

# **Scottish Borders Code of Governance**

## **Procedural Standing Orders**

*Openness*  
*Accountability*  
*Responsiveness*  
*Democracy*

Scottish Borders Council  
1 October 2009

(Amended by Scottish Borders Council – 25 August 2022)

## INDEX

	Order Number	Page Number
<b>Commencement</b>	<b>1</b>	<b>3</b>
<b>Appointment/Removal of Convener &amp; Vice-Convener</b>	<b>2 – 3</b>	<b>3</b>
<b>Meetings of the Council</b>	<b>4 - 14</b>	<b>3 - 4</b>
<b>Minute Books</b>	<b>15</b>	<b>4 - 5</b>
<b>Duties of Chair</b>	<b>16</b>	<b>5</b>
<b>Quorum</b>	<b>17 - 22</b>	<b>5 - 6</b>
<b>Order of Business</b>	<b>23</b>	<b>6</b>
<b>Motions</b>	<b>24 - 29</b>	<b>6 - 7</b>
<b>Debate</b>	<b>30 - 37</b>	<b>7 - 8</b>
<b>Questions on Delegated Matters</b>	<b>38</b>	<b>8 - 9</b>
<b>Questions to Leader &amp; Executive Members</b>	<b>39</b>	<b>9</b>
<b>Voting</b>	<b>40 - 43</b>	<b>9 - 11</b>
<b>Finance</b>	<b>44</b>	<b>11</b>
<b>Procurement</b>	<b>45</b>	<b>11</b>
<b>Common Seal</b>	<b>46</b>	<b>11</b>
<b>Authentication of Notices</b>	<b>47</b>	<b>11</b>
<b>Committees</b>	<b>48</b>	<b>11</b>
<b>Emergency Powers</b>	<b>49</b>	<b>11 - 12</b>
<b>Application of Standing Orders of the Council to Committees, etc.</b>	<b>50</b>	<b>12 - 13</b>
<b>Suspension of Standing Orders</b>	<b>51</b>	<b>13</b>
<b>Amendment of Standing Orders</b>	<b>52</b>	<b>13</b>
<b>Code of Conduct and Members' Interests</b>	<b>53</b>	<b>13</b>
<b>Interpretation</b>	<b>54</b>	<b>13 - 14</b>

**SCOTTISH BORDERS COUNCIL**  
**PROCEDURAL STANDING ORDERS**

**Commencement**

1. These Standing Orders apply to all Council and Committee meetings from 26 August 2022.

**Appointment and Removal of Convener and Vice-Convener**

2. The Council appoints a Convener and a Vice-Convener at its Statutory Meeting (see Standing Order No. 4) and they hold office, subject to the provisions of Standing Order No. 3, until the next ordinary election of Councillors.
3. The Council may at any time remove the Convener or Vice-Convener from office, provided notice of this has been given in terms of Standing Order No. 9 and in the notice calling the meeting and specifying the business to be transacted. Any decision to remove the Convener or Vice-Convener from office must have the support of at least two-thirds of the Members present and voting.

**Meetings of the Council**

4. The Statutory Meeting of the Council (see paragraph 1(1) of Schedule 7 of the Local Government (Scotland) Act 1973) must be held within twenty one days from the date of each ordinary Election of Councillors (see Section 5 of The Local Government, etc. (Scotland) Act 1994).
5. The Council will agree the dates, times and venues of Council and committee meetings.
6. The proper officer for the calling of meetings of the Council is the Clerk to the Council or another officer duly authorised by them for this purpose.
7. Meetings shall be called by notice signed by the proper officer, specifying the business to be transacted. Where the meeting is called on a requisition by members of the Council in terms of Standing Order No. 9, the notice shall contain the names of those members and shall specify the business to be transacted.
8. Notice of the time and place of a meeting of the Council, and copies of any written reports to be considered, shall be given by the proper officer not later than ten days before the meeting by being left at or sent by post or communicated by e-mail to the usual place of residence of every member of the Council. If, however, it appears to the Convener that an item of business demands special urgency, a meeting of the Council may be called by the proper officer at shorter notice, but in any event by letting the members know as soon as possible prior to the date for the meeting. Where a meeting is being held in terms of Section 43 of the Local Government in Scotland Act 2003 i.e. as a blended meeting, then public access to that meeting will either be in the meeting room with any Members present, or if no Members are present in a meeting room, online through a livestream of the meeting.

