

Item:

15



## Report to Partnership Meeting of 3 February 2012

### PARTNERSHIP

### HITRANS Standing Orders and Scheme of Delegation

#### SUMMARY

The HITRANS Standing Orders and Scheme of Delegation have not been reviewed since 2006 when they were first adopted by the Partnership. The Partnership Secretary and Partnership Director have undertaken a review of both documents to ensure they remain fit for purpose and have proposed a number of minor amendments for the Boards consideration.

#### DETAIL

Copies of the proposed revised Standing Orders and Scheme of Delegation are enclosed in Appendices to this report.

#### RECOMMENDATIONS

The Partnership is asked to agree to adopt the Standing Orders and Scheme of Delegation as enclosed in the Appendices to this Report, to be implemented forthwith.

Risk	impact	comment
RTS delivery		
Policy	√	It is critical to the optimum functioning of the Partnership that our Standing Orders and Scheme of Delegation are adopted
Financial	√	Appropriate Delegations and Standing Orders facilitate best management of the Partnership's financial affairs.
Equality	-	

**Report by:** Dave Duthie  
**Designation:** Partnership Director  
**Date:** 23 January 2012

## **Appendix1: Item 15 - Scheme of Delegation and Standing Orders**

# **Highlands and Islands Transport Partnership Scheme of Delegation**

### **Introduction**

This scheme specifies the functions which are delegated by the Highlands and Islands Transport Partnership in terms of the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 and subsequent guidance received from the Scottish Executive. All delegations must be exercised in accordance with the law and having regard to any lawful direction or guidance subsequently issued by the Scottish Executive.

The delegations are dealt with in four sections:

- i) delegation to the Chair of the Partnership;
- ii) delegation to Committees of the Partnership;
- iii) delegation to the Secretary and Proper Officers of the Partnership;
- iv) delegation to the Partnership Director.

Only the Committees and post-holders specified in this scheme may exercise the functions delegated to them, and those holding delegated powers from the Partnership may not delegate further without the Partnership's formal authorisation.

The Scheme of Delegation shall be revised at least every two years, with the next scheduled review being before May 2014, or at such shorter intervals as the Partnership may think necessary in the light of emerging policy guidance or strategic or operational considerations.

### **Authority reserved to the Partnership**

The following are reserved to the Partnership and are thus specifically excluded from delegation:

1. determining the objectives of the Partnership;
2. matters of new policy or variation of existing policy;
3. borrowing money (other than arrangement of any overdraft facilities as permitted by financial regulations) and, in connection with such borrowing, granting securities or giving guarantees or indemnities.
4. any functions the exercise of which is clearly reserved to the Partnership in terms of any direction by the Scottish Government;
5. the final approval of the annual estimates of revenue and capital expenditure;
6. the final approval of the Partnership's Strategic and Operational Plans;
7. the appointment of the Partnership's Chief Officer, Secretary and Proper Officers;
8. the approval of the Partnership's Annual Report;
9. the acquisition and disposal of heritable property;
10. the appointment of Other Members of the Partnership (subsequent to initial appointments which shall be made by Scottish Ministers) and the appointment

of Members to Committees;

11. the removal of Members from office prior to the termination of their period of appointment;
12. delegation of functions of the Partnership;
13. the making, amendment and revocation of the Partnership's standing orders, financial regulations and this Scheme of Delegation.

