

# Appendix 1: Proposed Amendments to the Minute of Agreement

## Minute of Agreement

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### **Aberdeenshire Council and Aberdeen City Council (The Parties)**

1. In terms of the Strategic Development Planning Authority Designation (Scotland) Order 2008 and the Planning etc. (Scotland) Act 2006 the Districts of the Parties are designated as the Strategic Development Planning Authority.
2. In accordance with Part 2 of the Planning etc. (Scotland) Act 2006 ("the 2006 Act"), the Parties have agreed to form a Joint Authority for the purpose of carrying out the functions conferred upon them under the 2006 Act and have each passed the necessary resolution for giving effect to this agreement.
3. The Parties have agreed to enter into this Agreement for their respective interests.

*NOW THEREFORE it is hereby agreed and declared:-*

### **1. Interpretation**

- 1.1 In these standing orders the following words and expressions shall have the following meanings:
  - Words importing the masculine gender only shall include the feminine gender and vice versa.
  - Words importing the singular number only shall include the plural number and vice versa.
  - "Joint Committee" means the joint committee of the Strategic Development Planning Authority.
  - "Chair" means the person presiding over a meeting or relevant part of a meeting of the Strategic Development Planning Authority
  - "Clerk" means the Clerk of the Strategic Development Planning Authority
- 1.2 The Interpretation Act 1978 shall apply to the interpretation of these standing orders as it applies to the interpretation of an Act of Parliament.

### **2. Constitution of the SDPA**

#### **Constitution**

- 2.1 The Parties hereby agree to combine for the purpose of jointly carrying out the functions conferred on them under the Strategic Development Planning

Authority Designation (Scotland) Order 2008 and Part 2 of the 2006 Act and for this purpose agree to set up a new authority which shall be known as the Strategic Development Planning Authority (SDPA). The SDPA shall consist of an equal number of representatives from the Parties and there shall be 12 Members.

### **Appointment of Members and Officers by the Member Councils**

**2.2.1** Each of the Councils shall appoint Members to the SDPA in accordance with the provisions of this clause.

**2.2.2** Each of the Councils shall appoint the first Members before or at the meeting at which approval is given to this agreement and such Members shall, subject as hereinafter provided, continue in office until they are re-appointed or replaced by the Councils. Each of the Councils, following an Ordinary Election, shall, as soon as practicable thereafter, appoint or reappoint Members to the SDPA who shall hold office until they are re-elected or replaced by the Councils.

**2.2.3** A Member shall cease to be a member of the SDPA when he ceases to be a Member of the Council which appointed him or on the appointment by that Council of another Member in his place, whichever shall occur first.

**2.2.4** Members shall be appointed for such terms as each Council may determine having regard to the desirability of continuity; but representatives may only remain Members of the SDPA while they continue to be Members of the appointing Council.

**2.2.5** Each Member so appointed by the Parties hereto present at a Meeting of the SDPA shall have one vote. In the case of an equality of votes the Chair of the meeting, whether or not he or she voted in the first instance, may be given a casting vote.

**2.2.6** Each of the Council's shall nominate a lead Manager of Planning (or their officer representatives) to act as non-voting professional advisors to the SDPA. Other advisers may be appointed as required by the agreement of the SDPA.

**2.2.7** Each constituent Council may also appoint 6 substitute members.

### **Chairman and Vice Chair**

**2.3** The Chair and Vice Chair of the SDPA shall be elected by the Members attending the first Meeting of the SDPA. The Chair and Vice Chair shall not be from the same Council and they shall hold office for a period of 2 years from the date of the first meeting. At the end of the Chair's term of office the Vice Chair will automatically assume the role of Chair and a new Vice Chair will be elected.

### **Casual Vacancies**

**2.4.1** Where a casual vacancy occurs in the case of a Member of the SDPA, the Council which appointed the Member shall appoint a new Member.

**2.4.2** When a vacancy occurs in the case of the Chair, the Vice Chair shall assume the office of Chair in succession to the previous Chair, shall continue in office until the previously anticipated expiry of the outgoing Chair's term of office

and thereafter shall continue as the new Chair for a period of 2 years in accordance with para. 2.3 above.