9. A special meeting of the Council may be called at any time by the proper officer, or by them on being required to do so by the Convener, or by them on their receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting. Such requisition must be signed by at least one-fourth of the whole number of members of the Council (i.e. nine Members), and the meeting shall be held within fourteen days of receipt of the requisition by the proper officer.
10. Public notice of the time and place of a meeting is given by displaying it at Council Headquarters at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.
11. An item of business may not be considered at a meeting of the Council unless either:-
  - (a) a copy of the agenda and any written report on the item (or copy of the item subject to exclusion as provided for in terms of Section 50B(2) of the 1973 Act) is open to inspection by members of the public at the principal office of the Council for at least three clear days before the meeting, or, where a 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 Chair is of the opinion that the item should be considered at the meeting as a matter of urgency.
12. At a meeting of the Council the Convener or, in their absence, the Vice-Convener, will preside. If the Convener and Vice-Convener are both absent from a meeting of the Council, another member chosen by the members of the Council present will preside.
13. The Council may by resolution suspend for the remainder of a meeting any member who in its opinion is disregarding the authority of the Chair or being guilty of obstructive or offensive conduct at the meeting. Where such resolution is carried, the proper officer will act on such instructions as they may receive from the Chair in pursuance of the resolution.
14. Proceedings of the Council shall be minuted and the Minutes shall, after approval, be signed at the next meeting of the Council by the Chair of that next meeting as provided for in terms of Standing Order No. 16(h). Any question as to the accuracy of a Minute shall be determined by those members present at the meeting to which the Minute is submitted who were also present at the meeting to which the Minute refers.

### **Minute Books**

15. (a) Minute Books will be kept by the Clerk to the Council and will contain the names of those present at Meetings of the Council along with a record of the proceedings and decisions of the Council.
- (b) The Clerk to the Council will be the custodian of all Minute Books and will not permit them to leave their custody without the authority of the Council.

- (c) The members of the Council will have the right to inspect and take extracts from any of the Minute Books of the Council and the Clerk to the Council will arrange, when required, to give access at reasonable times to those Books for that purpose.
- (d) Minutes of the Council and committees and sub-committees will be printed under the direction of the Clerk to the Council and copies sent to each member. Minutes of such meetings may also be sent to each member by email.

### **Duties of Chair**

16. The duties of the Chair of the meeting will include –

- (a) deciding all matters of protocol, decorum, order, competency and relevancy;
- (b) determining all matters of procedure for which no provision is made within these Standing Orders, in reaching which determination they may be advised by the proper officer;
- (c) deciding priority between two or more members wishing to speak;
- (d) ensuring that a fair opportunity is given to all members to express their views on any item of business, whether they are present physically in a meeting room or through remote access, in accordance with the terms of these Standing Orders;
- (e) preserving order within the meeting;
- (f) ordering the exclusion of any member of the public, in order to prevent or suppress disorderly conduct or other misbehaviour which impedes or is, in their opinion, impeding the business of the meeting;
- (g) in the event of disorder arising, adjourning the meeting to a time and date that they will fix then or later, and in leaving the Chair in such circumstances this will, without further procedure, have the effect of a formal adjournment of the meeting;
- (h) signing the Minutes of the previous meeting, adjusted in accordance with any amendment approved by the Council;
- (i) being the sole judge of all questions relating to Standing Orders, their decisions being final, but in reaching which decisions they may be advised by the proper officer;
- (j) having the discretion to terminate or suspend livestreaming or recording of committee meetings, whether to receive advice from officers, or if in their opinion allowing livestreaming or recording to continue would prejudice the proceedings of the meeting; and
- (k) checking every attempt to violate Standing Orders and ensuring that they are strictly obeyed and enforced, it being the duty of the proper officer or their authorised representative to call the attention of the Chair to any breach of Standing Orders; and

- (l) taking reasonable steps to enable effective participation by Members, officers and members of the public whether they are present physically or by remote access; failure of technology impacting on participation in a meeting by a Member may not necessarily require the meeting to be halted.