### **Delegation to the Chair of the Partnership**

The Chair of the Partnership is authorised:

1. in an emergency, and after having consulted the Partnership's Vice-Chair and Secretary, to exercise the powers which the Partnership has retained to itself within this document and within its Standing Orders. The exercise of such powers by the Chair shall be reported to the next formal meeting of the Partnership;
2. in the absence of the Partnership Director and/or in an emergency, to exercise the powers which the Partnership has delegated to the Partnership Director to enable the Partnership to carry on its business subject to:
  - a. obtaining agreement from the Partnership's Vice Chair
  - b. consulting the Secretary to the Partnership
  - c. where such action would normally require the approval of the Partnership or a committee thereof, reporting any such action to the Partnership or the appropriate Committee as soon as possible thereafter;
3. to incur expenditure to meet the expenses of the office of Chair of the Partnership and the provision of reasonable hospitality to a maximum of £5,000.00 per financial year;
4. To act as the main point of contact between Scottish Ministers and the Partnership.
5. To act as the chief spokesperson for the Partnership and to represent the Partnership in its relationships with Scottish Ministers, the Scottish Government, the chairs and members of other bodies, and in the conduct of other significant relationships and occasions;
6. to make on behalf of the Partnership all major policy announcements and position statements.
7. to oversee the activities and conduct of the Partnership Director, and appraise the Director's performance against annual targets and objectives;
8. to sign on behalf of the Partnership:
  - a. approved Minutes of the Partnership;
  - b. the Partnership's Annual Report and Financial Statements;
  - c. the Regional Transport Strategy prior to its submission to Scottish Ministers.

### **Delegation to Committees of the Partnership**

#### ***General delegations to Committees***

The Partnership delegates to each Committee the functions relative to:

- a. the terms of reference of that Committee;
- b. any Minutes of the Partnership making a special delegation to that Committee;
- c. the establishment of any *ad hoc* sub-committee or group to discharge a specific function on the Partnership's behalf.

Each Committee may exercise and perform, on behalf of and in the name of the Partnership, the authority, powers and duties of the Partnership in relation to the functions delegated.

The Chair of each Committee is authorised to sign its approved minutes on behalf of the Partnership.

### ***Executive Committee***

The Executive Committee where appointed is authorised:

1. to act on behalf of the Partnership and its Committees (including *ad hoc* Committees) between meetings of the Partnership and its Committees. This will include the exercise of all delegations made to those Committees, provided that the actions undertaken are considered by the Executive Committee to be sufficiently urgent to preclude a meeting of the Partnership or the Committee concerned;
2. to consider annually on behalf of the Partnership, the Partnership's Risk Management Strategy;
3. to act as a Remuneration Committee in respect of the award and review of the remuneration of the Partnership Director;
4. to act as a Personnel and Staffing Committee to consider and approve terms and conditions of employment of staff, and to approve recommendations made by the Partnership Director for the appointment of staff below the level of Partnership Director;
5. to act as a Selection Panel to recruit and recommend to the Partnership the appointment of:
  - a. Other Members (from 2007) and Observers/Advisers;
  - b. the Partnership Director;
  - c. the Partnership's Secretary and Proper Officers.

### ***Audit Committee***

The Audit Committee where appointed is authorised:

1. to recommend to the Partnership the appointment of Internal Auditors (normally after competitive tendering exercises which should be held every three years), and to terminate such an appointment if Members are not satisfied with the quality or the value-for-money of the services provided;
2. to formulate the Partnership's Annual Audit Plan and establish strategic audit objectives;
3. to approve the Partnership's Annual Audit Report for submission to the Partnership.

## **Delegation to the Secretary and Proper Officers**

### ***Secretary to the Partnership***

The Secretary to the Partnership is authorised:

1. to proactively provide advice to the Chair, Members and the Partnership Director;
2. to act as Proper Officer for the Partnership in relation to the Partnership's Code of Conduct for Members;
3. to act on behalf of the Partnership in relation to the Partnership's Public Interest Disclosure Policy;
4. to keep proper records and Minutes of the Partnership's proceedings;

### ***Legal Adviser to the Partnership***

The Legal Adviser to the Partnership is authorised:

to act as Proper Officer for the Partnership in relation to:

- a. Execution of Deeds etc., under Section 190, 191 and 193 of the Local Government (Scotland) Act 1973;
- b. Acceptance of Tenders (Contracts for Works);
- c. Acceptance of Tenders (Consultancy Services);
- d. Acceptance of Tenders (Contracts for the Supply of Goods and Services).

