move, *“That the Committee Decision Report of the BLANK Committee held on BLANK, be approved by the Comhairle”*. In doing so, he or she will be considered to have moved each recommendation in the Report.
- (3) Before moving that the Report is approved, the member can say that they do not move the Report or any recommendation it contains, if they declared an interest in the item at the committee. If this happens, another member of the committee can move the Report or recommendation.
- (4) If any recommendation in the report is challenged, we may decide, without debate, either that the matter be withdrawn and resubmitted back to the committee for further consideration or proceed to determine the matter.

## **Adjournment**

- 64 The Comhairle, a committee or a sub-committee can adjourn any meeting for a reasonable interval or to any other time of day that the Convener or Chair may then or later decide. We will do this if:
- the Convener or Chair says so; or
  - a member proposes it, another seconds it and it is agreed by a majority of the members present and voting. There will be no amendments to or discussion of this motion.

## **FINANCIAL**

### **65 Planning and Budgeting**

#### **(1) Revenue Budgets**

- (a) Each financial year the Policy and Resources Committee will recommend the timetable and process to be adopted for setting the revenue budgets;
- (b) the various committees will prepare detailed revenue budgets in accordance with the agreed procedures, setting out the service and spending plans for the next financial year, including the level of any service charges;
- (c) the committees will submit these plans to the Policy and Resources Committee who may recommend the Council Tax, service and spending plans, including service charges for the next financial year;
- (d) the Policy and Resources Committee will submit these recommendations to the Comhairle on or before the date set by law. After consideration of these recommendations from the Policy and Resources Committee the Comhairle will make any necessary changes and then, provided this constitutes a legal budget, approve and authorise the revenue budgets and the Council Tax to be levied;

#### **(2) Budget Amendments**

- (a) The Report relating to the setting of the Comhairle's Revenue Budgets ("the Budget Strategy Report") will require to be delivered to the Proper Officer no later than seven working days prior to the day fixed for the meetings of the Service Committees, Policy and Resources Committee and Comhairle nan Eilean Siar, which will set the Revenue Budgets;
- (b) Any proposed amendment to the Budget Strategy Report must be in writing and delivered to the Proper Officer preferably by electronic copy no later than five working days prior to the day fixed for the said meeting of the Comhairle. Copies of the Budget Strategy Report and proposed amendments will be made available by the Proper Officer by electronic copy to every member of the Comhairle as soon as possible after the deadline for receipt has expired.
- (c) At the relevant meetings of the Committees and Comhairle, the Budget Strategy Report and amendments to it shall not be considered other than as required by this Standing Order unless these represent minor changes to the Report or amendments, or otherwise at the Convener's discretion.

#### **(3) Capital Budgets**

- (a) The Policy and Resources Committee will recommend the period that each Capital Programme will cover and also the timetable and process to be adopted for setting the Capital Programme;
- (b) following consultation with the various committees the Policy and Resources Committee will recommend a Capital Programme to the Comhairle in accordance with the agreed procedure. After consideration of the proposed programme the Comhairle will make any necessary changes and then, provided the programme is affordable, approve and authorise the Capital Programme.

### **66 Budget Management**

#### **(1) General**

No Committee, or officer, may incur any Capital or Revenue expenditure unless:

- (a) the Comhairle has approved a budget under Standing Order 65; and
- (b) it is in accordance with any other relevant constitutional documents approved by the Comhairle.

## (2) Revenue Budgets

- (a) No committee may let their revenue expenditure exceed their authorised budget. Where it appears that any revenue budget may be exceeded the committee should in the first instance transfer resources within its control to contain the expenditure.
- (b) If a committee:
  - (i) is going to spend Revenue or Capital that is not included in the Revenue or Capital budgets, we have approved under Standing Order 65, or to reduce income provided in that way; and
  - (ii) is not going to pay for the spending by transferring its funds;the committee must identify options within its allocated budget to meet these costs and any consequences for its budgets of these options when requesting that Policy and Resources Committee identify a supplementary budget under Standing Order 66 (2) (e).
- (c) Committees may transfer budgets to current or new projects, within their control and remit.
- (d) A report must be submitted to the Policy and Resources Committee if any transfer will:
  - (i) change the Comhairle's approved policy; or
  - (ii) affect future years' revenue budgets.
- (e) The Policy and Resources Committee will then recommend to the Comhairle whether the transfer should be approved or a supplementary budget allocated. Where a supplementary budget is proposed Policy and Resources Committee must also recommend how this will be funded, which may include the re-allocation of funds within the budget of the Service Committee requesting the transfer or supplementary budget.
- (f) When agreeing any supplementary budget the Comhairle must ensure that it maintains a legal budget.