**2.4.3** Where a vacancy occurs in the case of the Vice-Chair, the SDPA shall appoint a new Vice Chair at the next or subsequent meeting of the SDPA who shall continue in office until the previously anticipated expiry of the outgoing Vice-Chair's term of office or in the case where the Vice-Chair has been appointed Chair under 2.4.2 above, then the new Vice-Chair shall continue as the Vice-Chair until the previously anticipated expiry of the outgoing Vice Chairs term of office and thereafter shall continue for a period of 2 years.

**2.4.4** Other members and advisers may resign their membership at any time by giving written intimation to that effect to the Clerk. The SDPA, in consultation with, and with the agreement of the parties, may remove other members or observers from office if one of the conditions set out in Section 7 below are met, namely bankruptcy, serious illness, has been absent from Partnership meetings for a period longer than three consecutive meetings without permission, or inability or unsuitability for the role.

**2.4.5** A Chair or Vice Chair may resign from that post at any time.

### **Quorum**

**2.5** The quorum of the SDPA shall be 4 members or substitute members, subject to 2 members or substitute members being present from each Council.

### **Procedures**

**2.6** The SDPA shall adopt Standing Orders relating to proceedings at its meetings.

### **Clerk and Treasurer**

**2.7.1** The SDPA shall invite the Councils to appoint an appropriate senior officer to act as Clerk to the SDPA at each meeting. Unless otherwise agreed between the Councils, the senior officer acting as Clerk to the SDPA will rotate between the Councils. Similarly, the SDPA shall invite Aberdeenshire Council to appoint an appropriate senior officer to act as Treasurer to the SDPA. The relevant employing Councils shall bear their own officer costs in the execution of these duties.

**2.7.2** The procedures to be established under Clause 2.6 of this agreement shall include Standing Orders with respect to contracts made on behalf of the SDPA for the supply of goods and the provision of services. Such Standing Orders shall be the subject of consultation and approval by the Parties.

### **SDPA Meetings**

**2.8** The SDPA shall meet as required but not less than 4 times during each year. The Chair of the SDPA, in consultation with the Strategic Development Plan Manager, and with lead Managers of Planning from each Council (or their officer representatives) shall fix the date, time and place of meetings, subject to any previous agreement by the SDPA.

### **3. Terms of reference - aims & objectives**

**3.1** The aims and objectives of the SDPA shall be as follows:-

- 1 To prepare a “strategic development plan” for an area known as a “strategic development plan area” and to keep under review the plan so prepared.
- 2 Prepare and keep under review a plan, for submission to Scottish Ministers, showing the boundary which the authority propose as the boundary of the strategic development plan area.
- 3 Set out in the strategic development plan a vision statement, a spatial strategy, and an analysis of the relationship between the vision statement, the spatial strategy and general development land use proposals in the plan area.
- 4 To monitor changes in the principal physical, economic, social, and environmental characteristics of the strategic development plan area.
- 5 To monitor the principal purposes for which land is to be used in the area.
- 6 To monitor the size and distribution of the population of the area.
- 7 To monitor the infrastructure of the area (including communications, transport and drainage systems and systems for the supply of water and energy) and to monitor how that infrastructure is used.
- 8 To monitor the impact of the policies and proposals contained within the strategic development plan.
- 9 To comment on nationally and regionally significantly planning applications.
- 10 To provide appropriate input to the Regional Transport Strategy, the Aberdeen City and Shire Economic Future Strategies, the Local Development Plans and any other significant issues which may arise from time to time and have a bearing on the Strategic Development Plan.
- 11 To prepare an implementation programme for action.
- 12 Prepare such maps, diagrams, illustrations and descriptive matter as may be prescribed by Government or thought appropriate by the SDPA.
- 13 From time to time, and when main issues and other principal reports are prepared, publish a statement as to the carrying out of those documents and make such documents available by various means including electronic means such as by means of the internet.
- 14 Other matters as may be prescribed by Government
- 15 Any other matter which the SDPA consider it appropriate to include.