### ***Financial Adviser to the Partnership***

The Financial Adviser to the Partnership is authorised:

to act as Proper Officer for the Partnership in relation to:

- a. Procedures on Financial Systems;
- b. Investigation of any financial irregularity;
- c. Execution and authentication of Deeds relating to financial instruments or instruments affecting the transfer of any securities etc.
- d. To seek and, as provided in the Financial Regulations, to open tenders for contracts with the Partnership;
- e. To sign cheques in accordance with the provisions for cheque signatories;

## **Delegation to the Partnership Director**

In exercising any of the following delegated functions the Partnership Director will take account of any appropriate practice or procedure, managerial instruction or any similar consideration. The exercise of delegated authority by the Partnership Director is subject always to:

1. the requirements of the Transport (Scotland) Act 2005 and the Regional Transport Partnerships (Establishment, Constitution and Membership)

(Scotland) Order 2005;

2. the requirements of the wider legislative framework within which the Partnership operates;
3. current and subsequent guidance from the Scottish Government;
4. provisions in the Partnership's current Standing Orders, Financial Regulations and other approved policies;
5. availability of appropriate financial provision in respect of the actions to be undertaken using delegated authority;
6. avoidance of conflicts of interest and maintenance of full transparency and accountability in all actions taken on behalf of the Partnership;
7. seeking appropriate professional advice from the Partnership's appointed Proper Officers and other advisers prior to authority being exercised.

The Partnership Director shall act as Chief Executive of the Partnership, and shall be responsible and accountable for the operational management of the Partnership subject to policy and strategic direction by the Partnership. The Partnership Director is authorised as follows:

*Strategic and Operational Management*

1. to direct and manage the business of the Partnership in accordance with the Partnership's approved Strategic and Operational Plans and the Regional Transport Strategy;

*Emergency action*

2. to take such measures as may be required in the interests of the Partnership in emergencies subject to advising the Chair of the Partnership and the Secretary to the Partnership, where possible, and subsequently reporting to the appropriate Committee or to the Partnership as soon as possible thereafter on any items for which approval of the Committee or Partnership would normally be necessary;

*Corporate governance*

3. to make available, for inspection at the Partnership's offices, copies of the Agenda, draft Minutes and agreed Minutes of any meeting of the Partnership or any Committee and also of any report or other document considered by such a meeting;

*External relations*

4. if he or she considers it would be in the interests of the Partnership to do so, to approve the provision of reasonable hospitality to representatives of other organisations and stakeholders;
5. to take out membership of and to attend meetings of appropriate external bodies and professional associations where in the interests of the Partnership and compatible with the duties of the Partnership Director and to so do;
6. to issue press releases for publication and broadcasting on behalf of the Partnership;

*Staff management*

7. to make recommendations to the the Partnership or the Executive Committee where appointed, for the appointment of employees of the Partnership below the level of the Partnership Director;

8. to manage the staff of the Partnership within the Partnership's human resources policies and periodically to review the performance of members of staff against their objectives and targets;

*Management of the Partnership's Offices*

9. to manage the provision and operation of the Partnership's offices within approved revenue budgets in such a way as to provide the necessary professional and administrative services and Member support services required to enable the Partnership to conduct its business;

*Contracts and procurement*

10. to engage the services of outside persons, consultants, firms or organisations to perform services on behalf of the Partnership in cases where such action is permissible within the Financial Regulations;
11. to draw up specifications for tendering for goods and services to be procured by the Partnership;
12. to enter into contracts on behalf of the Partnership for the supply of goods and services as provided in the Financial Regulations;

*Financial management*

13. to manage the Partnership's approved revenue budgets subject to the Partnership's Financial regulations, as required to fulfil the Partnership's functions, policies and objectives;
14. to manage the disbursement of the Partnership's capital funds in accordance with the approved programme of capital project support;
15. to authorise the payment of Members' expenses on receipt of valid claims;