### **Quorum**

- 17. The complete number of Council members is thirty four. Subject to Standing Order No. 18, no business shall be transacted at a meeting of the Council unless at least one-fourth (i.e. nine members) of the complete number of Council members are present.
- 18. Where there are vacancies of more than one-third of the Council members (i.e. more than 12 members), then the quorum of the Council is determined as follows:-  
Until the number of members in office is increased to not less than two-thirds (i.e. 24 members) of the complete number of Council members, the quorum of the Council shall be determined by the actual number of Council members, instead of the complete number of Council members. The quorum, however, shall never be less than one-eighth (i.e. five members) of the complete number of members of the Council.
- 19. Subject to the provisions of the 1973 Act, no item of business shall be transacted at a meeting of the Council if, in consequence of the provisions of Section 38 of that Act (disability of members for voting on account of interest in contracts, etc.), fewer than a quorum of the Council are entitled to vote on that item.
- 20. If within ten minutes after the time appointed for a meeting of the Council a quorum of members is not present, the Chair shall adjourn the meeting to a time which they may then or afterwards fix and, in the event of the appointed Chair being among those absent, the proper officer shall minute that, owing to the lack of the necessary quorum, no business was transacted.
- 21. If at any time during any meeting of the Council the attention of the Chair is called to the number of members present, the Chair will (unless it is apparent to that person that a quorum is present) direct the roll to be called and, if it is found that there is not a quorum of members present, the meeting shall terminate.
- 22. For the avoidance of doubt, except where the Council's Scheme of Administration otherwise determines or the terms under which a committee or sub-committee is appointed otherwise stipulate, no business shall be transacted at a meeting of a committee or of a sub-committee unless at least one-fourth of the whole number of members or two members (whichever is the greater number) of the committee or of the sub-committee (as the case may be) are present.

### **Order of Business**

- 23. The business at every meeting of the Council will be dealt with in the order specified in the notice calling the meeting, except that any item of business may, at the discretion of the Chair, be taken out of its order and provided that the Council may adjourn a meeting of the Council to any other day, hour and place.

### **Motions**

24. (a) Every notice of motion for a future meeting shall be in writing, shall be signed by the member of the Council giving the notice and shall be delivered to the proper officer.
- (b) The motion shall be given in full in the notice calling the meeting.
- (c) If notice of a motion has not been received by 5pm on the fourteenth day before any meeting of the Council, then the motion shall not be included in the notice of business for such meeting and shall not be moved at such meeting unless it relates to a matter otherwise falling within the business of the meeting.
25. If a motion, notice of which is specified in the notice calling the meeting, is not moved either by the member who has given the notice or by some other member on their behalf, it shall, unless postponed by leave of the Council, be considered as dropped and shall not be moved without fresh notice having first been given in accordance with these Standing Orders.
26. Any motion or amendment to rescind or amend any decision which has been passed within the preceding six months, and any motion or amendment to the same effect as any motion or amendment which has been negatived within the preceding six months, shall not be in order unless notice thereof has been duly given and has been specified in the notice calling the meeting. The notice of motion or amendment shall bear the signature of the member who proposes the motion and also signatures of at least six other members. When any such motion or amendment has been disposed of by the Council, it shall not be competent for any member to propose a similar motion or amendment within a further period of six months. In the event of there being any doubt as to the motion or amendment being a similar one, the question shall be decided by the Chair. The only exception to this will be if the subject of a petition linked to a decision of the Executive Committee is referred to Council from the Scrutiny & Petitions Committee.
27. If any motion of which notice has been given is in the opinion of the Chair irrelevant, incompetent or otherwise out of order, the Chair shall so rule and that ruling shall not be subject to challenge, and the motion shall not be given consideration.
28. Standing Orders 24, 25 and 26 shall not apply to motions which are moved by members in pursuance of a Minute or report of a committee, nor shall they apply where the Chair decides, in terms of Section 50B(4)(b) of the 1973 Act, that the matter is one of urgency.
29. Any motion purporting to rescind or to alter any duly authorised decision relating to the following matters shall be out of order; viz:
- (a) action to which the Council is already committed in implement of a decision already taken;
- (b) the appointment of Officials;
- (c) a matter in which the Council acted in an administrative or quasi-judicial capacity in relation to determining a planning application, or an application for a licence, or in relation to the status of a licence holder or similar matters, or in terms of which prescribed steps were taken in a statutory procedure;
- (d) the acceptance of tenders or the authorisation of payment of accounts.