## (3) Capital Budgets

- (a) No committee may let their capital expenditure for any project exceed their authorised budget. Where it appears that any capital budget may be exceeded and the committee cannot control this without changing the project the committee must report to the Policy and Resources Committee.
- (b) The Report referred to in paragraph 3(a) above must recommend how the revenue costs of funding additional capital will be met by a transfer from a budget within the control of the committee and as such should be dealt with in terms of Standing Order 63 (2) (d) and (e).

## **GENERAL**

### ***Revoking a Resolution***

- 67 A decision of the Comhairle, or a committee or sub-committee taken under delegated powers, cannot be changed within twelve months, unless the Chair rules that there has been a material change of circumstances which we will record in the minute of the meeting.

### ***Suspending or Altering Standing Orders***

- 68 A Standing Order, Contract Regulation, Financial Regulation or aspect of the Scheme of Administration approved by the Comhairle, can only be suspended or abolished at any meeting if two thirds of the members present agree. No Standing Order, Contract Regulation, Financial Regulation or aspect of the Scheme of Administration approved by us can be cancelled or altered, unless:
- a resolution to do so is passed after notice is given at a previous ordinary meeting of the Comhairle; or
  - on a Report by the Chief Executive to us.

69 No amendment will be taken against any motion to suspend Standing Orders. The vote will be taken after any discussion.

70 If the Chief Executive thinks any decision of the Comhairle or the conduct of its business has altered Standing Orders, the Chief Executive will report this to the Comhairle for a decision.

### ***Common Seal***

71 Our Common Seal will be kept by the Chief Executive, who will be responsible for it.

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

72 No-one is allowed to film, video-record, photograph, or record the proceedings of meetings unless we give permission in the meeting.

### ***Monitoring Officer***

73 The Chief Executive and each Director will immediately tell the Monitoring Officer of any proposal, decision or omission connected to their office or department which may lead to a report in terms of the Local Government and Housing Act 1989.

### ***Standing Orders to be given to Members***

74 The Chief Executive will give each member a printed copy of these Standing Orders when they declare that they accept office. Each member will sign a statement to acknowledge that they have received the Standing Orders and agree to comply with the provisions in them.

### ***Ending Office***

75 Unless we decide otherwise, anyone who stops being a member of the Comhairle will also stop being a member of all committees, sub-committees, panels and working groups. He or she will also stop being a member of any body to which we have nominated or appointed him or her.

### ***Application of Standing Orders***

76 These Standing Orders shall apply to Committees and Sub-Committees in the same way as they apply to the Comhairle, with the substitution of references to the Committee or Sub-Committee as the case may be and to the Chair of the Committee or Sub-Committee for references to the Comhairle and the Convener, except for the following Standing Orders which will apply only at meetings of the Comhairle: 4, 5, 6, 10(a), 12(a), 23–33, 38 and 60.

## ***APPENDIX***

- (1) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder or former office holder, or applicant to become an office holder under, the Comhairle.
- (2) Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the Comhairle.
- (3) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Comhairle.
- (4) Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Comhairle.
- (5) Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement made in respect of that child under the Social Work (Scotland) Act 1968.
- (6) Information relating to the financial or business affairs of any particular person (other than the Comhairle).



- (7) Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in Section 27(1) of the Social Work (Scotland) Act 1968 (providing Reports on and supervision of certain persons).
- (8) The amount of any expenditure proposed to be incurred by the Comhairle under any particular contract for the acquisition of property or the supply of goods or services.
- (9) Any terms proposed or to be proposed by or to the Comhairle in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
- (10) The identity of the Comhairle (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
- (11) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Comhairle or a Minister of the Crown and employees of, or office holders under, the Comhairle.

- (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 Comhairle; or
  - (b) the determination of any matter affecting the Comhairle;  
(whether, in either case, proceedings have been commenced or are in contemplation).
- (13) Information which, if disclosed to the public, would reveal that the Comhairle proposes:
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- (14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- (15) the identity of a protected informant.