*Risk management*

16. to undertake periodic risk assessments and effect any necessary insurance to protect the interests of the Partnership;
17. to make arrangements with insurance companies concerning the settlement of claims;

*Consultation*

18. to respond on behalf of the Partnership to consultative documents issued by the Scottish Government or other external agencies;
19. to consult on behalf of the Partnership with the Scottish Government, HITRANS member councils, appropriate external agencies, appointed consultants, stakeholders and transport users regarding the Partnership's strategic and operational plans prior to their submission to the Partnership for approval.

## **Appendix 2: Item 15 - Scheme of Delegation and Standing Orders**



# **Highlands and Islands Transport Partnership**

## **Standing Orders**

### **Definitions**

1. In these Standing Orders the following words and expressions have the following meanings:

"The 1973 Act" means the Local Government (Scotland) Act 1973 as amended;

"The 2005 Act" means the Transport (Scotland) Act 2005;

"The 2005 Order" means the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005;

"The Partnership" or "HITRANS" means the Highlands and Islands of Scotland Transport Partnership;

"Councillor Member" means a Member appointed by the Constituent Councils, that is Argyll and Bute Council, Comhairle nan Eilean Siar, Highland Council, Moray Council and Orkney Islands Council.

"Other Member" means a Member not appointed as a Councillor Member, who is appointed by the Scottish Ministers in the first year of operation of the Partnership, and thereafter by the Partnership.

"Working Day" means any day which is not a Saturday, a Sunday, or a public holiday in any part of the area for which the Partnership is responsible.

### **Application of the Interpretation Act**

2. The Interpretation Act 1978 applies to these Standing Orders in the same way as it applies to an Act of Parliament.

### **Commencement**

3. These Standing Orders apply from 5 May 2007. They shall constitute the Standing Orders of the Partnership under paragraph 6(5) of Schedule 2 of the 2005 Order, until Otherwise amended or revoked.

### **Constitution of the Partnership**



4. The Partnership was established under the 2005 Act and the 2005 Order which came into effect on 1<sup>st</sup> December 2005. The Act and the Order specify the powers, functions and composition of the Partnership.

### **Membership**

5. (1) The terms of Paragraph 1 of Schedule 2 of the 2005 Order shall determine the arrangements for the appointment of Members.

(2) The Partnership comprises:

(a) Five Councillor Members, one appointed by each of the following Councils:

Argyll and Bute Council (except Helensburgh and Lomond)  
Comhairle nan Eilean Siar  
Highland Council  
Moray Council  
Orkney Islands Council  
and

(b) Two or three Other Members.

(3) A person shall be disqualified from being appointed as a Member or Observer of the Partnership if that person is an employee of the Partnership.

(4) The proceedings of the Partnership shall not be invalidated by any vacancy or vacancies among its Members or by any defects in the method of appointment of any of its Members.

### **Appointment of Councillor Members and Substitute Councillor Members**

6. (1) The Partnership shall have the number of Councillor Members appointed by and from each Constituent Council of the Partnership specified in Paragraph 5 (2) (a) of these Standing Orders.

(2) Each Constituent Council may appoint persons as substitute Councillor Members to attend meetings of the Partnership, or of any of its committees or sub committees, in the absence of any Councillor Members appointed to the Partnership by that Council, and where any such substitute Councillor Members are appointed:

(a) only one substitute Councillor Member may attend in place of a Councillor Member who is absent; and

(b) the substitute Councillor Member shall have the same powers as the Councillor Member who is absent.

(3) A Constituent Council shall intimate in writing to the Secretary of the Partnership:

(a) as soon as possible after appointing any person as a Councillor Member or substitute Councillor Member of the Partnership, the name of that person; and

(b) as soon as possible after a vacancy has occurred due to a person appointed by that Council ceasing to be a Councillor Member or substitute Councillor Member of the Partnership.