## **Debate**

30. Every motion or amendment shall require to be moved and seconded, and, if required by the Chair, shall be in writing and shall be handed or sent electronically to the proper officer and read to the meeting by them before it is further discussed or put to the meeting. No member shall move or second more than one motion or amendment in relation to each recommendation contained within an item of business. In the event, however, that a motion or amendment moved or seconded by a member has been withdrawn, they shall then be able to move or second another motion or amendment.
31. A motion or amendment which is not seconded or is withdrawn will fall and will not be discussed or recorded in the Minutes, except that, in the event of them having moved the direct negative, the mover of an amendment will be entitled to have their dissent recorded to the decision taken on the item of business. This is the only reason for dissent to be recorded in a Minute.
32. Once moved and seconded, a motion or amendment will not be withdrawn without the consent of the mover and seconder. The Chair has power to rule out of order in terms of these Standing Orders any motion or amendment, including any which is, in their opinion, substantially the same as one previously moved, whether or not that has carried or failed to carry.
33. A motion to which no amendment is moved may be the subject of debate at the sole discretion of the Chair, if the subject matter is considered by the Chair to be of special interest to the meeting, otherwise the motion will be declared carried.
34. Except when presenting a Minute or report, no member shall speak on any item for longer than five minutes, unless by permission of the Chair.
35. At the discretion of the Chair, a member may address the Council more than once on any motion or amendment. A member may speak to a Point of Order or in explanation of some material part of a speech made by them which they believe to have been misunderstood or in reply to a question addressed to them through the Chair.
36. At the close of any speech, any member who has not spoken on the question before the meeting may move "That the question be now put", and, if this is seconded, unless they consider that the motion is an abuse of Standing Orders, the Chair shall, without further debate and without speeches on the motion, take a vote on the closure of debate. If the motion is carried, the mover of the original motion shall have the right to reply to any points made in the debate preceding the motion for closure and the question under discussion shall then be put to the meeting.
37. Any member may raise a Point of Order at any time during a Meeting. Any other member who is addressing the Chair at the time will immediately stop speaking until the Point of Order is decided. The member raising the Point of Order will advise the chair of which Standing Order they consider is being infringed and thereafter, without debate, await the Chair's ruling. No other member may speak to the Point of Order unless with the permission of the Chair. The Chair's ruling on the Point of Order will be final, whereupon the member who had been addressing the Chair will be entitled to resume their speech, giving effect, if necessary, to the Chair's ruling.



