



**STANDING ORDERS**

**SCHEME OF DELEGATION TO OFFICIALS**

**AND**

**SCHEME OF PROPER OFFICER APPOINTMENTS**

Approved by Midlothian Council on: 27 September 2016



## **Corporate Governance**

***“Midlothian Council endorses the principles of Corporate Governance, namely openness and inclusivity, integrity and accountability, and the documents contained herein form an integral part of the Council’s commitment to the achievement of this.”***

***Catherine Johnstone      Kenneth Lawrie***

***Council Leader***

***Chief Executive***

## STANDING ORDERS

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## **MIDLOTHIAN COUNCIL**

### **STANDING ORDERS**

#### **1 DEFINITIONS**

##### **1.1 In these Standing Orders:**

"Act of 1973" means the Local Government (Scotland) Act 1973 as amended.

"Act of 1994" means the Local Government etc (Scotland) Act 1994.

"Council" means The Midlothian Council.

"Provost" means the Convener of the Council elected in terms of Section 4(1) of the Act of 1994.

"Depute Provost" means the Depute Convener of the Council elected in terms of Section 4(2) of the Act of 1994.

"Member" means (a) in relation to the Council, an elected member; and (b) in relation to a Committee, Sub-Committee or Other Committee, a member of any of these, whether entitled to vote or not.

"Convener of the Cabinet" means the Chair of the Cabinet, who shall be the Leader of the Council.

"Depute Convener of the Cabinet" means the Depute Chair of the Cabinet, who shall be the Depute Leader of the Council.

"Cabinet Member" means a member of the Cabinet.

"Chair" means the person chairing any meeting, including those referred to above.

##### **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.**

##### **1.3 Unless otherwise prevented by law, Members may use, or permit to be used, their electronic facsimile signature for the purpose of complying with any requirement under these Standing Orders. It shall be the responsibility of Members however to satisfy themselves as to the arrangements for the proper use and security of their electronic signature.**

#### **2 COMMENCEMENT**

These Standing Orders shall apply from 27 September 2016 and shall apply to Standing Committees, Sub-Committees and Other Committees (unless otherwise regulated), as they apply to the Council.

### 3 SUSPENDING, RESCINDING OR ALTERING STANDING ORDERS

- 3.1 One or more of the Standing Orders can be suspended for business at any meeting for the period of the meeting, provided two thirds of the Elected Members present vote for this.

i.e.

Number of Members present	Two thirds required to suspend standing orders
6	4
7	5
8	5
9	6
10	7
11	7
12	8
13	9
14	9
15	10
16	11
17	11
18	12

- 3.2 Standing Orders can only be rescinded or altered on a decision of the Council, provided at least ten Members of the whole Council vote for this.

- 3.3 Standing Order 3 may not be suspended.

### 4 ARRANGEMENTS FOR MEETINGS OF MIDLOTHIAN COUNCIL

#### 4.1 First Meeting After Elections

The first meeting of Midlothian Council after an ordinary election of Councillors will be held within 21 days of the election. The date and time of the first meeting shall be determined by the Director, Resources. The meeting will be held in the Council Chambers, Midlothian House, Dalkeith and will deal with business in the following order:-

- (i) The Returning Officer will assume the Chair until the Provost is elected;
- (ii) To note the Election of Councillors;
- (iii) To note which Councillors have Executed the Declaration of Acceptance of Office;
- (iv) Elect Provost;
- (v) Elect Depute Provost;

- (vi) Elect Leader of the Council;
- (vii) Elect Depute Leader of the Council;
- (viii) Determine Scheme of Administration and consider associated schedule of meeting dates;
- (ix) Appoint Members in accordance with the Scheme of Administration;
- (x) Appoint representatives to Joint Committees, Joint Boards and Outside Bodies;
- (xi) Elect Midlothian Licensing Board; and
- (xii) Deal with any other urgent competent business.

Unless arising from:-

- (a) the need to fill a casual vacancy; or
- (b) an amendment to the Scheme of Administration under Standing Order 4.3(x);

a proposal to replace any person duly elected or appointed under Standing Order 4.1, 4.2 or 4.3(x) shall have effect only where at least ten Members of the Council vote for this at an Ordinary or Special Meeting of the Council.

