

Standing Orders of LAF

approved by Council Executive on 6 December 2022

WEST LoTHIAN LOCAL ACCESS FORUM STANDING ORDERS RELATING TO THE CONDUCT OF MEETINGS

A. PRELIMINARIES

1. Commencement and Application

These Standing Orders will apply and have effect on and after [add Date of the 1st meeting of the Local Access Forum]. The provisions of these Standing Orders will apply to the West Lothian Local Access Forum and any working subgroups of the Local Access Forum.

2. Review

The West Lothian Local Access Forum will review these Standing Orders from time to time after consultation with West Lothian Council.

3. Suspension of Standing Orders

To suspend any of the Standing Orders, with the exception of Standing Orders 8, 9, 13, 16 and 32 which cannot be suspended, will require the consent of not less than two-thirds of the members voting and the approval of West Lothian Council.

B. CALLING MEETINGS/ITEMS FOR FUTURE MEETINGS

4. Notice of Meetings

4.1 Generally Notice of the place, date and time of a meeting of the Forum will, be given to every member of the Forum (and, where required, to such Correspondent members of the Forum as have been invited to speak to the Forum at that meeting) not later than one week before the meeting by being delivered, posted, faxed or transmitted by other electronic means to his or her usual place of residence or employment. Meetings may be face-to-face or by video conference/TEAMS meeting.

4.2 Public Notice of a meeting of the Forum will be given by posting a Notice on the Local Access Forum website, at least four clear working days before the meeting, or if the meeting is convened at shorter notice, then at the time it is actually convened. The Notice of Meeting will include: (a) the date, time and place of the meeting, and (b) information on the availability for inspection of the Agenda and accompanying reports.

4.3 Want of service of a Notice of Meeting on any member of the Forum shall not affect the validity of the meeting.

5. Place of Meetings

5.1 Meetings of the West Lothian Local Access Forum and of any working subgroup constituted by the Local Forum will be held either at places within the West Lothian Council area or by video conferencing and at times determined by them respectively after consultation with West Lothian Council's access officer or such other authorised officer nominated for that purpose.

6. Notices of Motion for Submission to Future Meetings

6.1 A Notice of Motion for submission to a future meeting of the Forum will be in writing, signed by the member of the Forum giving Notice, counter-signed by at least one other member and sent to West Lothian Council's access officer or such other authorised officer nominated for that purpose.

6.2 Such a Notice of Motion must be received not later than 3 weeks prior to the meeting of the Forum concerned. In calculating the 3-week notice, the day of the Forum meeting will be excluded. If a Notice of Motion is late, it will be referred to the next available meeting of the Forum, at the request of the members involved.

C. ATTENDANCE AT MEETINGS - BASIC PROVISIONS

7. Chair

7.1 At a meeting of the Forum, the Chair will preside. If the Chair is absent, the Vice Chair will preside. If both the Chair and Vice Chair are absent West Lothian Council's access officer or such other authorised officer nominated for that purpose will preside until the members of the Forum choose one of their number to preside.

8. Quorum

8.1 The Quorum for any meeting shall be one third of the membership.

8.2 If within ten minutes after the time appointed for a meeting of the Forum, a quorum is not present, the Chair will adjourn the meeting to a time he or she may then or afterwards fix.

8.3 Correspondent members of the Forum shall not count towards a quorum.

9. Failure to Attend Meetings

9.1 Members of the Forum unable to attend scheduled meetings of the Forum for any reason should submit their apologies for absence to West Lothian Council's access officer or such other authorised officer nominated for that purpose as soon as possible before the meeting. West Lothian Council's access officer or such other authorised officer nominated for that purpose will intimate the apologies at the meeting and will record the apologies in the minute of the meeting.

9.2 Any member of the Forum who fails to attend three consecutive meetings of the Forum will unless the failure was due to some reason approved by the Forum cease to be a member of the Forum.

10. Members of Press/Public

Members of the Press and public will be entitled to attend public meetings of the Forum. Members of the Press and public will be excluded from meetings of the Forum where items of business concern information relating to the financial, business or personal affairs of any particular person or company (other than the Council).

D. CONDUCT OF BUSINESS/PROCEEDINGS AT MEETINGS

11. Chair - Powers and Duties

11.1 Deference shall at all times be paid to the authority of the Chair and on all points of order, competency and relevancy, his or her ruling shall be final and not open to discussion. This includes discretion to rule on all questions of procedure where no express provision is made under these Standing Orders. When the Chair speaks, any member of the Forum (or any Correspondent member invited to any meeting) who is addressing the meeting must desist from speaking. It is the duty of the Chair to preserve order and to ensure that members obtain a fair hearing. In the event of disorder, the Chair has absolute discretion to adjourn the meeting, and his or her quitting the Chair will bring the meeting to an end.

11.2 All powers and duties of the Chair shall in the absence of the Chair or in the event of the Chair being unable to act for any reason, be exercised by the member chosen to preside in terms of Standing Order 7 above.