### **Questions on Delegated Matters**

38. A member shall have the right to ask a question at a Council meeting on any matter delegated to a committee or sub-committee in terms of the Council's Scheme of Administration and contained in the Minutes presented to the Council, subject to the following procedure:-
- (a) the details of the question on the delegated matter are given to the Clerk to the Council in writing or by email no later than 10 a.m. on the fourth last working day prior to the meeting of the Council;
  - (b) the question should be addressed to the Convener or, where appropriate, to the relevant Chair of a Committee, and the Convener may ask an appropriate member to provide a reply;
  - (c) any question which, in the opinion of the Convener, is not a genuine request for information and/or which is not directly related to the section of the Minute dealing with the delegated matter in question shall, at their sole discretion, be disallowed and shall not be the subject of any response;
  - (d) the question shall be put, and the answer given, without any discussion;
  - (e) the member submitting the question shall be allowed to ask no more than one supplementary question arising directly out of the reply; and
  - (f) a written answer to the question will be given to the member after the meeting by the relevant Director.

### **Questions to the Leader/Executive Members**

39. A member shall have the right at a Council meeting to address a question to the Leader or to an Executive Member on any matter of current concern or relevance, subject to the following procedure:-
- (a) the details of the question are given to the Clerk to the Council in writing no later than 10 a.m. on the fourth last working day prior to the meeting of the Council;
  - (b) the question should be addressed to the Leader or the Executive Member, as the case may be, through the Convener, and the Convener may ask the appropriate member to provide a reply;
  - (c) any question which, in the opinion of the Convener, is not a genuine request for information and/or which is not directly related to a relevant issue shall, at their sole discretion, be disallowed and shall not be the subject of any response;
  - (d) the question shall be put, and the answer given, without any discussion;
  - (e) the member submitting the question shall be allowed to ask no more than one supplementary question arising directly out of the reply; and

- (f) a written answer to the question will be given to the member after the meeting by the relevant Director.

## **Voting**

40. Subject to Standing Order No. 57 (Suspension of Standing Orders) and any statutory provisions concerning a minimum number of votes required to decide a matter, every question shall be determined the majority of the Council present and voting. In the case of an equality of votes, the Chair 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 or other person to any particular office, committee or post, in which case the terms of Standing Order No. 43 shall apply.
41. Subject to Standing Order No. 43, voting shall be by a show of hands or by an alternative indication when a meeting is being held remotely, unless the Council decide that the voting shall be by either (a) roll call, in which case the name of each member casting for the motion or amendment or amendments or abstaining will be taken down in writing and recorded in the Minutes, or (b) by secret ballot, when voting will be carried out by that method. Any proposal that voting be by roll call must be moved, seconded and approved by the Council before the Chair indicates that the question before the meeting is to be put to the vote.
42. Apart from voting in relation to Standing Order No. 43, when a motion and an amendment are before the Meeting, members shall vote either for the motion or for the amendment. If more than one amendment is proposed and seconded, then any amendment which involves the direct negative to the motion shall be voted on first directly against the motion. If the negative amendment falls, then any other amendments, not involving the direct negative, shall be voted on as follows:-
- (a) If two amendments to a motion are before the Meeting, then these amendments shall be put to the vote against each other, with the winning amendment being put against the motion.
- (b) If more than two amendments to a motion are before the Meeting, any similar amendments shall be taken against each other first and thereafter in the order in which they were proposed. Once all amendments are dealt with, the remaining amendment shall be put against the original motion.
43. (a) Where there are two or more candidates for appointment to an office, a committee membership/appointment or a post, voting shall be by secret ballot. If on the first ballot any candidate obtains the support of an absolute majority of those voting (i.e. one candidate gains more than half the votes of those voting), they shall be held to be duly elected/appointed. In the event of no candidate obtaining the support of such majority, the name of the candidate having the fewest votes shall be struck out and a new vote taken between the others, and so on until one candidate obtains the votes of an absolute majority of those voting. At any stage of voting, should two or more candidates rank as having the smaller or smallest number of votes but with an equal number of votes each to the other, the matter will be dealt with as follows. A vote or votes shall be taken between such candidates having the smaller or smallest but equal number of votes and the candidate then having the smaller or smallest number of votes shall be struck out in order to determine the name or names of the candidate or

candidates who should go forward in successive voting. In the event of there still being an equality of votes, the decision will be by lot, except where the matter relates to a staff appointment where, if a determination cannot be arrived at due to an equality of voting, the matter will be the subject of re-advertisement and re-consideration.