#### **4.2 First Meeting After a By-Election**

The first meeting of Midlothian Council after a by-election of will be held in line with the agreed schedule of meetings or by a special meeting of the Council. This meeting will include the following business which will be included at the commencement of the meeting:-

- (i) The Returning Officer confirms the outcome of the by-election;
- (ii) To confirm or otherwise that the newly elected Councillor(s) has/have Executed the Declaration of Acceptance of Office;
- (iii) If required, appoint newly elected Member(s) in accordance with the Scheme of Administration and confirm any further changes to the membership of these forums;
- (iv) If required, appoint newly elected Member(s) as representatives to Joint Committees, Joint Boards and Outside Bodies and confirm any further changes to the membership of these forums; and
- (v) Appoint newly elected Member(s) to Midlothian Licensing Board.

#### **4.3 Ordinary Meetings of the Council**

Ordinary meetings of the Council will be held at such places within Midlothian, at such times and on such dates as the Director, Resources

may determine, provided the period between successive meetings of the Council shall not exceed ten weeks. At an ordinary meeting of the Council, business will normally be dealt with in the following order:-

- (i) Order of Business;
- (ii) Intimations received of election of Councillors;
- (iii) Deputations, if any, to be received;
- (iv) Minutes of the immediately preceding meeting of the Council and of any intervening Special Meeting;
- (v) Receive other Minutes;
- (vi) Consideration of items "called-in" from the Cabinet;
- (vii) Leader of the Council to respond to written questions from elected members (to be lodged with the Director, Resources not less than seven clear days prior to the day of the meeting);
- (viii) Motions in the order of which notice was received;
- (ix) Filling of appointments which may arise from time to time;
- (x) Amendments to the Scheme of Administration and appointments under it;
- (xi) Fixing dates and times of meetings as required;
- (xii) Business expressly required by statute to be dealt with at the meeting;
- (xiii) Any other competent business.

Members are required to attend in person at the meeting or attend via video link provided the Director, Resources is notified at least two working days prior to the day of the meeting.

#### **4.4 Special Meetings of the Council**

A Special Meeting of the Council may be called at any time:-

- (i) by the Provost or in his/her absence the Depute Provost; or
- (ii) by the Director, Resources, on receiving a notice of motion signed by at least six Members of the Council, which meeting shall be held within fourteen days of receipt of the requisition by the Director, Resources; or
- (iii) by the Director, Resources.

The location, date and time of special meetings of the Council shall be determined by the Director, Resources.

## **5 PROVOST**

The Provost, or, if absent, the Depute Provost, whom failing another Member of the Council chosen by the meeting, shall preside at meetings of the Council.

## **6 DEPUTE PROVOST**

Subject to these Standing Orders, the Depute Provost may undertake any of the functions of the Provost.

## **7 SCHEME OF ADMINISTRATION**

7.1 The Scheme of Administration will be as shown in the Appendix to these Standing Orders.

The Scheme specifies:-

- the composition of the Council and the various Committees, Sub-Committees and other bodies etc appointed;
- what each can do;
- the arrangements for their meetings;
- what the quorum is; and
- what is to happen to their minutes.

Unless prevented by law, in exceptional cases where it has been impossible to achieve a quorum in Council, Committee or Sub-Committee because of the number of Members declaring an interest and withdrawing, the quorum can comprise any three Senior Officers of the Council, preferably Chief Officers or Heads of Service from more than one Division (always excluding the Chief Officer against whom the appeal has been taken, or representatives of that Chief Officer, in the case of the Appeals Committee). For the avoidance of doubt, this will not remove any requirement for the participation of any non-elected members (such as religious representatives, parent representatives, independent persons, Head Teachers etc.) where appropriate. As regards cases decided by Chief Officers or their representatives, the Minutes of those meetings will be submitted to the next ordinary meeting of the Council, Committee or Sub-Committee as appropriate for noting rather than for approval.

7.2 Unless otherwise covered by statute or regulation, all bodies referred to in the Scheme of Administration shall give effect to any instructions or decisions of the Council on matters of principle.