12. Sederunt

West Lothian Council's access officer or such other authorised officer nominated for that purpose shall act as the clerk to any Meeting of the Forum and will record the names of the members present at each meeting, as well as those who have submitted apologies for absence.

13. Urgent Business

13.1 The business to be transacted at a meeting of the Forum will be that specified on the Agenda and any item of business not on the Agenda which is certified by the Chair as urgent. No other business will be transacted at a meeting of the Forum.

13.2 It shall be in the sole discretion of the Chair to decide whether any business not specified on the Agenda for the meeting should, by reason of special circumstances, be considered at the meeting as a matter of urgency, and such special circumstances must be specified in the Minutes of the Meeting.

14. Order of Business/Adjournment

The business of a meeting of the Forum shall be conducted in the order set out on the Agenda for the meeting, provided that any item of business may, with the consent of the meeting, be taken out of its place. The Chair may with the consent of the meeting adjourn the meeting to any other day, time and place.

15. Rescinding of Resolution or Decision

A resolution or decision of the Forum and a resolution or decision of a subgroup on a matter delegated or remitted with will continue to be operative and binding on the Forum for at least six months after the date of the resolution or decision.

16. Declaration of Interest

16.1 It shall be for any member who has any financial interest in any matter and is present at a meeting of the Forum at which such matter is the subject of consideration, to leave the room before the matter is discussed.

16.2 It shall be for any member who has any other interest in any matter and who is present at a meeting of the Forum at which such matter is the subject of consideration, to determine whether or

not to leave the room, or to participate in discussion or voting. In making such a decision it is for the member of the Forum to consider whether a member of the public acting reasonably might consider that the Forum member might be influenced by the interest in his or her role as a Forum member and that it would therefore be wrong to take part in any discussion or decision-making.

17. Obstructive or Offensive Conduct

In the event of any member at a Forum meeting disregarding the authority of the Chair or of being guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend such member for the remainder of the sitting. Such a motion will be put to the meeting without discussion and if supported by a majority of members of the Forum present and voting will be declared carried. The offending member will then be required by the Chair to leave the meeting.

18. Order of Speeches

A member wishing to speak will attract the Chair's attention by raising his or her hand, and when called upon will address the Chair. The member will direct his or her speech strictly to the matter under discussion or to the Motion or Amendment to be proposed or seconded by himself or herself or to a question of order. The Chair will decide between two or more members wishing to speak by calling on the member whom he or she first observed to raise his or her hand.

19. Participation of Correspondent Members, Members of the Public and Elected Members

Any Correspondent member attending a meeting of the Forum to which the Correspondent member has been invited shall be entitled to speak on any matter under discussion in respect of which the Correspondent member has been invited to attend the meeting and the Chair shall call on the Correspondent member prior to a vote being taken on such matter to address the Forum in relation to such matter. Members of the public who have given West Lothian Council's access officer or such other authorised officer nominated for that purpose a minimum of two working days' notice of their intention to do so will normally be allowed to speak for not more than five minutes at meetings of the Forum on any specified item on the published agenda. The requirement for two days' notice may be relaxed at the discretion of the Chair. The West Lothian Councillor for the area under discussion in any particular item of Forum business, as a democratically elected representative of the community, will be permitted to attend and speak at Local Access Forum meetings. Unless the West Lothian Councillor is already a member of the Forum he will have no entitlement to vote.

20. Consensus

The Forum will have a strong commitment to reaching consensus upon issues on which it is consulted but where there is a divergence of views then motions and amendments will be acceptable.

21. Number and Duration of Speeches

The number of speeches and the point at which Motions and Amendments are to be accepted is at the discretion of the Chair. All speakers in any discussion on an item will not speak for more than five minutes.

22. Motions and Amendments – General

22.1 Every Motion and Amendment arising at a meeting will be moved and seconded, and if requested by a member will be written down and handed to West Lothian Council's access officer or such other

authorised officer nominated for the purpose of acting as the clerk of the Forum and will be read out before it is further discussed or put to the meeting.

22.2 If a Motion which is specified on the agenda for the meeting (under Standing Order 6) is not moved by the member who has given the notice and seconded, then it will, unless moved by another member and seconded on the day, or postponed by leave of the Forum, be considered as dropped and cannot be moved again without fresh notice.

22.3 It will not be competent for a member to move or second his or her own election or appointment as Chair or Vice-Chair of the Forum or as an Office-Bearer of any subgroup or as a representative of the Forum on any similar or outside body. This does not prevent a member when such election or appointment is under consideration from indicating his or her interest in being nominated for election or appointment.

22.4 Every Amendment will be relevant to the Motion on which it is moved. The Chair will decide as to relevancy and has the power, with the consent of the meeting, to conjoin Amendments which are not inconsistent with each other.

22.5 Should any Amendment raise a procedural issue, rather than to affect the substantive issue, that procedural issue will be addressed and dealt with, without affecting the substantive Motion or Amendments.

22.6 All additions to, omissions from, or variations upon a Motion will be considered as Amendments to the Motion and will be disposed of accordingly.