- (b) Where the number of vacancies for membership of a particular committee or appointments exceeds one and where the number of candidates exceeds the number of vacancies, then the "first past the post" method of voting shall apply through secret ballot, subject to the following provisions. Each member shall be allowed to cast up to a maximum of the same number of votes as there are vacancies. The number of candidates amounting to the same number as there are vacancies and receiving the highest numbers of votes cast shall be held to be duly elected. In the event of an equality of votes between two or more candidates which affects such election, the decision will be by lot.

### **Finance**

- 44. The financial administration of the Council will be carried out in accordance with the Financial Regulations approved by the Council.

### **Procurement**

- 45. Procurement and contract activities of the Council will be carried out in accordance with the separate Procurement and Contract Standing Orders approved by the Council.

### **Common Seal**

- 46. The Common Seal of the Council shall be in the custody of the Chief Legal Officer and shall be affixed to any document which requires to be sealed in order to give effect to a decision of the Council. All deeds or documents to which the Common Seal of the Council is affixed shall also be signed by an officer properly authorised for that purpose.

### **Authentication of Notices**

- 47. Every notice, order, demand, requisition or other such document or withdrawal thereof by the Council required or authorised by any enactment, statutory order or bye-law shall, except in so far as such enactment or statutory order specifically otherwise provides, be signed by the proper officer.

### **Committees**

- 48. The Council shall appoint such committees as they consider necessary and shall prepare and adopt a Scheme of Administration on the reference and delegation to committees and sub-committees, and a Scheme of Delegation to officers for the purpose of arranging for the discharge of the functions of the Council.

### **Emergency Powers**

- 49.(a) (i) Notwithstanding the terms of Standing Orders and the Scheme of Administration, including in relation to delegated matters, where a situation or condition arises which is, in the opinion of the Chief

Executive, whom failing another Director appointed by the Chief Executive, of such urgency as to make it unwise to delay a decision until the next meeting of the committee concerned with the function in question or the next Ordinary Meeting of the Council, a system of Emergency Powers shall be exercisable. In such circumstances, the appropriate Officer specified shall, following consultation with (a) the Convener, whom failing the Vice-Convener, (b) the Leader of the Council, whom failing the Depute Leaders of the Council, and (c) a member of the Executive having the Portfolio for the matter concerned, whom failing any other member of the Executive, have power to take all steps and make any decisions considered necessary to deal with the situation, which steps and decisions shall be binding upon the Council. Such Emergency Powers decisions shall be reported to the next available meeting of Scottish Borders Council for noting.

(ii) Where the Chief Executive, in consultation with the Convener or Chair of the Committee, considers it appropriate, and with the reason being recorded in the Minute, meetings of Council and its committees may be conducted in the following manner:

- The Chair or Convener of the meeting (whom failing their Deputy) shall direct that the meeting will take place in accordance with Section 43 of the 2003 Act.
- Elected Members who are to join the meeting will do so using on line video or audio functionality;
- The meeting will otherwise be called in the usual manner, with the agenda and papers published on the Council website;
- The meeting will be available to view via a livestream;
- A minute of the meeting will be taken and published on the Council website

(b) In the case of Area Partnerships, the same procedure shall apply but with the substitution of the Chair of the relevant Area Partnership for a member of the Executive having the Portfolio for the matter concerned among the persons requiring to be consulted.

(c) If, on the grounds of extreme urgency, any local public contract or framework agreement in excess of the thresholds described in standing order 48 needs to be awarded in advance of the next available meeting of the Executive, those contracts may be awarded beforehand by the Chief Executive, in consultation with the Leader or the Depute Leaders, subject to a report from the Director Finance & Procurement to the next available Executive meeting.

