



SHETLAND ISLANDS COUNCIL

CONSTITUTION

PART B

STANDING ORDERS FOR MEETINGS

Document Version Control

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12/05/2011	1.0	1.1	Approved SIC 12 May 2011 [effective 18 May 2011]
14/05/2014	1.1	1.2	Change in titles of Executive Committee to Policy and Resources Committee and Development Management Committee to Planning Committee, and updated officer job titles.
14/12/2016	1.2	2.0	Updated with above changes and improved formatting. Approved for publication.

STANDING ORDERS

Standing Orders marked S will apply with suitable application and modification and with like effect to meetings of any body which is part of the political management framework.

1 FIRST MEETING AFTER AN ELECTION

- 1.1 The first meeting of the Council after an ordinary election of Councillors will be held within 21 days from the date of the election. At that meeting, the Council will –
- a Elect the Convener of the Council
 - b If so resolved, elect a Depute Convener
 - c If so resolved, appoint a Depute Leader
 - d Appoint a Leader of the Council
 - e Appoint the Senior Councillor Chairs and Vice-Chairs
 - f Appoint the remaining Members of the Policy and Resources Committee
 - g Appoint the remaining Members of the functional Committees
 - h Appoint the Chairs and Vice-Chairs of the other Committees and Boards which form part of the political management framework
 - i Appoint the remaining Members of the other Committees and Boards
 - j Appoint the Members to represent the Council on any Joint Committees or Boards which the Council should appoint
 - k Appoint persons to serve on various outside bodies if these appointments may or need to be made by the Council at this meeting
 - l Deal with any competent business, keeping to the terms of any law and these Standing Orders.

ORDINARY MEETINGS

- 1.2 Ordinary meetings of the Council will be held on the dates and at the times which the Council decide. These meetings will normally be held in the Town Hall, Lerwick, but the Council or the Convener may decide that a meeting should be held somewhere else inside or outside the Council's area.

SPECIAL MEETINGS

- 1.3 A Special Meeting of the Council will be called at any time –
- a If the Convener takes the view that one is necessary; or
 - b If at least one-fourth of the members of the Council want one to be held; if they do, they must all sign a notice which must be given to the Executive Manager - Governance and Law and the notice must set out the business which these Members wish the Council to consider at that meeting; in this case the meeting will be held

within fourteen days of the date when the Executive Manager - Governance and Law receives the notice.

2 HOW MEETINGS ARE CALLED

Public Notice

- S** 2.1 Three clear days at least before a meeting of the Council, the Executive Manager - Governance and Law will display a notice at the Town Hall saying when and where the meeting will be held. If a meeting is called at shorter notice in case of urgency then the notice will be displayed at the time it is called ["clear days" excludes the day of publication and the day of the meeting and does not include Saturdays, Sundays or public holidays].
- S** 2.2 If the meeting is called by Members of the Council in terms of Standing Order 1.3b, the notice must be signed by those Members and must set out the business which they wish the Council to consider; and only that business can be considered at the meeting.

A Summons must be sent to each Member

- S** 2.3 Seven days at least before a meeting of the Council, the Executive Manager - Governance and Law will issue a summons to each Member asking that Member to attend the meeting. Saturdays, Sundays and Public Holidays will not be excluded for the purpose of this Standing Order. The summons will set out the business which the Council will be asked to consider at that meeting. It will be signed by the Executive Manager - Governance and Law and left at, or sent to each Member's usual residence, or to another address which any Member may give in writing to her/him.
- S** 2.4 If a Member does not receive a summons, the meeting will still be valid.

3 THE AGENDA AND REPORTS FOR MEETINGS

Agenda

- S** 3.1 The summons will include an Agenda of the items of business for the meeting. These will be set out in the order in which the Council will consider them, but this can be changed at the meeting.
- S** 3.2 An item of business may only be considered at a meeting of the Council if:-

- 1 A copy of the Agenda, including the item, is available for any members of the public who wish to look at it, as provided in paragraph 3.3 below; or
- 2 The Convener is of the opinion that the item should be considered at the meeting as a matter of urgency because there are special circumstances; in which case the special circumstances will be recorded in the minutes of the meeting.