### **4. Delegation of Functions**

**4.1** Both member Councils shall make appropriate arrangements under the Strategic Development Planning Authority Designation (Scotland) Order 2008

and Part 2 of the 2006 Planning Act to allow the formation and ongoing functioning of the SDPA in discharging its said functions on behalf of the Parties.

## **5. Financial Arrangements**

### **Allocation of Expenditure**

**5.1** Each of the Parties shall pay a one half share of the whole expenditure and costs under this agreement.

### **SDPA Budget and Financial Plan**

**5.2.** Not later than the Thirtieth September in each year, the treasurer and SDP Manager shall prepare a budget for consideration by the SDPA, and thereafter submit recommendations to each Council of any capital expenditure and net expenditure on revenue accounts including staffing and other matters mentioned within the agreement for the year from First April following. In determining to approve or otherwise the budget of income and expenditure the SDPA shall take into account any observations by the Parties on the said estimates. Such observations shall be made before Thirteenth November in each year. When the budget has finally been approved by the SDPA, the SDPA shall so inform the Member Councils in accordance with the provisions of Clause 5.1 hereof. Each of the Member Councils shall, during each yearly period from First April to Thirty First March of the following year, pay to the SDPA instalments in accordance with a Scheme to be prepared by the Treasurer and approved by the SDPA. Both Councils shall ensure transfer of their proportion of the budget timeously.

### **Accounts**

**5.3** The Treasurer shall prepare un-audited accounts of the SDPA annually to the thirty first of March and submit them to the SDPA no later than the Thirtieth June following. The accounts shall be audited in accordance with the provisions of Section 96 of the Local Government (Scotland) Act, 1973 and the accounts shall be submitted to the Parties after formal submission to and approval by the SDPA after completion of the audit.

### **Financial Plan**

**5.4** From, and including, the second financial year (2009/2010) the SDPA shall be entitled to submit to the Parties a Financial Plan setting out a proposed programme of capital and revenue expenditure for the following three years (or other appropriate period), and the Parties shall have regard to it when preparing their own Financial Plans.

## **6. Administrative Arrangements**

### **Strategic Development Plan Manager**

**6.1.1** The nominated lead Managers of Planning, or their representatives from each Council shall have power to appoint a strategic development plan manager to act as an advisor to the SDPA. The Chair or his Vice Chair in the case of the Chair being unavailable can, at his discretion, sit on the interview panel for the post of Strategic Development Plan Manager. The Strategic Development Plan

Manager, in consultation with the nominated lead Managers of Planning, or their representatives from each Council shall have power to appoint such supporting staff as is considered appropriate to comprise the “Support Team”.

### **Management Group**

6.1.2 A Management Group comprising the nominated lead Managers of Planning or their representatives from each Council and the Strategic Development Plan Manager shall prepare and monitor annual work programmes for the Strategic Development Plan Manager and his support team and shall monitor progress and amend the work programme as appropriate to take into account changing circumstances.

### **Support Team**

6.1.3 The Support Team shall provide a strategic planning service in consultation with the after mentioned Officers Group.

### **Officers Group**

6.2 An Officers Group, comprising the lead Managers of Planning (or their officer representatives) of each Council and the Strategic Development Plan Manager (or his representatives), shall be formed. The Officers Group will be chaired by the Strategic Development Plan Manager. The Group will meet regularly (at least 4 times each year) to consider appropriate consultations and reports to be presented to the SDPA and the work programme to be undertaken by the Support Team on behalf of the SDPA. The Officers Group shall, as appropriate, invite technical representatives and officials from other partnership organisations such as the Aberdeen City and Shire Economic Future (ACSEF), the Regional Transport Partnership (NESTRANS) and others to attend the Officers Group in order to ensure proper consideration of and integration between other strategic organisations and groups.

### **Secondment of Staff**

6.3.1 The Parties shall use their reasonable endeavours to meet any request from the Strategic Development Plan Manager or the SDPA for the secondment of appropriate/relevant staff for the purpose of assisting in the preparation of the Strategic Development Plan, its updates, and review. Secondments from the Strategic Development Plan Manager’s support team to both Councils will be encouraged in order to give staff an appropriate breadth of experience and knowledge to assist in advising on the planning of the area. Any such secondments shall be on terms as may be agreed between the Parties and the SDPA.