7.3 The Chair, whom failing the Depute Chair, where appointed, whom failing another Member chosen by the meeting, will preside at all meetings referred to in the Scheme of Administration, except as may otherwise be provided for by statute or regulation. This Standing Order will not however apply to meetings of the Council, the arrangements for which are stated in Standing Order 5 above.



7.4 In the event of a Committee appointing a Sub-Committee:-

- the remit and membership of the Sub-Committee will be clearly established at the time of appointment;
- the Chair, unless otherwise agreed, will be the Chair of the Parent Committee; and
- the Scheme of Administration will be updated accordingly.

7.5 Subject to Standing Order 4 and any statutory requirements, all business for meetings referred to in the Scheme of Administration will be arranged in such order as the Director, Resources thinks will best ensure its effective dispatch.

7.6 The various bodies referred to in the Scheme of Administration will meet at such places within the Midlothian Council area, at such times and on such dates as may be determined by the Council, the body itself or the Director, Resources, in consultation with the Chair.

7.7 The Director, Resources will have the power to cancel any meeting (subject to Standing Order 4 above) if it appears to him/herself that there is insufficient business to justify the holding of the meeting. In addition, the Director, Resources may postpone/re-schedule a meeting where this is agreed in consultation with the Chair.

7.8 All notices of meetings will be issued by the Director, Resources, where practicable at least seven working days and in any event not less than five clear days before the meeting, unless otherwise required by statute or regulation. Notices of meetings will include the agenda for the meeting and any reports or background papers to be considered during the meeting. These papers will be circulated to Elected Members who are members of the particular forum in the first instance and where appropriate will then be copied into Elected Members who are not members of the particular forum for information only. Notices and papers will also be published to the public via the Committee Management System unless any particular item is deemed as being exempt under the relevant section of the Local Government (Scotland) Act 1973 (as amended).

For clarity the following table describes how 'working' and 'clear' days are calculated:

Delivery of the Notice	<p>Days excluded from the calculation of 'working' days:</p> <ul style="list-style-type: none"> <li>✓ Weekends</li> <li>✓ Midlothian Council Public holidays</li> </ul> <p>Days excluded from the calculation of 'clear' days:</p> <ul style="list-style-type: none"> <li>✓ The day the notice is sent</li> <li>✓ The day of the meeting</li> <li>✓ Weekends</li> <li>✓ Midlothian Council Public holidays</li> </ul>
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- 7.9 The minutes of all meetings referred to in the Scheme of Administration will be drawn up by the Director, Resources, and will include the names of those Members who are in attendance.

The minute will typically include:

- Where appropriate, the name of the person presenting the item;
- A short introduction of each item considered;
- A brief commentary of the discussion (including any motions/ amendments/ votes);
- A note of the decision of the meeting; and
- Where appropriate, confirmation of who is to action the decision.

The minute will not detail political debate or statements by individual Elected Members or other participants at the meeting as these will be available via webcast or audio recording.

The Officer clerking the meeting will circulate the minute no later than two calendar weeks from the date of the meeting for information only pending formal approval at the next meeting. In the instance of an infrequent or ad hoc Committee meeting, the minute can be circulated to the Committee for approval no later than two weeks from the date of the meeting and then presented to the full Council for formal approval.

Where practicable the minutes of all meetings referred to in the Scheme of Administration will be referred to the next meeting of the full Council for noting and consideration of any recommendations.

Minutes of Midlothian Council meetings will be submitted to the next available full Council meeting for approval as an accurate reflection of the meeting. The approval of the minutes will be by formal motion from an Elected Member and seconded by another Elected Member follow which will be recorded in the minute of the meeting. For clarity the approval of the minutes is not an opportunity to re-open a debate from the previous meeting.

- 7.10 If within ten minutes of the time appointed for a meeting a quorum is not present, the Chair will so confirm and adjourn the meeting to a date and time which he/she may then or afterwards fix. In the event of the Chair being absent, the Director, Resources will confirm to those present that the meeting is inquorate and that no business may therefore be done. The Director, Resources will also minute that, owing to the lack of the necessary quorum, no business was done.
- 7.11 If during any meeting the attention of the Chair is drawn to the number of Members present, the Chair shall, unless it is apparent that a quorum is present, direct the roll to be called. If it is found that there is not a quorum present, the meeting will be adjourned to a date and time to be fixed by the Chair in liaison with Director, Resources.
- 7.12 These Standing Orders will apply to Committees, Sub-Committees and Other Committees (unless otherwise regulated) as they apply to the Council itself.

