

---

## STANDING ORDERS

---

### 1. Introduction

- 1.1 The Standing Orders regulate the way the Standards Commission carries out its business and discharge of its functions.
- 1.2 The Standing Orders are reviewed by the Standards Commission at least once every five years and revised as appropriate.
- 1.3 All references to ‘meetings’ in the Standing Orders concern meetings of the Standards Commission. The Standing Orders do not cover the arrangements for, or decisions made at, meetings or Hearings that are held by the Standards Commission to fulfil its statutory role in respect of the adjudication of complaints about councillors and members of devolved public bodies, as outlined in Sections 16 to 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

### 2. Standards Commission Meetings

- 2.1 The Convener will chair all meetings at which they are present.
- 2.2 If the Convener cannot attend a meeting they will appoint an acting chair, failing which the members present shall nominate another member to act.
- 2.3 The Standards Commission will normally meet ten times per year. There will not be a gap of more than three calendar months between meetings.
- 2.4 The Convener may call for a meeting of the Standards Commission at any time. Other members may also do so under the arrangements outlined in paragraph 4.4 below.

### 3. Quorum

- 3.1 The quorum for meetings of the Standards Commission is three members.
- 3.2 All members participating remotely will have the same rights and responsibilities as those attending in person. Their participation will count as attendance for the purpose of establishing quorum.
- 3.3 In the event that fewer than three members are present and able to take part in either a meeting or discussion on a specific matter, the members present are entitled to discuss any matters on the agenda and can propose decisions. Any proposed decisions must be referred to the next meeting of the Standards Commission for ratification.

#### **4. Calling of Meetings**

- 4.1 Meetings of the Standards Commission will be called by the Convener or by any person acting under their instruction. Wherever practicable, members should be given at least seven days' notice, but a meeting will be considered to be properly convened if at least three days' notice is given.
- 4.2 Subject to paragraph 2.3 above, the frequency of Standards Commission meetings will be proposed by the Convener and agreed by the Standards Commission.
- 4.3 Where possible, agendas and papers for meetings should be sent to members at least seven calendar days in advance. Members can choose to defer the decision-making on a matter if they consider they have not been afforded sufficient time to consider it properly.
- 4.4 On receipt of a written request from three members, the Executive Director can arrange for a special meeting of the Standards Commission be called.
- 4.5 A meeting shall be properly convened if the majority of members agree to waive the requirement for notice.

#### **5. Conduct of Business and Voting**

- 5.1 Decisions of the Standards Commission can be made unanimously or by a majority of the members present. If, following full discussion, it is evident that there is a divergence of views, the chair may decide to call for a vote to enable a clear decision to be reached. A vote can be taken orally, in writing or by a show of hands at the chair's discretion. In the event of a tie, the chair will have the casting vote.
- 5.2 While staff or invited attendees may be present, only members of the Standards Commission are eligible to vote at Standards Commission meetings.
- 5.3 The minute of the meeting shall record any decisions taken. In the absence of a statement to the effect that the decision was taken by a majority vote, it will be deemed to be a unanimous decision. A member dissenting from a majority decision can ask for their dissent to be recorded in the minutes, but the principle of collective responsibility will still apply.
- 5.4 A member can raise concerns with the Convener about any decision taken at a meeting at which they were not present. The Convener can decide to defer the implementation of any such decision and refer the matter to a subsequent meeting of the Standards Commission for further discussion if they deem it appropriate to do so.
- 5.5 Any member can ask for an item to be included in the agenda for a meeting of the Standards Commission. The final decision as to whether any item should be included or not rests with the Convener or meeting chair.
- 5.6 Members must declare any interests in any items to be discussed at the earliest practicable opportunity and withdraw from the meeting in accordance with the Standards Commission's Code of Conduct for Members.
- 5.7 The Convener may invite any external parties to attend any meeting, or part of a meeting, and participate in any discussions.

## 6. Chair

- 6.1 The meeting chair will decide all matters of conduct, order, competency and relevancy, and their decision will be final.
- 6.2 The Executive Director, as Accountable Officer, may raise objections to a course of action being contemplated if they consider it may be *ultra vires* (i.e. beyond the Standards Commission's legal power or authority), or could lead to a successful legal challenge against the Standards Commission. In such circumstances, the meeting chair will suspend consideration of the matter to give the Executive Director the opportunity to circulate written submissions on the nature and basis of the objections, for consideration by members.

## 7. Circulation and Approval of Minutes

- 7.1 The draft minutes of all formal meetings will be submitted to the chair for approval within seven calendar days of the meeting.
- 7.2 The draft minutes will be included in the agenda for approval at the next formal meeting.

## 8. Governance

- 8.1 The primary role of all members is to provide strategic direction, oversight, support, guidance; to undertake risk management; to ensure statutory compliance and to promote commitment to the Standards Commission's core values, policies and objectives. Members are expected to carefully scrutinise plans and the underlying assumptions before any decisions are taken, and thereafter monitor performance against agreed objectives and the Strategic and Business Plans.
- 8.2 All members must comply with the Standards Commission's Code of Conduct and observe the key principles of public life as outlined within it.
- 8.3 The Convener will meet with members regularly and appraise them annually in relation to their performance as members.

## 9. Committees

- 9.1 The Standards Commission may establish Committees consisting of its members for any purpose as the Standards Commission determines.
- 9.2 The Standards Commission shall appoint the chair of any such committee which it establishes and shall specify the quorum.
- 9.3 Any Committee shall operate within its agreed terms of remit as specified by the Standards Commission.



Data control and version information				
Date	Action by	Version Updated	Current version	Brief Description
03/11/2015	LJ	N/A	V1.0	Standing Orders 2015.
28/01/2019	LJ	N/A	2019 v1	Minor amendments made, review process updated - five yearly cycle
27/02/2023	LJ	2019v1	2022	Amendments made after full review to ensure Standing Orders reflect current practice.