S The public can see copies of the agenda and most reports

- 3.3 Copies of the Agenda and, except as set out in paragraph 3.4 below, copies of any report for a meeting will be open and available at the Council's offices and on the Council's website for at least 3 clear days before the meeting for any members of the public who may wish to look at these.

Reports can sometimes not be available to the public

- S** 3.4 When the Executive Manager - Governance and Law concludes there is a proper reason she/he may exclude from the copies of reports which are to be available for members of the public who wish to look at them, the whole of a report (or any part of a report) which relates only to items of business which she/he thinks are likely to be considered when the meeting is not to be open to the public. Every copy of any report in that category (or part of that report) will either –
- 1 be marked “Not for Publication” and every copy (or the appropriate part) will say what kind of exempt information the report contains, in keeping with the law. [The relevant law in this case is Schedule 7A to the Local Government (Scotland) Act 1973].
 - 2 be marked “Confidential” and every copy (or the appropriate part) will say that it contains confidential information, in keeping with the law. [The relevant law in this case is Section 50A(2) and (3) of the Local Government (Scotland) Act 1973].
- S** 3.5 It should be borne in mind that reports marked “Not for Publication” or “Confidential” containing information not open to the public at a meeting may require to be disclosed subsequently and made available in compliance with a request for information in terms of the Freedom of Information (Scotland) Act 2002.

- S** 3.6 Reports from Council officers for a meeting must be given to the Executive Manager - Governance and Law as early as possible, and certainly not later than noon two working days before the day on which the summons for the meeting is to be issued. If the Executive Manager - Governance and Law does not receive a particular report by that time, he may leave the item off the Agenda.

4 HOW MANY MEMBERS MUST ATTEND A MEETING

Quorum

- S** 4.1 There must be a minimum number of Members present at a meeting of the Council. This is known as the quorum. The quorum of the Council will be 6 Councillors (that is a quarter of all the seats) except in certain special circumstances set out in the relevant law. No business can be considered at a meeting of the Council unless a quorum is present. [The relevant law in this case is Schedule 7 to the Local Government (Scotland) Act 1973].
- 4.2 If there are vacancies in more than 8 seats (that is a third) on the Council, the quorum will be a quarter of the number of Members remaining, but the quorum will never be less than 3 Members (that is an eighth of all the seats).

What happens if there is no quorum?

- S** 4.3 If, ten minutes after the time set for the start of a meeting of the Council, a quorum is not present, the meeting will be abandoned and the Executive Manager - Governance and Law will record that no business was considered because there was no quorum.
- S** 4.4 If at any time during a meeting there is a question about whether or not there is a quorum, the person presiding will, after allowing an interval of 5 minutes, ask the Executive Manager - Governance and Law to count the number of Members present. If a quorum is not present, the meeting will be adjourned to another time the same day, or to another date and time as the person presiding may decide then or afterwards.

5 WHO PRESIDES AT MEETINGS?

- S** 5.1 At a meeting of the Council, the Convener, if present, will preside.
- S** 5.2 If the Convener is absent from a meeting the Vice-Convener will preside; if they are both absent, another Councillor chosen by the Members will preside.
- S** 5.3 If at any time during the meeting the Convener is present she/he will preside and similarly, in the absence of the Convener, the Vice-Convener will preside during any time she/he is present.

6 MEMBERS OF THE PUBLIC ARE NORMALLY ALLOWED TO ATTEND MEETINGS

- S** 6.1 Every meeting of the Council or any body which is part of the political management framework will be open to the public, except in special circumstances which are set out below.

When are the public sometimes not allowed to be present?

