

TAYSIDE CONTRACTS JOINT COMMITTEE

STANDING ORDERS FOR THE REGULATION OF PROCEEDINGS AND BUSINESS OF THE JOINT COMMITTEE MADE IN ACCORDANCE WITH CLAUSE 7 OF THE MINUTE OF AGREEMENT BETWEEN ANGUS COUNCIL, DUNDEE CITY COUNCIL AND PERTH AND KINROSS COUNCIL CONSTITUTING THE JOINT COMMITTEE

Meetings

These Standing Orders are made in terms of Clause 7 of the Minute of Agreement between Angus Council, Dundee City Council and Perth and Kinross Council constituting the Joint Committee and shall apply with effect from 25th June, 2018.

1. The ordinary meetings of the Joint Committee shall be held in accordance with a cycle of meetings to be determined from time to time by the Joint Committee in terms of Clause 8 of the Minute of Agreement.
2. All meetings of the Joint Committee shall be held at such place and hour as the Joint Committee may, from time to time, direct, in terms of Clause 8 of the Minute of Agreement.
3. The Clerk to the Joint Committee shall call a special meeting of the Joint Committee at any time on being required in writing so to do by the Convener and/or the Vice-Convener or the Vice-Convener Elect of the Joint Committee, or on receiving a request in writing for that purpose specifying the business proposed to be transacted at the meeting signed by six members of the Joint Committee, which meeting shall be held within fourteen days of receipt of the request and shall deal only with the business specified in the request.
4. ***Notice of the place and time of a meeting of the Joint Committee shall be given by or on behalf of the Clerk to the Joint Committee by being left at or sent to the usual place of residence of every member of the Joint Committee or at such other address advised to the Clerk to the Joint Committee, at least six days before the meeting or, if the meeting is called at shorter notice, then at the time it is called.***
5. Unless the Joint Committee decide otherwise, the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings, or the making of any oral report on any proceedings as they take place, shall not be permitted.

Quorum

6. No business shall be transacted at a meeting of the Joint Committee unless ten members of the Joint Committee are present provided that the quorum should comprise of at least one member from each of the constituent authorities. When the business before the Joint Committee is of a judicial, quasi-judicial or similar nature, no member shall participate in the taking of a decision on an item of business unless they have been present during consideration of the whole item.
7. The quorum of all Sub-Committees shall be three and comprise the Convener, Vice Convener and Vice Convener-Elect or their nominees.
8. If within five minutes of the time appointed for a meeting of the Joint Committee a quorum be not present, the Convener shall adjourn the meeting to a time he or she may then or afterwards fix and in the event of the Convener being among those absent, the Clerk to the Joint Committee shall minute that owing to the lack of the necessary quorum, no business was transacted.

9. An item of business shall not be considered at a meeting of the Joint Committee unless either:-
- (a) a copy of the agenda including the item (or a copy of the item subject to exclusion as provided for in terms of Section 508(2) of the Local Government (Scotland) Act 1973 is open to inspection by members of the public at the offices of the Constituent Authorities for at least three days before the meeting or, where the meeting is convened at shorter notice from the time the meeting is convened; or
 - (b) by reason of special circumstances, which shall be specified in the minutes, the Convener of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Admission of Press and Public

10. (1) ***Subject to sub-paragraphs (2) and (3) hereof, every meeting of the Joint Committee shall be open to the public and press.***
- (2) ***The public and press shall be excluded from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business that, if they were present, information would be disclosed which was confidential in terms of Part III A of the 1973 Act that is to say -***
- (a) ***information furnished to the Joint Committee by a Government Department upon terms which forbid the disclosure of the information to the public; or***
 - (b) ***information the disclosure of which to the public is prohibited by or under enactment or by the order of a Court.***
- (3) ***The Joint Committee may, by resolution, exclude the public and press from any meeting of the Joint Committee during consideration of an item of business whenever it is likely, in view of the nature of the business, that, if they were present, information would be disclosed which falls within one or more of the categories of exempt information in terms of Part III A of the 1973 Act.***
- (4) ***A resolution under Paragraph (3) hereof shall:***
- (i) ***identify the proceedings or the part of the proceedings to which it applies; and***
 - (ii) ***state, in terms of the Act, the category or categories of exempt information concerned.***

Order of Business

11. The order of business at every meeting of the Joint Committee shall be as follows:-
- (a) The Convener, or in the absence of the Convener, the Vice Convener, shall preside and in the absence of both, the Vice Convener Elect shall preside. In the absence of all three, the Joint Committee shall appoint another member of the Joint Committee to preside.
 - (b) The sederunt shall be taken.
 - (c) Deputations.
 - (d) The Minute of the previous meeting shall be submitted for confirmation.
 - (e) Minutes of Sub-Committees.