6.3.2 The Transfer of Undertakings (Protection of Employment) Regulations 1981 shall apply to any function transferred in terms of Section 2, 10 or 13 of the 2005 Act.

### **Employing Authority and Other Administrative arrangements**

6.3.3 Aberdeenshire Council shall employ and provide Finance and Personnel staffing services to the support team. Aberdeen City Council shall provide legal,

graphics, public relations, publicity and promotional staffing services and shall also make provision for all necessary office accommodation, ancillary services and insurance, the running costs of which will be borne by the SDPA. Other administrative staffing services will be carried out by the Council whose employee for the time being has been appointed as Clerk to the SDPA. Both Councils will bear their own costs in the provision of the aforementioned staffing services. However, the SDPA shall pay the respective Councils the total costs reasonably incurred by the Councils in connection with the employment of the Support Team, including costs arising from termination of employment, or termination of the SDPA including, without prejudice to the foregoing, any costs arising on redundancy or any unfair dismissal.

**6.3.4** The SDPA shall comply with the requirements of the Data Protection Act 1998, the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004. In terms of the Data Protection Act, Aberdeen City Council and Aberdeenshire Council will act as both 'data controller' and 'data processor' for the SDPA .

### **Arrangement of Services**

**6.4** When considering the arrangement of services, the SDPA shall have regard to the capabilities of the service departments of the Parties and in the event of the SDPA seeking the assistance of the Parties, the Council concerned shall not unreasonably withhold such assistance. The SDPA shall pay appropriate fees for any such assistance given, if so required.

### **Annual Report**

**6.5** The SDPA shall prepare an annual report on its work.

## **7. Standing Orders**

### **7.1 Commencement**

These standing orders shall apply and have effect on and from [insert date] subject to such amendments as may from time to time be made by the SDPA in terms of the Minute of Agreement

### **7.2 Notice of Meetings**

- (1) Six clear days at least before a meeting of the SDPA:
  - (a) notice of the time and place of the intended meeting shall be published by the Clerk to the SDPA (at the SDPA Office and the Offices of both Councils) and, where the meeting is called by members of the SDPA, the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
  - (b) a summons to attend the meeting, specifying the business to

be transacted thereat and signed by the Clerk, shall be left at or sent by post to the usual place of residence of each member of the SDPA.

- (2) The summons shall include a note of the business in the order in which it is proposed to be transacted at the meeting and no business, other than that so specified, shall be transacted except business brought before the SDPA as a matter of urgency under paragraph 7.20 hereafter or under the following paragraph of this standing order 7.2 (3), always provided that, at a meeting called upon a requisition, only the business specified in the requisition shall be transacted.
- (3) An item of business of which six clear days' notice has not been given may be considered at the meeting provided that the Chair of the meeting is of the opinion that there are special reasons, which will be specified, why it is a matter of urgency. Such business must be intimated at the start of the meeting when the order of business is determined and, if the Chair so rules, the item shall be considered at the start of the meeting or at such other point in the agenda as may be appropriate. If the Chair is of the opinion that the matter is not urgent, it shall be included as an item of business for the next ordinary meeting of the SDPA unless in the interval it shall have been disposed of otherwise. The reason for urgency shall be recorded in the minutes.
- (4) Want of service of a notice of meeting on any member shall not affect the validity of the meeting.

### **7.3 Sederunt**

- (1) The Clerk shall record the names of the members and substitute members present at each meeting of the SDPA.

### **7.4 Quorum**

- (1) A quorum of the SDPA shall be one third of members or substitute members (that is, four members) and those members present shall include at least two representatives of each Council. If, at any time during a meeting of the SDPA, a quorum of members or substitute members be not present, the Chair shall, after allowing an interval of five minutes, cause a count to be taken of members then seated. If it is shown after the count that a quorum is not present, the meeting shall stand adjourned to such other time or day and hour as the Chair may then or may afterwards fix.