### **Appointment of Other Members**

7. (1) The Partnership shall have such number of Other Members as it considers appropriate within the range specified in Paragraph 5 (2) (b), and each such Member shall be appointed in accordance with sub paragraphs (2) and (3) below.

(2) During the period ending with the holding of the poll at ordinary elections for Councillors in 2007, each such Other Member shall be appointed by the Scottish Ministers.

(3) After the period mentioned in sub paragraph (3), each such Other Member shall be appointed by the Partnership, subject to the consent of the Scottish Ministers.

### **Appointment of Observers**

8. (1) The Partnership and the Scottish Ministers may appoint such number of Observers as they consider appropriate to the Partnership.

(2) Observers may participate in proceedings of the Partnership in the same manner as Councillor Members and Other Members but may not hold office in it or participate in its decisions.

### **Duration and termination of Membership**

9. The terms of Paragraph 2 of Schedule 2 of the 2005 Order shall determine the arrangements for the duration and termination of membership of the Partnership

### **Appointment of Chairperson and Deputy Chairperson(s)**

10 (1) The Partnership shall appoint from its Membership a Chairperson and such number of Vice-Chairpersons as it considers appropriate. The Chairperson and Vice Chairperson(s) shall each be Councillor Members from different Councils.

(2) Subject to sub paragraph (3) below, the Chairperson and Deputy Chairpersons of the Partnership shall each hold office for a period to be coterminous with Council elections.

(3) The Chairperson, or in the Chairperson's absence a Deputy Chairperson, shall preside at all meetings of the Partnership. Where both the Chairperson and Deputy Chairperson(s) are absent from any meeting, the Members present shall appoint a Chairperson for that meeting.

### **Voting arrangements**

11. (1) Where any decision of the Partnership is to be determined by a vote, each Councillor Member of the Partnership has a single vote and may vote on all matters.

(2) Other Members of the Partnership may vote only on such matters as the Partnership determines are appropriate (but not on a question arising under section 3(2)(a) of the 2005 Act or on whether or not to make a request for the making of an order under section 10(1) of that Act).

(3) Subject to sub paragraphs (5) and (6) below, where any decision of the Partnership is to be determined by a vote, it shall be determined by a simple majority of the votes cast (after the application of weightings as appropriate), except in circumstances set out in Paragraph 30 below.

(4) Each councillor member of each constituent council within the Partnership shall have their vote weighted by making it count as one, two or three votes as specified in the following table:

Council

Weighting

Argyll and Bute Council (except Helensburgh and Lomond)	1	
Comhairle nan Eilean Siar		1
Highland Council		3
Moray Council	2	
Orkney Islands Council	1	

(5) In the event of an equality of votes at a meeting after the weighting of votes has been taken into consideration, the Chairperson of that meeting shall, subject to sub paragraph (6) below, have an unweighted casting vote as well as a deliberative vote.

(6) Where there is an equality of votes at a meeting and the matter which is the subject of the vote relates to the appointment of a Member of the Partnership to any particular office, committee or sub committee of the Partnership, the decision shall be by lot.

(7) In a meeting of the Partnership or any Committee, the vote on any matter will be taken by a roll call of members entitled to participate in the decision.

### **Secretary of the Partnership**

12. The Partnership shall appoint a Secretary who may also be an officer of one of the Constituent Councils.

### **Quorum**

13. (1) At a meeting of the Partnership or any of its Committees, 3 members present at the meeting shall constitute a quorum of which 2 must be Councillor Members.

(2) If less than a quorum of Members is entitled to vote on an item because of declarations of interest or because Other Members forming part of the quorum are excluded from voting on the item which is to be decided, then that item cannot be dealt with at the meeting.

(3) If a quorum is not present, then the meeting shall be adjourned to a time and date decided by the Chairperson.