- (f) Motions, in respect of which formal notice has been given in terms of Standing Order 18 in the order in which they have been received.
 - (g) Business contained in the agenda for the meeting.
 - (h) Business expressly required by Statute.
 - (i) Any correspondence, communications and other business specially brought forward by direction of the Convener as a matter of urgency.
12. The Joint Committee may at any meeting vary the order of business.

Convener Duties

13. When the Convener rises to speak any member addressing the meeting shall stop speaking and resume their seat. It shall be the duty of the Convener to preserve order. The Convener shall decide all matters of procedure, competency and relevancy.
14. The Convener's ruling shall be final and shall not be open to discussion and the Convener shall be entitled, in the event of disorder arising, to adjourn the meeting to a time fixed then or decided afterwards, and vacating the Chair shall indicate that the meeting is adjourned.
15. The Convener shall have a second or casting vote except in relation to appointment of a member of the Joint Committee to any particular office or sub-committee in which case the decision shall be by lot.
16. The Convener shall decide between two or more members of the Joint Committee to speak by calling on the member who first caught their eye.

Adjournment

17. The Joint Committee may, at any of their meetings, adjourn the same to such date as they may then fix, failing which as the Convener or in his absence the Clerk to the Joint Committee, following consultation with the Vice-Convener, or in his absence also, the Vice Convener Elect, may thereafter fix.
18. A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without discussion, and shall forthwith be put to the meeting.

Notice of Motions

19. Notice of a motion which any member intends to propose at a meeting of the Joint Committee shall be in writing and, except as provided in Standing Order No 21, shall be signed by the member of the Joint Committee giving the notice and counter-signed by at least one other member. This shall not apply to motions arising from business which is on an agenda.
20. Notice of a motion which has not been received by the Clerk to the Joint Committee by 12 o'clock in the afternoon of the fourteenth day prior to the day fixed for any meeting of the Joint Committee, shall not be included in the agenda for such meeting and shall not be moved at such meeting.
21. The foregoing provision shall not apply in a case where the Convener decides, in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973, that the matter is one of urgency.
22. The decision of the Joint Committee contained in the Minutes shall continue to be operative and binding upon the Joint Committee and no motion or resolution inconsistent therewith shall be entertained within six months thereafter unless notice to rescind has been given in terms of Standing Order 19.

Debates

23. Every motion or amendment shall be relevant to the agenda of business and shall be moved and seconded.
24. A member of the Joint Committee when speaking shall address the Convener of the meeting.
25. A member who speaks shall speak only to the matter under discussion or to a point of order. When a member raises a point of order, the other member speaking shall resume his/her seat until the point of order has been decided by the Convener.
26. No member may speak for more than five minutes at any one time in a debate except by permission of the Convener.
27. Subject to the right of the mover of a motion to reply, a member shall not speak more than once on the same issue at any meeting of the Joint Committee, except on a point of order, or with the permission of the Convener, in explanation or to clear up a misunderstanding in regard to some material part of his/her speech, in which case he/she shall introduce no new matter.
28. The mover of an original motion shall have a right of reply, but he/she shall introduce no new matter, and, after he/she has commenced his/her reply, no other member shall speak on the issue except as provided in Standing Order 25.
29. After the mover of a motion has been called on by the Convener to reply, no other member shall speak to the matter.
309. A motion or amendment once moved and seconded, shall not be withdrawn without the consent of the mover and seconder thereof.
31. Every amendment must be relative to the motion but such amendment must be substantially different from the first amendment.
32. Where an amendment to an original motion has been moved and seconded, no further amendment shall be moved until the result of the first amendment has been determined. If an amendment be rejected further amendments to the original motion may be moved. If any amendment is carried, such amendment shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
33. A motion that the debate be now adjourned, or that the question be now put, or that the meeting now pass to the next business may be made at any stage of the debate and such motion, if seconded, shall be the subject of a vote without further debate.

Obstructive and Offensive Conduct

34. In the event of any member at any Joint Committee meeting disregarding the authority of the Convener, or being guilty of obstructive or offensive conduct, a motion may be thereupon moved and seconded to suspend such member for the remainder of the sitting and, if supported by a majority of the members present such motion shall be declared carried. The motion shall be put without discussion and, if it be carried as aforesaid, the Clerk to the Joint Committee or any other specified person or persons shall act on such orders as may be received from the Convener in pursuance of such resolution.