## **7.5 Less than a Quorum**

- (1) No item of business shall be transacted at a meeting of the SDPA, if less than one third of the total voting membership is present.

## **7.6 Reference to an Official**

- (1) Any reference to a specified official of the SDPA in these standing orders shall include any member of staff under his or her direction.

## **7.7 Admission of Public and Press**

- (1) By virtue of the provisions of Section 50A of the Local Government (Scotland) Act 1973 meetings of the SDPA shall be open to the public except to the extent (a) that the public shall be excluded under Section 50 A (2) of the 1973 Act during consideration of an item of business whenever it is likely that, if they were present, confidential information, as defined in Section 50 A (3) of the 1973 Act, would be disclosed to them, or (b) that the public may be excluded by resolution under Section 50 A (4) of the 1973 Act during consideration of an item of business whenever it is likely that, if members of the public were present, exempt information as defined in Section 50 J of the 1973 Act, would be disclosed to them. On a motion for adoption of such a resolution being duly moved and seconded, the Chair shall put the same to the meeting without speeches or discussion and, on such a motion being carried, all members of the public present (including representatives of the press) shall be directed to leave the meeting.
- (2) Notwithstanding the exclusion of the public as aforesaid, the SDPA may permit any person to remain in attendance at any meeting for so long as they consider necessary and on the basis that such persons respect the confidentiality of the proceedings.
- (3) Information as to the proceedings at any meeting from which the public and press are excluded shall not be given to representatives of the press or to any other person except by the Chair of the meeting or by a person or persons authorised by him or her so to do.
- (4) The provisions of the foregoing paragraph shall be without prejudice to the powers of exclusion by the Chair in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting and the SDPA may exclude or eject from a meeting a member or members of the public whose presence or conduct is

impeding or is likely to impede the work or proceedings of the SDPA. Without prejudice to the foregoing generality, if a member of the public interrupts the proceedings at any meeting, the Chair may warn him/her. If the member of the public continues the interruption, the Chair may order his/her removal from the SDPA meeting.

## **7.8 Order and Conduct of Business at SDPA meetings**

- (1) The business of the SDPA at ordinary meetings shall proceed in the following order, except that any item of business in the agenda may be taken out of its order:-
  - (a) by the direction of the Chair; or
  - (b) with the consent of the meeting on the motion of any member or substitute member;
    - (i) minutes of last meeting and of any intervening special meeting;
    - (ii) motions of which notice has been intimated at the start of the meeting, provided the Chair is of the opinion that it is a matter of urgency;
    - (iii) motions of which notice has been given in terms of standing order 2;
    - (iv) deputations, if any, to be received;
    - (v) ordinary business;
    - (vi) business determined to be of a confidential or exempt nature in terms of Schedule 7 (A) of the Local Government (Scotland) Act 1973.

## **7.9 Chair - Powers and Duties**

- (1) Deference shall at all times be paid to the authority of the Chair, and on all points of order his ruling shall be final but, whenever so requested, she/he must give an explanation of the reasons for his ruling. When she/he speaks, the member of the SDPA, if any, who is addressing the meeting, shall refrain from speaking. It shall be the duty of the Chair to preserve order and secure that members obtain a fair hearing. she/he shall decide all matters of order, competency and relevancy arising at meetings of the SDPA. She/he shall also decide between two or more members who have indicated a desire to speak by calling on the member, whom she/he

may first observe, to speak. She/he shall be entitled, in the event of disorder arising at any meeting of the SDPA, to adjourn the meeting to such other time or day and hour as may then or afterwards be fixed and his/her quitting the Chair in such circumstances shall, without further procedure, have the effect of a formal adjournment of the meeting.

#### **7.10 Adjournment**

- (1) The SDPA may adjourn any meeting to such other time or day and hour as the Chair may then or Chair may afterwards fix.
- (2) The SDPA may adjourn any meeting for a reasonable interval and such adjournment may be made on the direction of the Chair or, failing such direction, on the motion of any member, the vote on which motion, on being seconded, shall be taken without amendment or discussion.