- S** 6.2 The public must be excluded from a meeting of the Council or a body which is part of the political management framework when an item of business is being considered if it is likely, because of the business itself or what might be said at the meeting, that confidential information as meant by the relevant law would be given to members of the public. [The relevant law in this case is Section 50A(2) and (3) of the Local Government (Scotland) Act 1973].
- S** 6.3 The Council may decide, by passing a resolution at any meeting, to exclude the public when it is considering an item of business if it is likely, because of the business itself or what might be said at the meeting, that exempt information as meant by the relevant law would be given to members of the public. The resolution to exclude the public will make clear the proceedings or which part of the proceedings of the meeting it applies to and state the description of the exempt information. [The relevant law in this case is Section 50A(4) of the Local Government (Scotland) Act 1973].
- S** 6.4 It is always open to the Council in order to stop or prevent disorderly conduct or other misbehaviour at a meeting, to exclude or eject members of the public whose presence or conduct is impeding or is likely to impede good conduct of the meeting. If a member of the public interrupts any meeting, the Convener may warn the person. If they continue the interruption the Convener may order that they are removed from the Council Chamber.

7 THE ORDER IN WHICH BUSINESS IS CONSIDERED AT MEETINGS

- S** 7.1 The items of business at ordinary meetings of the Council will be considered in the following order, but the order may be changed if the Convener decides.
- 1 Apologies for absence.
 - 2 Petitions received or public participation in terms of Standing Order 17.

- 3 Any Notice of Motion in terms of Standing Order 13 which it is proposed should be considered without previous notice at the end of the meeting will be read to the meeting by the Executive Manager - Governance and Law.
- 4 Other items of business which it is proposed should be considered as a matter of urgency will be announced.
- 5 Declarations of interest by Members, if any.
- 6 Minutes of the previous meeting or meetings of the Council will be considered as a correct record.
- 7 Reports from any body which is part of the political management framework will be considered in respect of any items on which the body has not already acted under delegated powers.
- 8 Other business which is included on the Agenda.
- 9 Questions submitted by Members in terms of Standing Order 14.
- 10 Any Notice of Motion previously submitted in terms of Standing Order 12.
- 11 Any Notice of Motion intimated at the start of the meeting in terms of Standing Order 13, provided the Convener is of the opinion that it is a matter of urgency and the Council agree to consider the motion as a substantive item of business.
- 12 Urgent Business, intimated at the start of the meeting, provided the Convener is of the opinion that it is a matter of urgency.

8 THE POWERS AND DUTIES OF THE CONVENER

- S** 8.1 At all times, Members of the Council will respect the authority of the Convener. If the Convener speaks, any Member who is speaking to the Meeting will stop.
- S** 8.2 The Convener's duty is to preserve order and ensure that Members are given a fair hearing by the Council. If two or more Members try to speak at the same time, the Convener will decide who is to speak first.
- S** 8.3 The Convener will decide all matters of order, competency, relevancy and urgency and that ruling will be final.

What might happen if a Member misbehaves

- S** 8.4 If a Member persistently misbehaves by disregarding rulings by the Convener, or behaves improperly or offensively, or wilfully obstructs the business of the Council, the Convener may take the following courses of action sequentially –
- 1 Warn the Member about her/his behaviour;
 - 2 Tell the Member not to speak during the remainder of the debate on the item being discussed.
 - 3 Move that the Member should not speak again during the meeting. The motion will not require to be seconded, and will be decided without discussion; if the motion is carried the Member will not speak again during that meeting;
 - 4 Move that the Member should be suspended for the remainder of the meeting. The motion will not require to be seconded, and will be decided without discussion; if the motion is carried the Member will leave the meeting immediately;
 - 5 Adjourn the meeting for a short time as seems reasonable to the Convener in the circumstances.
- S** 8.5 If there is disorder at any meeting of the Council, the Convener will be entitled to adjourn the meeting to another time the same day, or to another date and time as she/he may decide then or afterwards, and leaving the Chair in these circumstances will mean that the meeting is adjourned immediately.