### **Application of Standing Orders of the Council to Committees, etc.**

50. These Standing Orders shall be the rules and regulations for the conduct of business of all meetings of the Council. They shall apply to committees and sub-committees of the Council in like manner as they apply to the Council, except in so far as Statute dictates otherwise or the terms of these Orders so require, whether expressly or by implication. Where necessary, they shall however apply with the substitution of references to the committee or sub-committee as the case may be and to the chair or vice-chair of the committee or sub-committee as

the case may be for references to the Council and Convener or Vice-Convener respectively, subject always to the following exceptions:-

- (a) Standing Orders Nos. 2, 3 and 4 shall not apply;
- (b) Standing Order No. 9 - for "one-quarter of the whole number of members of the Council" in its application to Committees shall be "one-half of the whole number of elected members of the committee, being persons elected in terms of Section 5 of the Local Government etc. (Scotland) Act 1994 and the Representation of the People Act 1983";
- (c) Standing Orders Nos. 17 and 18 shall not apply but the determination of the quorum shall be in accordance with the Council's Scheme of Administration or in accordance with the quorum determined for a sub-committee at the time of its appointment; and
- (d) In so far as Standing Order No. 24 is concerned, a notice of motion by any member of the Council may, if it otherwise meets the requirements of that Standing Order, be considered by the appropriate committee within whose Terms of Reference the matter falls irrespective of whether or not the member in whose name the notice of motion stands is a member of that committee or sub-committee.

### **Suspension of Standing Orders**

- 51. (a) So far as not inconsistent with any statutory provisions, any one or more of these Standing Orders may be suspended at any meeting upon a motion made and seconded, but so far only as regards business at such a meeting and provided that two-thirds of the members of the Council present and voting shall so decide.
- (b) Standing Orders Nos. 14, 15, 16, 17, 18, 19, 27, 29, 46, 47, 50 and 51 shall not be capable of suspension in terms of this Standing Order.

### **Amendment of Standing Orders**

- 52. These Standing Orders may be amended or revoked at any meeting of the Council provided that previous notice to that effect has been given in accordance with the provisions of these Standing Orders.

### **Code of Conduct and Members' Interests**

- 53. Members of the Council shall observe and comply in all respects with The Councillors' Code of Conduct.

### **Interpretation**

- 54. The Interpretation Act 1978 shall apply to these Standing Orders insofar as not inconsistent herewith.

In these Standing Orders, the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say -

- "the 1973 Act" means the Local Government (Scotland ) Act 1973.

- “the 1989 Act” means the Local Government and Housing Act 1989.
- “the 1994 Act” means the Local Government, etc. (Scotland) Act 1994.
- “Council” means The Scottish Borders Council constituted under the 1994 Act.
- “proper officer” means the Clerk to the Council or their duly authorised representative.
- “committee or sub-committee”, in addition to the accepted meaning, includes the Executive and any other similar body established under the Council’s Scheme of Administration.
- “member” means in relation to the Council, a member of the Council duly elected at an election or by-election or duly elected to fill a Council vacancy and who has made a declaration of acceptance of office in terms of Section 33A of the 1973 Act, and, in relation to any committee or sub-committee, a person appointed as a member of that committee or sub-committee whether or not entitled to vote.
- “monitoring officer” means the official designated as such by the Council in terms of section 5 of the Local Government and Housing Act 1989.
- “finance officer” means the proper officer referred to in section 95 of the Local Government (Scotland) Act 1973 who has responsibility for the financial affairs of the local authority.
- “chief officer” means any chief officer of the Council to whom such executive responsibility has been duly given for any purpose.
- When meetings are held under Section 43 of the Local Government in Scotland Act 2003, any references to “place” or “venue” are omitted in Standing Order Nos. 5, 8, 10, 11(a), 15(d) and 23.
- Where a meeting is being held remotely, and voting is being carried out by secret ballot in terms of Standing Order No.43, Members shall email the Committee clerk(s) with their preference.

Newtown St. Boswells, 25 August 2022

The foregoing are the Standing Orders adopted by the Scottish Borders Council on this date.