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

- (1) Any member wishing to speak may do so with the Chair's permission; the Chair shall regulate the order of debate. The mover of a motion shall always have the right of reply.

#### **7.12 Concluding Debate**

- (1) The Chair may determine, if need be, when debates should be drawn to a close.

#### **7.13 Duration of Speeches**

- (1) The mover and seconder of a motion or an amendment shall not speak for more than five minutes except with the consent of the SDPA. All other speakers taking part in the discussion on the motion or amendment shall not speak for more than three minutes. The mover of the original motion shall have the right to speak for five minutes in reply, and that reply shall not introduce any new matter into the debate. Thereafter the discussion shall be held closed and the Chair shall call for the vote.

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

- (1) In the event of any member or substitute member at any SDPA meeting disregarding the authority of the Chair, or being guilty of obstructive or offensive conduct, a motion may thereupon be moved and seconded to suspend such member for the remainder

of the sitting. The motion shall be put without discussion and, if it be carried, the Chair shall require the member or substitute member forthwith to retire from the meeting and, if necessary, remove the member if she/he fails to do so.

#### **7.15 Rescinding of Resolution**

- (1) A resolution of the SDPA shall continue to be operative and binding, so that no motion inconsistent therewith shall be considered or passed for at least six months; provided that it shall be competent to deal with the subject matter of such resolution afresh where the majority of the SDPA are satisfied that a material change of circumstances has occurred or that the resolution so taken cannot be implemented and that notice has been given in the summons that such resolution may be rescinded.

#### **7.16 Minutes of Meeting**

- (1) All minutes of the proceedings of meetings of the SDPA, in which shall be recorded the names of the members, substitute members and officials who attended the meeting, shall be drawn up by the Clerk, printed, and, so far as practicable, circulated among members of the SDPA not later than the third day before the next ensuing ordinary meeting of the SDPA at which they shall be submitted, held as read, corrected if need be and, where held to be a true record of the proceedings of the meeting to which they relate, shall be signed by the person presiding at that next ensuing meeting.

#### **7.17 Validation of Proceedings**

- (1) If the proceedings at a meeting of the SDPA are open to challenge on the ground that the meeting has not been duly convened, such proceedings shall be validated by confirmation of the minutes of the meeting at the subsequent meeting, duly convened, of the SDPA.

#### **7.18 Deputations**

- (1) Every application for the reception of a deputation must be in writing and received by the SDP Manager at least 5 working days prior to the meeting at which the subject matter is to be considered. The application must state the subject matter on which the deputation wishes to be heard and the action which it is proposed that the SDPA should take.
- (2) Only requests relating to matters falling within the remit of the

SDPA will be competent.

- (3) If the subject matter relates to a decision taken by a committee under delegated powers, the request shall not be competent.
- (4) No deputation shall consist of more than six people, no more than two members of any deputation shall speak, and they may speak for no more than a total of ten minutes.
- (5) Any member or substitute member may put any relevant question at the conclusion of the deputation. The time available for such questions shall not exceed ten minutes.

#### **7.19 Items of Urgent Business to be Considered at Meeting**

- (1) An item of business not relating to the business before the meeting and of which notice has not been given will be considered at the beginning of the meeting provided that the Chair of the meeting is of the opinion that there are special reasons, which she/he should specify, why it is a matter of urgency. Such items must be lodged with the Clerk before the start of the meeting and read to the meeting by him when the order of business is determined. If the Chair is of the opinion that the matter is not urgent then it shall be included as an item of business for the next ordinary meeting of the SDPA unless in the interval it shall have been disposed of otherwise.

#### **7.20 Motions intended for Consideration at Next Meeting**

- (1) Notices of motion intended for consideration at a meeting of the SDPA (other than one concerning a matter of urgency submitted in terms of these standing orders) shall be given in writing, signed by the member or members (of the SDPA) giving notice and delivered to the Clerk at least seven clear working days before the next ordinary meeting of the SDPA, the Chair shall decide as to its competence or relevance. All such competent and relevant motions of which notice has been duly given shall be included in the summons for that next meeting in the order in which they are received.
- (2) If more than one such motion, in the opinion of the Chair, deals with the same subject matter and is substantively identical, only the motion first lodged shall be considered.
- (3) If a member who has given a notice of motion is absent when it falls to be considered in the first instance it shall be put on the agenda of

the next meeting. If at that next meeting, the member is again absent, the notice of motion shall fall.