9 RULES OF DEBATE

Preliminaries

- S** 9.1 It is the duty of all Members to ensure they have all of the information they require in order to reach an informed decision on any item of business. Accordingly, in addition to the papers which have been issued to members, prior to any debate on the item, the Convener will:
- afford an opportunity to the relevant officer to provide any further information or brief explanation as the officer may feel is necessary
 - afford a reasonable opportunity to any Member to ask questions of the officer in order to seek further information or explanation

- S** 9.2 Preliminary discussion is allowed, out of which a clear consensus may emerge. However it is open to the Convener at any time during that discussion to give warning that s/he requires any motion and amendments to be placed before him/her or the discussion will be brought to a close. It is a matter for the Convener to decide at what point s/he may accept a motion to put to the meeting for formal debate.

How motions and amendments are moved and decided on

- S** 9.3 Every motion and amendment must be moved and seconded. A Member may not move more than one amendment on a motion. The terms of any motion or amendment will be stated immediately when they are moved and seconded and before the mover and seconder speak to the motion or amendment. Every motion or amendment must be relevant to the item of business. Every amendment must be relevant to the motion.
- S** 9.4 The Convener may combine motions or amendments which are similar. If the Convener decides, a motion or amendment will be written down, signed by the mover and seconder, and given to the Executive Manager - Governance and Law who will read it to the meeting.
- S** 9.5 When an amendment on the original motion has been moved and seconded, no further amendment will be moved until the first amendment has been disposed of.
- S** 9.6 Notice of any further amendments must be given before the vote is taken on the first amendment. If an amendment is rejected the next further amendment may be moved on the original motion. If an amendment is carried, it will take the place of the original motion.
- S** 9.7 (a) A motion or amendment which is not seconded will not be discussed but will be recorded in the minutes.
(b) A motion or amendment may be withdrawn by the mover if her/his seconder and the Council agree. Such a motion or amendment will not be recorded in the minutes
(c) Any Member will, if she/he asks, have her/his dissent from the eventual decision recorded in the minutes.
- 9.8 A motion for the approval of any recommendations in a report from a body which is part of the political management framework will be considered as an original motion and any proposal involving alteration or rejection of the report will be dealt with as an amendment.
- 9.9 The relevant Chair of a body within the political management framework is to be afforded the first opportunity to move approval of the report of the body.

When a Member can speak and for how long

- S** 9.10 It is open to the Convener at any time to rule that, due to pressure of business and the number of Members wishing to speak to an item, no Member who has already spoken may speak again except on a point of order.
- S** 9.11 Any Member will not speak for more than five minutes unless the Convener allows more time. However, the mover of an amendment and the mover of the original motion each have a right of reply, in that order, for not more than three minutes.
- S** 9.12 When the mover of the original motion has replied, the Convener will close the debate, and no other Member will be allowed to speak. The Executive Manager - Governance and Law will announce the terms of the motion and amendment(s) and take the vote.

10 HOW VOTES ARE TAKEN

- S** 10.1 Except where the law or the Standing Orders say something different, all questions before the Council will be decided by a majority of the Councillors present and voting on that question.
- S** 10.2 A vote will be taken by a show of hands except in the following circumstances.

Calling the roll

- S** 10.3 A Member may ask for a vote to be taken by calling the roll. If a quarter of the Councillors present agree then the vote will be taken in that way and the names of those voting for or against the motion or amendment(s) will be taken down and recorded in the minutes.

What happens if votes are equal

- S** 10.4 In the case of an equality of votes, the Convener will apply a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a Councillor to any particular office in which case the decision will be decided by lot [which means a process whereby chance will determine the decision] which will be administered by the Executive Manager - Governance and Law, and the person on whom the lot falls will be deemed to have received the additional vote.

Different arrangements apply to appointments

- S** 10.5 When Councillors are to be appointed to any positions to be filled by the Council, and where the number of candidates nominated exceeds the number of vacancies, the Councillors to be appointed will be determined by a vote or votes in each of which Members will be entitled to vote for as many candidates as there are vacancies; but they may not cast more than one vote for any candidate.