22.7 Motions or Amendments which are not seconded will not be discussed.

22.8 A Motion or Amendment once moved and seconded will not be withdrawn without the consent of the mover and seconder, and then only with the sanction of the meeting.

23. Procedural Motions

23.1 A member moving that the Forum do now proceed to the next business or that the debate be now adjourned may speak for not more than five minutes and if the Motion is seconded it will be seconded without a speech. If the Chair is of the opinion that the business which is the subject of the debate has been sufficiently discussed, the procedural motion will be put, without further discussion to the meeting and, if supported by a majority of the Forum present and voting, will be declared carried. This procedural Motion may only be put forward where either a formal Motion or a Motion and any Amendments are not already before the Forum in relation to the Item concerned.

23.2 Where both a Motion and Amendment(s) are before the Forum, any member who has not spoken in the debate may move that "the matter be put to the vote" and he or she may speak for not more than five minutes in support of that procedural Motion, which if seconded, will be seconded without a speech. If the Chair is of the opinion that the business which is the subject of the debate has been sufficiently discussed, a vote on the procedural motion will be taken without further debate. If the procedural Motion is carried the mover of the original Motion will have the right to reply in terms of Standing Order 25 and the question under discussion will then be put to the vote.

24. Point of Order/Explanation

During the discussion, a member may call attention to a point of order, or with the sanction of the

Chair, may make an explanation. A member who is addressing the meeting when a question of order is raised will deist from speaking until the question of order has been decided by the Chair.

25. Right of Reply

The mover of an original Motion will have the right to speak 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 Chair 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 Forum will proceed directly to the vote.

26. Voting - Order of Motions and Amendments

When only one amendment is made upon a Motion, the vote will be taken between the Amendment and the Motion, the vote for the Amendment being taken first. Where there is more than one Amendment, generally the Amendment last proposed will be put against the immediately preceding one, and the Amendment which is carried will be put against the next preceding, and so on until only one Amendment remains and the vote will be taken between that Amendment and the original Motion. However, particularly in relation to composite Motions, the Chair may decide that Amendments be taken individually against the Motion. After the vote between an Amendment and the Motion whichever is carried will be the decision of the Meeting.

27. Voting - Election, Selection or Appointment of Members to any Particular Office or Committee

27.1 In the case of an Election, Selection or Appointment of Members of the Forum to any particular office, subgroup or as a representative of the Forum on an outside body, where the number of candidates nominated exceeds the number of vacancies, the member(s) to be elected, selected or appointed as the case may be, shall be determined by vote. Members voting shall be entitled to cast as many votes as they wish up to the number of vacancies available.

27.2 Where only one vacancy requires to be filled the vote will normally be by ballot but may be by a show of hands and any candidate having an absolute majority of the votes cast shall be declared duly elected, selected or appointed as the case may be. Where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, the vote shall be by ballot, the name of the candidate having least votes being struck out of the list of candidates. Such process of elimination by vote by ballot shall be continued until in a case where only one vacancy exists any candidate has an absolute majority of the votes cast, or in any case until the number of candidates remaining equals the number of vacancies when the candidate or candidates remaining shall be declared duly elected, selected or appointed as the case may be.

27.3. If in any ballot among more than two candidates there is equality in votes among the candidates having least votes, the candidate whose name shall be eliminated shall be determined by an additional vote by ballot and unless there again be equality in votes, the name of the candidate having least votes shall be struck out of the list.

27.4 Where in any vote between two candidates or in such additional vote by ballot there is equality in votes, the candidate to be selected or appointed or eliminated (as the case may be) shall be determined by lot.

28. Method of Voting

28.1 The vote of the Forum will be taken normally by show of hands. If any member objects to the vote being taken by show of hands and a majority of the members of the Forum present and entitled to vote signify their support of the objection, the vote will be taken by calling the roll or by ballot. Correspondent members of the Forum shall not have a vote.

29. Casting Votes

29.1 Except as otherwise provided in this Standing Order the Chair or the member presiding in his or her absence in accordance with Standing Order 11 shall in the case of an equality of votes give the casting vote.

29.2 In the case of the election, selection or appointment of members to any particular office in any case of equality of votes between candidates the candidate to be elected, selected, appointed or eliminated as the case may be will be determined by lot.

30. Defect in Procedures

The proceedings of the Forum shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member or by any member voting or taking part in the consideration or discussion of any question when he or she is not entitled to do so.

31. Recording of Dissent from Decision

A member of the Forum may have his or her dissent recorded to a decision of the Forum provided that he or she has moved a Motion or Amendment and failed to find a seconder or else has taken part in a vote provided that such member asks immediately after the item is disposed of that such dissent be recorded.

32. Code of Conduct

All members of the Forum will be bound by the provisions of the West Lothian Council Code of Conduct for Members of Local Access Forums which is based on the Code of Conduct for Members of Devolved Public Bodies issued under the Ethical Standards in Public Life etc (Scotland) Act 2000.