### **Committees and Sub Committees**

14 (1) The Partnership may appoint from its Membership such committees or sub committees as it may from time to time consider necessary or desirable and may refer to any such committee or sub committee such matters as the Partnership may specify.

(2) The Partnership may delegate any of its functions to any committee established by the Partnership, except that the following will not be delegated to any committee:

(a) Introduction of new policies or changes in policies which might have a significant impact on the resources of the Partnership.

(b) Any matter of involving expense not in accordance with financial regulations.

(3) These Standing Orders shall apply to Committees as they do to the Partnership.

### **Special Meetings**

15. A special meeting of the Partnership may be called at any time by:-

(a) The Chairperson requesting the Secretary to do so, or

(b) A written requisition, signed by at least one quarter of the Members, and specifying the business to be transacted at the meeting. In such case, the meeting shall be held

within 14 days of receipt of the requisition by the Secretary, and only the business listed in the requisition may be considered.

### **Schedule of Meetings**

16. The Partnership shall approve in advance of each calendar year a provisional set of dates and venues for its scheduled meetings. The schedule will be published on the Partnership website, and will be notified to the Constituent Councils.

### **Meeting Papers and Agenda**

17. The agenda for a Partnership meeting will be determined by the Chairperson and Deputy Chairperson(s), with advice from Partnership officers and the Secretary. Members may, with the agreement of the Chairperson, present items or questions for inclusion on the agenda, provided that these are given in writing to the Secretary by 12 noon on the seventh working day before the meeting.

### **Notice of Meetings**

18. At least 7 working days before a meeting of the Partnership, or, if in the opinion of the Secretary, a meeting needs to be called at shorter notice in circumstances of extreme urgency, then at the time it is called:

(a) the Secretary shall publish the time and place of the meeting at the offices of the Partnership, at the headquarters of each of the Constituent Councils, and on the Partnership's website. If the meeting is a special meeting called by Members, then the notice shall be signed by those Members and shall set out the business they want to deal with at the meeting;

(b) the Secretary shall send a summons to attend the meeting to every Member either by post or e-mail to an address specified by each Member for the receipt of Partnership papers. The summons shall set out the business to be dealt with at the meeting and the proposed order for dealing with business.

(c) at least 7 working days before the meeting the Secretary shall issue to every member by the means set out in sub paragraph 18(b) any papers and reports relating to the agenda which are to be considered by the meeting. Such papers and reports shall also be published on the Partnership's website (other than those relating to confidential or exempt items of business as specified in sub paragraph 23(3) below).

### **Urgent Business**

19. If 7 working days' notice has not been given for any item, the item may be considered at the meeting only if the Chairperson rules that there are special reasons why it is a matter of urgency. The Chairperson must give those reasons which shall be recorded in the Minute. The item must be made known at the start of the meeting when the order of business is decided. If the Chairperson rules that the matter is not urgent, then it will be included as an item for the next ordinary meeting of the Partnership, unless it is dealt with before then.

### **Motions**

20. (1) Members may give notice of motions to the Secretary at least seven working days before a meeting of the Partnership in order that such motions may be included in the business of the meeting. Motions must be in writing and signed by the proposer and seconder.

(2) If a motion which does not relate to the published business of the meeting is submitted without adequate notice being given, it may be considered at the end of the meeting if the Chairperson rules there are special reasons why it is a matter of urgency. In this instance the Secretary shall read the motion to the meeting at the start of the meeting.

(3) Motions relating to the business under discussion may be taken at the meeting and must be proposed and seconded by Members present.

(4) When a motion with one or more amendments is before a meeting, the Chairperson will decide the order and manner for putting the motion and amendments to the meeting.

### **Chair of Meetings**

21. (1) The Chairperson will chair a meeting of the Partnership when he/she is present. If the Chairperson is absent, the Vice-Chairperson will take the chair. If the Chairperson and Vice-Chairperson are both absent, then another Member shall be chosen by the Members present to chair the meeting. Any person chairing a meeting will have the same powers and duties as Chairperson of the Partnership including the exercise of a casting vote.