The vote will normally be taken by a show of hands, unless the Council resolves in the case of any particular appointment to take the vote by secret ballot.

The name of the candidate having fewest votes will be deleted from the list and a fresh vote, or votes, will be taken. This process of elimination will be continued until the number of candidates equals the number of vacancies.

- S** 10.6 Where only one vacancy requires to be filled, and any candidate has an absolute majority of the votes, the candidate will be declared appointed. Otherwise, the name of the candidate having fewest votes will be deleted from the list. This process of elimination will be continued until one candidate has a majority of the votes.

- S** 10.7 If in any vote among more than two candidates there is equality of votes among the candidates having the least votes, the candidates whose names will be eliminated will be determined by an additional vote. The candidate having fewest votes will be deleted from the list. Where in any additional vote there is equality in votes, the candidate to be eliminated will be determined by lot.

- S** 10.8 The provisions of the preceding paragraphs will apply in the case of the appointment of any other person (other than a Councillor) except that where there is an equality of votes the Convener will have a second or casting vote.

11 PROCEDURAL MOTIONS

Adjournment

- S** 11.1 The Convener may adjourn a meeting for a reasonable interval if s/he decides there is a good reason to do so.

- S** 11.2 At the end of any item of business, the Council may adjourn any meeting for a reasonable interval or to another date as the Council may agree then, or that failing, the Convener may decide then or afterwards. The vote on such a motion, on being seconded, will be taken without amendment or discussion and by show of hands. A similar motion to adjourn to another day will not be competent within a period of one hour after the decision on the earlier motion. If the Council decides to adjourn the remaining business will stand over until a resumed meeting of the Council, which does not require the Executive Manager - Governance and Law to issue a fresh notice of the meeting, although s/he may do so.

Closing the debate

- S** 11.3 The following closure motions will be permitted during discussion of another motion provided the Member moving the closure motion has not spoken during the debate. They will be moved, seconded and voted on without discussion. The Convener will proceed as follows –

11.3.1 “That the question be now put”

If the Convener considers the matter has not been sufficiently discussed, s/he may refuse to accept the motion; if the motion is accepted it will be put to the vote. If the motion is carried, the movers of any amendment and of the original motion will be entitled to a right of reply and the Convener will then put the original motion and amendment(s) to the vote. If the closure motion is not carried, a similar motion may be made after every three additional Members have spoken.

11.3.2 “That the meeting do now adjourn”

If the Convener is satisfied that the matter before the meeting has been well enough discussed, s/he may refuse to accept this closure motion and instead put the motion “that the question be now put”. If the Convener is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be discussed any longer on that occasion, the adjournment motion will be put to the vote without giving the mover of the original motion or amendment a right of reply; if the adjournment motion is carried, the original motion and remaining business will stand over until a resumed meeting of the Council. If this closure motion is not carried, a similar motion will not be competent within a period of one hour after the decision on the previous closure motion.

12 HOW A MEMBER SUBMITS A MOTION FOR THE NEXT MEETING

- S** 12.1 A member may ask the Council to consider any competent business of the Member's choosing by lodging a motion to be considered at a meeting (other than one on a matter of urgency under Standing Order 13). The motion must be written down, signed by the Member and countersigned by another Member, and given or sent to the Executive Manager - Governance and Law to be received by her/him at least 10 clear days [for this purpose clear days excludes the day of receipt of notice by the Executive Manager - Governance and Law and the day of the meeting but does not exclude Saturdays, Sundays or Public Holidays] before the next ordinary meeting of the Council.
- S** 12.2 Notices of motion will be included on the agenda for the next meeting in the order in which the Executive Manager - Governance and Law receives them. If the Convener considers that more than one of these notices deals with the same subject, only the notice of motion received first will be considered. If the Convener considers the motion deals with the same subject as an item of business otherwise on the agenda the subject matter of the notice of motion will be considered as part of the item of business.
- S** 12.3 Notices of Motion submitted in terms of this Standing Order will be dealt with as provided in Standing Order 7.