- (4) Notwithstanding the terms of Standing Order 7.22(6) hereof any notice of motion which is included on the summons and which is moved but not seconded shall be recorded in the Minutes.

## **7.21 Motions – Procedure**

- (1) The import of all motions and amendments shall be stated immediately on their being proposed to the meeting by the mover before being spoken to.
- (2) Every amendment shall be relevant to the motion on which it is moved.
- (3) No Member shall be at liberty to move or second (a) more than one amendment to any motion or (b) an amendment, if he or she has moved or seconded the motion. If an amendment is withdrawn, the mover and seconder thereof shall be at liberty to move or second another amendment or to speak in support of such amendment.
- (4) A motion or amendment may be withdrawn by the mover with the consent of his or her seconder and the SDPA.
- (5) A motion for the approval of a minute of a committee shall be considered as an original motion and any motion involving alteration or rejection of such minute or any part of such minute shall be dealt with as an amendment.
- (6) The Chair of a committee shall, if present, have the right to move the approval of the minute of that sub-committee.
- (7) Motions or amendments which are not seconded shall not be discussed or inserted in the minute. Except when the vote is taken by roll call, any member who is in a minority of one shall, if she/he so requests, have his dissent recorded in the minute of the meeting.
- (8) When a motion or amendment has been moved but not seconded, the mover may require his or her dissent in respect of a decision taken on the item of business to which the motion or amendment relates to be entered in the minute.

## **7.22 Method of Voting**

- (1) Subject to the provisions of these standing orders, the vote on any matter shall be taken in a meeting of the SDPA by roll call. It shall, however, be competent for the SDPA to resolve (following a vote by roll call if not unanimous) that the vote on any matter shall be taken in any other manner.
- (2) Where a vote has been taken and the accuracy of the count is immediately challenged, it shall be in the discretion of the Chair to direct a recount. Such recount may be taken by a show of hands or by roll call as the Chair may determine.
- (3) Save as otherwise provided by statute, or by these standing orders, all questions coming or arising before the SDPA shall be decided by a majority of the members of the SDPA present and voting thereon at a meeting of the SDPA.
- (4) However, any question pertaining to requisitions and to requests for the transfer of powers shall require a majority of two thirds of those present and voting.
- (5) In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the SDPA to any particular office in which case the decision shall be by lot.

## **7.23 Taking a Vote**

- (1) After the Clerk has announced the question on which the vote is to be taken and has commenced to take the vote, no member shall be permitted to offer an opinion, or ask a question, or otherwise interrupt the proceedings until the result of the vote has been intimated.

## **7.24 How Motions to be put**

- (1) When there is only one amendment to the motion, the vote shall be taken between the motion and the amendment and whichever is carried shall become the finding of the meeting and the SDPA shall be deemed to have resolved accordingly.
- (2) When there are more amendments to the motion than one, then, unless the Chair decided otherwise, in order to avoid inconsistency in voting, the last amendment shall be put against that immediately

preceding and then the amendment which is carried shall be put against the next preceding and so on until there remains only one amendment, between which and the motion the Committee shall divide, and whichever is carried shall become the finding of the meeting and the Committee shall be deemed to have resolved accordingly.

- (3) If, however, one of a number of amendments is in any form a proposal which clearly indicates negation of the motion, the first division shall be taken between it and the motion. If the amendment is carried, the Committee shall proceed to the next business. If the amendment is not carried, it shall be eliminated from the amendments which, with the motion, shall be voted on in the usual way.