The Ethical Standards in Public Life Etc (Scotland) Act 2000

35. ***All members of the Joint Committee shall be guided by the provisions of the Code of Conduct for Councillors.***

Voting

36. Voting shall be taken by calling the roll of those present and the voting shall be recorded in the Minutes.
37. Other than as provided by Standing Order No. 15 and Clause eleven of the Minute of Agreement (appointment of Convener, Vice-Convener and Vice-Convener Elect) a three quarters majority of those members present and voting shall be required in all voting procedures.

Appointments etc of Staff

38. The appointment of staff shall be in accordance with the terms of Clause 12 of the Minute of Agreement. Where there are two or more candidates for the appointment of a member of senior staff, voting shall be by ballot. If the first ballot does not produce an absolute or overall majority of votes in favour of one candidate, the candidate having the least number of votes shall be struck off the list and a fresh ballot as between the remaining candidates shall take place and so on until there is an absolute majority of votes in favour of one candidate.
39. If any question arises at a meeting of the Joint Committee as to the appointment, promotion, dismissal, salary or conditions of service, or as to the conduct of any person employed by the Joint Committee, the Joint Committee shall forthwith consider whether to meet in private.
40. Canvassing of members of the Joint Committee directly or indirectly in connection with any appointment under the Joint Committee' shall disqualify the candidate.

Sub-Committees

41. The Joint Committee may appoint such sub-committees as they consider necessary and shall specify the terms of reference and the extent of delegation to such sub-committees and officers for the purpose of arranging for the discharge of the functions of the Joint Committee.
42. Any member may, at a meeting of the Joint Committee, ask a question on any matter arising out of the business of a sub-committee which is on the agenda but where such matter is delegated to the sub-committee, it shall not be competent to move a resolution in respect thereof.
43. The Standing Orders of the Joint Committee shall also apply, so far as relevant, to sub-committees.
44. Unless otherwise stipulated by the Joint Committee the quorum of all Sub Committees shall be three and the quorum should comprise at least one member from each of the constituent authorities.
45. The membership of all Sub Committees should be on the basis of the Convener, the Vice Convener and the Vice Convener Elect or their nominees.

Contracts

446. With respect to proposed contracts for the execution of works, the provision of services, or for the supply of goods or materials, the following provisions shall apply relating to securing competition for such contracts and for regulating the manner in which tenders are invited.
47. ***With respect to proposed contracts, the Managing Director of Tayside Contracts shall ensure, in consultation with the Clerk and Proper Officer to the Joint Committee that, where applicable, the provisions of the Local Government Planning and Land Act 1980, the Local Government Act 1988, the Local Government in Scotland Act 2003 and all subsequent relevant legislation and any orders, regulations or directions made thereunder and, where applicable, the provisions of the Public Works Contracts Regulations 1991, the Public Supply Contracts Regulations 1995, the Utilities Supply and Works Contracts Regulations 1992 and the Public Services Contracts Regulations 1993, shall be applied with respect to the securing of competition for such tenders.***

48. There shall be prepared and submitted to the Joint Committee, a Scheme relating to tender and contract procedures and such procedures, once approved and adopted by the Joint Committee, shall be observed by all members and officers of the Joint Committee and shall be deemed to be part of these Standing Orders. Any revisions or alterations to the said tender and contract procedures shall require to be approved by the Joint Committee.

Suspension and Alteration of Standing Orders, etc

49. So far as not inconsistent with any statutory provisions, anyone or more of the Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting, provided a three quarters majority of those members of the Joint Committee present and voting so decide.
50. No alteration of the Standing Orders shall be made without notice given at one meeting of the Joint Committee to be discussed at the following one, and shall not be effected except in a resolution adopted by a three quarters majority of those members of the Joint Committee present and voting.

Use of Substitutes

51. Subject to the provisions of Standing Order 6, a member of the Joint Committee or any duly appointed Sub-Committee, may, if he or she is unable to attend a meeting thereof to which he or she has been called, be replaced by a substitute, authorised in writing by the Convener or, whom failing, the Chief Executive or other appropriate Officer of that member's constituent authority, to replace that member at that meeting and having the same powers and duties in every respect at that meeting as that member.

Inclusion of Business on Joint Committee Agenda at the Request of Members

52. ***Subject to the provisions of the 1973 Act, any member of the Joint Committee who wishes brought before the Joint Committee any matter which can be competently considered thereby, shall submit to the Clerk a detailed written statement and notice of the matter not later than five clear working days before the issue of the agenda and papers to members in order that the Clerk may determine whether exempt information is included in Schedule 7A to the said Act is likely to be disclosed. A member of the Joint Committee whose item is included on an agenda in terms of this Standing Order shall, when the item is rendered, be called upon to speak first.***