13 HOW A MEMBER SUBMITS AN URGENT MOTION

- S** 13.1 A Member may ask the Council to consider any competent business of the Member's choosing as a matter of urgency by submitting a notice of motion, which does not relate to the business which is included on the agenda for a meeting, to be considered at the end of the meeting, even if a Member has not given notice of it under Standing Order 12.
- S** 13.2 If a Member wishes a notice of motion to be considered as a matter of urgency, the motion must be written down, signed by the Member and countersigned by another member and must be given to the Executive Manager - Governance and Law not later than two hours before the start of the meeting.
- S** 13.3 It will be read to the meeting by the Executive Manager - Governance and Law at the point stated at Standing Order 7.1. It will only be considered if the Convener is of the opinion that it is a matter of urgency because of special reasons, which will be recorded in the minutes, and the Council agrees to consider the motion as a substantive item of business. In the event there is an objection to considering the motion the Member who has given notice may speak briefly as to why s/he believes the Council should consider it, whereupon the Council will decide whether or not to consider the motion at the meeting.

- S** 13.4 If for any reason the motion is not considered at this meeting then it will be included on the agenda for the next ordinary meeting, as if it had been submitted under Standing Order 12 unless it is disposed of in some other way before then.

14 A MEMBER MAY ALSO SUBMIT QUESTIONS FOR A MEETING

- 14.1 A Member may put a question to the Leader or to a Senior Councillor Chair at any ordinary meeting of the Council. The question, which may comprise a series of component parts about the same subject, must be about any relevant and competent business which is not included on the agenda for the meeting. The Member must give the question in writing to the Executive Manager - Governance and Law not later than two clear working days before the meeting.
- 14.2 The person who is being asked to answer a question will decide whether to answer it in writing or orally at the meeting. Questions and any written answers, numbered in the order in which they have been received, will be tabled at the start of the meeting.
- 14.3 Arising from each answer given, the Member who asked the question may ask up to two supplementary questions to clarify the answer given.
- 14.4 No discussion will be allowed, and it will not be competent to move any motion arising from a question or the answer given.
- 14.5 A Member may not submit more than two written questions for any one meeting. If the Convener is of the opinion that a question is out of order for any reason, it will not be answered.
- 14.6 Written questions and any written answers will be recorded in the minutes.

15 CAN A DECISION OF THE COUNCIL BE CHANGED?

- S** 15.1 Subject to 15.2, no motion which seeks to alter or revoke a decision of the Council or has that effect will be considered within a period of 6 months of the original decision.
- S** 15.2 It will be competent to review a decision before the end of the 6 month period, provided –

15.2.1 That notice has been given on the agenda by virtue of a Notice of Motion submitted in terms of Standing Order 12, that the previous decision may be altered or revoked, and the Convener, on the advice of the Executive Manager - Governance and Law, is satisfied that a material change of circumstances has occurred;

or

15.2.2 it is inherent in the terms of a report submitted to the Council by an officer and the Executive Manager - Governance and Law advises that a material change of circumstances has occurred.

S 15.3 A material change of circumstances is firstly where there has been a new development which has a bearing on the original decision or that some important piece of information has become available since the original decision was made. Secondly, this change is material 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.

16 MINUTES OF MEETINGS

S 16.1 Minutes of meetings of the Council and of any body which forms part of the political management framework will be prepared by the Executive Manager - Governance and Law. The minutes of the body will be included on the agenda for the next ordinary meeting of the body to which the minutes relate. At that meeting they will be considered, corrected if need be, and where they are held to be a correct record of the meeting, they will be signed by the person presiding at that next ordinary meeting.

S 16.2 No discussion or amendment will be competent on minutes submitted other than an amendment to the effect that they are not a correct record. Any amendment will include the words of the alteration which is proposed to the minutes. An objection to the correctness of a minute will be dealt with by way of an amendment to a motion to approve the minutes.