(2) A substitute Member attending a meeting which would have otherwise been chaired by the Member being substituted, shall not chair the meeting unless there is no Vice-Chairperson present and the substitute Member is chosen by the meeting to take the chair in accordance with sub paragraph (1) above.

(3) The Chairperson will decide all matters of order, competence and relevance arising at meetings, and his/her decision is final on all points of order. The Chairperson must keep order and make sure that Members have a fair hearing. If there is disorder at any meeting the Chairperson may adjourn the meeting by simply leaving the meeting.

### **Attendance at Meetings**

22. (1) The Secretary shall record the names of the Members present at each meeting, and shall keep a register of attendance at meetings and inform the Chairperson of the name of any Member absent from meetings as set out in sub paragraph (2) below.

(2) The Partnership may request a constituent Council to terminate the membership of a Councillor Member or may remove an Other Member from office or terminate the appointment of an Observer, if such Member or Observer has been absent from meetings of the Partnership or Committees without giving reasons acceptable to the Chairperson for the longer of (a) six consecutive months, or (b) three consecutive meetings of the Partnership or of any Committee normally attended by the Member or Observer, such period starting from the date of any meeting.

### **Attendance by Members of the Public and Press**

23 (1) Except where this Standing Order says otherwise, every meeting of the Partnership and its committees shall be open to the public and the press.

(2) The Chairperson may keep any Members of the public or press out of a meeting, or cause them to leave, if they are interrupting or hindering the work of the Partnership.

(3) Members of the public and press may be kept out of a meeting when an item of business is being considered if it is likely that confidential information or exempt information, as defined in the 1973 Act, will be disclosed.

(4) This Standing Order does not require the Partnership to allow the taking of photographs or access for radio or television broadcasting. Such access is at the discretion of the Chairperson presiding at the meeting.

### **Order of Business**

24 (1) The business of the Partnership at ordinary meetings will normally take place in the following order:

- a) Order of business
  - b) Declarations of interests by Members
  - c) Minutes of previous meetings
  - d) Motions of which notice has been given
  - e) Election business, including any matters of appointments
  - f) Special business (relating to annual estimates or budgets)
  - g) Ordinary business
  - h) Motions given in at the start of the meeting, if the Chairperson rules they are matters of urgency, to be dealt with at the meeting.
- (2) Any item on the agenda may be taken out of its order if: -
- a) the Chairperson decides this; or
  - b) a Member suggests it and those at the meeting agree.

#### **Declaration of Interests**

25. (1) In accordance with paragraphs 5.16 and 5.17 of the Partnership's Code of Conduct, Members must declare any interests in relation to any matter which is to be considered.

(2) Any member who has declared an interest in an item should restate his/her declaration immediately before the item is discussed, and must determine for themselves whether or not to refrain from participating in the discussion or withdraw from the meeting while the discussion is taking place

#### **Adjournment of Meetings**

26. (1) The Partnership may adjourn any meeting to any other time or day that the Chairperson may fix at the time or afterwards.

(2) The Partnership may adjourn any meeting for a reasonable interval by decision of the Chairperson or if a Member proposes it, another seconds it, and the Members vote in favour of it.

#### **Order of Debate**

27. The Chairperson will regulate the order of debate. A Member who wants to speak will, when called on, address the Chair. A Member proposing a motion has a right of reply.

#### **Minutes of Meetings**

28. The Secretary will take the minutes of all Partnership meetings. The minutes will be printed and, as far as possible, circulated to Members at least 7 working days before the next ordinary meeting of the Partnership. There they will be presented and corrected if necessary. If the minutes are held to be a true record of the proceedings of the meeting they relate to, the Chairperson will sign them as such.