#### **7.25 Right of Minority to Require Decisions to be Referred to the Joint Committee**

- (1) It shall not be competent to submit to the SDPA under this standing order a decision by a committee acting with delegated powers on a matter relating to:-
  - the appointment of or retirement of staff.
  - grievance or disciplinary appeals by staff.
  - any reference which would have the effect of depriving the SDPA of the opportunity to make any meaningful or effective determination on the subject matter of the committee's decision.

#### **7.26 SDPA Business - Responsibility of the Clerk**

- (1) Summonses for meetings of the SDPA shall be prepared by the Clerk who shall place on such summonses all matters of business arising for consideration by the SDPA. Reports from officials intended for a meeting of the SDPA must be lodged with the Clerk at least two days before the issue of the summons

#### **7.27 Suspension or Alteration of Standing Orders**

- (1) No standing order enacted by the SDPA shall be suspended, amended or dispensed with at any meeting except by consent of half of the members present, entitled to vote and voting.



- (2) It shall not be competent to rescind or alter any standing order except upon a resolution to that effect passed upon notice given at a previous ordinary meeting of the SDPA. The Clerk shall submit to any meeting of the SDPA a note of any new, or alteration of any existing, standing order which may seem to either to be required because of any resolution on the conduct of business adopted by the SDPA during the preceding year. The SDPA may then amend standing orders.

#### **7.28 SDPA Business - Common Seal**

- (1) The Clerk shall have the power to affix the Common Seal from both Council's to deeds or other documents where such deeds or other documents give effect to decisions of the SDPA.
- (2) All deeds and formal documents to which the SDPA is a party shall be sealed and signed by either the Clerk or the proper officer for financial matters (the Treasurer).

#### **7.29 Contracts and Financial Regulations**

- (1) The standing orders pertaining to contracts and financial regulations adopted by the SDPA shall be those of the constituent council providing financial support to the Partnership until such time as SDPA specific regulations are agreed.

#### **7.30 Expenses of Members and Advisers**

- (1) Only the SDPA officials are in paid employment; the SDPA shall approve arrangements for the payment of expenses, if not otherwise accounted for, to members and advisers which are transparent and of a reasonable rate and the current regulations and levels of expenses to be paid by local authorities will be observed.

#### **7.31 Ethical Standards**

- (1) The Ethical Standards in Public Life, Etc. (Scotland) Act 2000 will apply to the members of the SDPA and, as that Act requires, the SDPA will adopt the following code of conduct itemised in para. 7.32 hereafter with which all members must comply at all times in their duties.

## **7.32 Protocol for Conduct of Meetings**

1. It is the intention that all meetings of the SDPA shall be conducted in an informal manner and it is not intended under normal circumstances that the standing orders be used to regulate proceedings.
2. The Chair of any meeting will ensure that all members or substitute members present are able to give their opinions freely and openly and will only intervene to prevent this when there is undue repetition or to assist the meeting in concluding the determination of business before it.
3. All members or substitute members should address the Chair when they wish to contribute to the debate.
4. The SDPA acknowledge and will seek to follow the guidance given in Scottish Government Circular 2/2008.
5. In the unlikely event of a formal vote, the time limits set out in standing orders shall apply but under normal circumstances, the Chair will allow free discussion.
6. It is intended that officers and advisers, whether or not they are co-opted members of the SDPA will be able to speak freely, with the permission of the Chair.
7. Business will be conducted in public as far as possible and the SDPA will encourage public accessibility at all times.
8. Members and Officers are required to comply with the terms of the Councillor's Code of Conduct issued by the Standards Commission for Scotland.

## **8. Miscellaneous**

### **Commencement and Variation**

- 8.1** This agreement shall be deemed to have commenced and taken effect on [insert date] and may be varied only by supplementary written agreement by the Parties.

### **Modification to Agreement**

- 8.2** Modification may be proposed and agreed between the parties should unforeseen circumstances arise which require the terms of the agreement to be reassessed.

### **Arbitration**

- 8.3** Any dispute among the Parties shall be determined by an arbiter mutually agreed whom failing by an arbiter appointed by the sheriff on the written

application of either Council. The decision of the arbiter shall be final and binding on the parties.

**Legal conclusion/dates/signatories ...[insert as appropriate].....**