S 16.3 Only Members of the Council who were present at the meeting to which the minutes relate may vote on the correctness of these minutes.

S 16.4 A written summary prepared by the Executive Manager - Governance and Law in terms of the relevant law will not constitute part of the minutes and will not be subject to the preceding paragraphs of this Standing Order. [The relevant law in this case is Section 50C(2) of the Local Government (Scotland) Act 1973.]

17 PUBLIC PARTICIPATION

- S** 17.1 The Council welcomes community participation in the business which it is considering. The Council undertakes community engagement in terms of its Community Engagement Strategy and communities are encouraged to participate in that way as the most effective process for involving them in the work of the Council. Beyond that the following arrangements are designed, in the interests of the Council and those who wish to be involved, to regulate participation at meetings of the Council or any body which is part of the political management framework. Other specific arrangements apply in particular circumstances where a meeting is considering a matter where the decision may affect the interests of any person as an individual; and the decision is made after a hearing where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative.

Petitions

- S** 17.2 Subject to what is said at Standing Orders 17.3-17.5 a petition bearing the signatures of not fewer than twenty members of the public who are ordinarily resident in Shetland which proposes that the Council considers a particular course of action on any competent matter will be received by the Council or another body which is part of the political management framework.
- S** 17.3 The petition will contain the names and addresses of those members of the public who wish to sign it, and will be submitted to the Executive Manager - Governance and Law. Where the subject matter of the petition is concerned with an item of business which is otherwise on the agenda of the meeting concerned it must be lodged not later than one working day before the meeting concerned; but the Convener may, at her/his sole discretion allow a petition to be received at shorter notice. Where the petition has been submitted in sufficient time, the Executive Manager - Governance and Law will include the terms of the petition and a note of number of persons subscribing it with the papers for the meeting of the relevant body.
- S** 17.4 Where the petition is about an item of business which is otherwise included on the agenda for the meeting the Council or other body will receive the petition as part of its consideration of that business.

- S** 17.5 Where the petition is about a matter which is not otherwise included on the agenda for the meeting the Council or other body will receive the petition at the point provided in Standing Order 7.1 above.

Having received the petition the Council or other body will determine one of two courses of action –

- (a) whether to note the terms of the petition, or
- (b) whether to instruct the relevant officer to provide a report for a subsequent meeting of the body or to deal with the matter appropriately under delegated powers

but it will not be competent for the Council or other body to take a substantive decision in the absence of a report referred to at sub paragraph (b) above.

Deputations

- S** 17.6 Subject to what is said in Standing Order 17.7-17.13 below the Council or another body which is part of the political management framework may hear a deputation of not more than 3 persons on behalf of an organisation or group, including the organisers of a petition, on any competent matter other than where the Council or other body is exercising a statutory function to determine an application by any person or where the decision may affect the interests of any person as an individual and the decision is made after a hearing where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative.
- S** 17.7 The application for a deputation must be in writing, signed by a representative of the organisation or group wishing to be heard and setting out the matter on which they wish to be heard and delivered to the Executive Manager - Governance and Law no later than 3 days before the meeting concerned; but the Convener may, at her/his sole discretion allow an application to be considered at shorter notice.
- S** 17.8 When an application is considered whether to hear a deputation, the merits of the matter itself will not be discussed. Unless the meeting agrees unanimously to hear or to refuse to hear the deputation, a vote will be taken without discussion on whether to hear the deputation.
- S** 17.9 A deputation will have up to 10 minutes to present its case. If the meeting decides to hear more than one deputation on the same subject, the deputations will be heard together, and the Convener will decide how much time to allow in total, up to a maximum of 10 minutes each.