#### **Revoking a Resolution**

29. A decision of the Partnership cannot be changed within 12 months unless:

- (a) the Chairperson rules that there has been a material change of circumstances; and
- (b) notice has been given of the proposed change. This shall be recorded in the Minute.

#### **Suspension of or Amendment to Standing Orders**

30. (1) Standing Orders may be suspended at any meeting if two thirds of the Members present agree to such suspension.

(2) Any or all of the Standing Orders may be cancelled or altered at a meeting of the Partnership if a resolution to do so is passed by a two thirds majority of the Members present, provided that notice of such resolution has been given at a previous ordinary meeting of the Partnership.

(3) If the Secretary considers that any decision of the Partnership relating to the conduct of its business has altered Standing Orders he should report this to the Partnership.

(4) The Partnership may determine by a two thirds majority of the Members present to amend these Standing Orders to require that certain specified decisions be determined by a majority greater than a simple majority of the votes cast.

#### **Appointment and Responsibility of the Proper Officer(s) and Officers of the Partnership**

31. (1) The Partnership shall appoint appropriate person(s) as Proper Officer(s) in accordance with the requirements of Schedule 1 of the 2005 Act as further clarified by guidance from the Scottish Government. Where the Partnership Director is appointed as Proper Officer, he/she shall ensure that he/she takes appropriate advice from the appropriate officer or adviser to the Partnership.

(2) The Partnership shall employ or engage under contract such persons as it deems appropriate to conduct its business under the Partnership's direction. The Partnership may delegate to such employees or contractors such duties and functions as are set out in the Partnership's approved Scheme of Delegation, and shall ensure that all delegations are exercised in accordance with the law and having regard to any lawful direction or guidance issued by the Scottish Government.

#### **Financial Instructions and Arrangements**

32. The Partnership will adopt such protocols and instructions as are necessary for its proper financial control and administration, including all arrangements for budgeting and financial planning and the delivery of Best Value in terms of the Local Government in Scotland Act 2003.

#### **Matters of urgency**

33. If a decision which would normally be made by the Partnership or by a committee with delegated powers requires to be made urgently between meetings, the Partnership Director, in consultation with the Chairperson (whom failing, a Vice-Chairperson), may take action subject to the matter being reported to the next meeting of the Partnership.

**Additional paragraphs extracted/adapted from other Standing Orders which could be added (but not recommended)**

**Obstructive or Offensive Conduct**

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. The motion will be put without discussion. If it is carried, the Chair will order the Member to leave the meeting.

**Motion “That the Question Be Now Put”**

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 Chairperson thinks the question has been discussed enough, the Chairperson will order a vote on the motion (without amendment or discussion) by a show of hands. If the motion is carried, the proposer of the original motion will have a right to 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 two further Members have spoken.

**Point of Order/Explanation**

During the discussion, a Member may call attention to a point of order, or with the sanction of the Chairperson, may make an explanation. A Member who is addressing the meeting when a question of order is raised will resume his or her seat until the question of order has been decided by the Chairperson.

**Right of Reply**

The mover of an original Motion will have the right to speak for 5 minutes in reply and in the reply will confine his or her comments to answering previous speakers and will not introduce a new matter into the debate. The mover may, however, seek a point of clarification. After the mover has been called upon by the Chairperson to reply no Other Member can speak to the question except on the point of clarification raised and once the reply has been given the Partnership will proceed directly to the vote.

**Validating the Proceedings**

The proceedings at a meeting may be challenged on the ground that the meeting was not called properly. Confirming the minutes of the meeting at the next meeting will validate proceedings.

**Deputations**

The Partnership or any committee can decide whether to hear any deputations from members of the public, staff or other interested parties on any matter that is referred or delegated to it. Any application for a deputation to speak to the meeting must be in writing, signed by a representative of the organisation or group wishing to be heard and delivered to the Secretary no later than one working day before the meeting concerned. However, the Chairperson can waive this requirement.