- S** 17.10 The Convener will allow a period of 10 minutes, during which any Member may put two questions to the deputation that are relevant to the subject, but the merits of the case must not be discussed by Members whilst the deputation is being heard.
- S** 17.11 It will not be competent to move any motion arising from the subject matter raised by a deputation, unless the matter is included as an item of business on the agenda for the meeting, and discussion will be reserved until that item is reached.
- S** 17.12 Where the deputation is about a matter which is not otherwise included on the agenda for the meeting, having heard the deputation the Council or other body will determine one of two courses of action –
- (a) whether to note what the deputation had to say, or
 - (b) whether to instruct the relevant officer to provide a report for the following meeting of the body
- but it will not be competent for the Council or other body to take a substantive decision in the absence of a report referred to at sub paragraph (b) above.
- S** 17.13 Where a matter is the subject of consideration by more than one body which is part of the political management framework, or by one or more of those and the Council, or at more than one meeting of the same body, a petition received or a request by a deputation to be heard will be considered only at the meeting where it is anticipated that matter will be finally determined (as distinct from being the subject of preliminary consideration or the subject of a recommendation).
- It will not be competent to consider a request to be heard on the same matter within a period of six months of the original decision, unless the Convener is satisfied that a material change of circumstances has occurred: always provided that where a matter may be the subject of consideration on more than one occasion the Convener will, in her/his sole discretion, determine whether on each occasion the issue to be discussed is so closely related as to be regarded as the same matter.

18 SUBORDINATE BODIES

- 18.1 Standing Orders marked S will apply with suitable application and modification and with like effect to meetings of any body which is part of the political management framework.

Arranging Meetings Of Subordinate Bodies

- 18.2 The dates of ordinary meetings of the Council and other bodies which are part of the political management framework will be decided by the Council on the basis of a programme of meetings which will normally be decided each year.
- 18.3 The Chair of a body (or in whose absence the Vice-Chair) may for good cause cancel or alter the date, time or place for a meeting of a body but not after the summons for the meeting has been issued. The Chair (or in whose absence the Vice-Chair) may call a meeting of the body on dates in addition to those already contained in the programme decided by the Council, or where there are no scheduled dates as these are required.

How Many Members Must Be Present

- 18.4 No business will be considered at a meeting of a body which is part of the political management framework unless at least a quarter of the whole number of voting Members is present; and there must, in any case, be at least three voting Members present.

Attendance Of Councillors

- 18.5 Subject to what is said below, any Councillor may be present at a meeting of a body which is part of the political management framework of which the Councillor is not a Member. Subject to what is said in Standing Order 18.6 and 18.7 below, the Councillor may speak on any issue but not vote.
- 18.6 Notwithstanding the provisions of Standing Order 18.5 a Councillor cannot be present at a meeting of a body of which she/he is not a Member when:-
- the public have been excluded from the meeting; and
 - the meeting is considering a matter where the decision may affect the interests of any person as an individual; and
 - the decision is made after a hearing by the body where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative

18.7 A Councillor cannot speak in terms of the provisions at Standing Order 18.5 above at a meeting of the Planning Committee when it is considering an application for planning permission, nor in similar circumstances when a Local Review Board is considering an appeal in respect of an application for planning permission. A Councillor may only speak in such circumstances where s/he wishes to make representations on behalf of constituents or other parties on a particular application, and declares their interest in the matter and then retires from the meeting room.

18.8 If a body has a hearing:-

- on a matter where the decision may affect the interests or rights of any person as an individual; and
- where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative;

Members of the body may only take part in or vote on the matter if they have attended the entire proceedings of the hearing.

19 SUSPENDING OR ALTERING STANDING ORDERS

S 19.1 A Standing Order can only be suspended at a meeting of the Council or a body which is part of the political management framework if not less than two-thirds of the total membership of the body agree.

19.2 None of these Standing Orders can be rescinded or altered, nor additional Standing Orders created, unless:-

- A resolution to do so is passed after notice is given at a previous ordinary meeting of the Council; or
- A report is made to the Council by the Policy and Resources Committee or by the Executive Manager - Governance and Law.

19.3 Standing Orders 19.1 and 19.2 cannot be suspended.

END