- 7.13 The Council may at any time, if it so determines, exercise the functions, powers and duties of any body referred to in the Scheme of Administration, unless otherwise provided for by statute or regulation.
- 7.14 A decision of the Council shall continue to be operative and binding and no motion inconsistent with it will be considered or passed for at least six months after the decision unless information which was not previously available becomes available.

## **8 NOTICES OF MOTION**

- 8.1 A Member of the Council may not give notice of more than one motion for consideration at each Council meeting.
- 8.2 A Member of the Cabinet, a Committee or Sub-Committee may not give notice of more than one motion for consideration at each meeting of the Cabinet, Committee or Sub-Committee.
- 8.3 Every notice of motion must be in writing, signed by the Member giving the notice and countersigned by at least one other Member. A Member may only be counter signatory to one motion for consideration at each Council, Cabinet, Committee or Sub-Committee meeting. The terms of the motion must be stated clearly and the notice delivered to the Director, Resources. Except in the case of a notice of motion given under Standing Order 4.4 (ii) (ie calling a Special Meeting of the Council), a notice of motion which has not been received by noon seven clear days prior to the day of the meeting will not be included on the agenda for the meeting.
- 8.4 A counter motion may be submitted to the Director, Resources no later than noon of the working day prior to the meeting that the parent motion is being considered. Any counter motion not received within this timescale will not be included within the debate for the meeting. The counter motion must meet the same criteria as a motion i.e. must be submitted in writing, signed by the Member giving the notice and countersigned by at least one other Member. A Member may only submit one counter motion for consideration at each Council, Cabinet, Committee or Sub-Committee meeting and equally a Member may only be counter signatory to one counter motion for consideration at each Council, Cabinet, Committee or Sub-Committee meeting.
- 8.5 If a motion, notice of which is specified on the agenda for a meeting, is not moved either by the Member who has given the notice or by any other Member, it will, unless postponed by the meeting, be considered as dropped and will not be moved without fresh notice.
- 8.6 It will not be competent for a Member to submit a notice of motion for a meeting unless the motion relates to a subject included in the reference to the meeting.
- 8.7 If, in the opinion of the Chair, more than one motion submitted deals with the same subject matter, only the motion first lodged will be considered. Also, if any motion, in the opinion of the Chair, deals with a matter already under consideration by the meeting that motion will not be considered.

- 8.8 During the course of the meeting that the motion is being presented to, the motion must be formally moved by the Member and formally seconded.
- 8.9 The Director, Resources in liaison with the Council's Monitoring Officer shall determine the competency and relevance of any motion submitted as per Standing Order 8.1, 8.2, 8.3 or 8.4.

## **9 ADMISSION OF MEDIA AND PUBLIC**

- 9.1 Subject to the provisions of the Local Government (Access to Information) Act 1985 and other relevant Acts and Regulations, meetings will be open to the public and representatives of the media, subject to powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting. Without prejudice to the foregoing generality, the meeting may exclude or eject any member or members of the public whose presence or conduct or behaviour is impeding or is likely to impede the work or proceedings of the meeting.
- 9.2 All meetings will be audio recorded and such recording (except items considered in private) will be available to listen to via the Council website. Council and Cabinet meetings will also be webcast both in live and archive format and will be available via the Council website.

## **10 ATTENDANCE OF COUNCILLORS WHO ARE NON-MEMBERS**

Unless otherwise prevented by statute or regulation, any elected Member may be present, but not take part, at any meeting of a Committee, Sub-Committee or Other Committee although not a Member, except meetings dealing with appointments or personnel matters (e.g. relating to discipline, grievance etc). This shall include attendance where exempt or confidential business is discussed in terms of the Local Government (Scotland) Act 1973 (as amended). However, in such cases the Member shall be bound by a requirement of confidentiality.

## **11 PROCEDURAL MATTERS**

### **11.1 Conduct**

Members shall at all times observe the requirements of the Councillors' Code of Conduct and other relative guidance issued by the Standards Commission for Scotland, including the "Guidance on Conduct in Chamber or Committee". A copy of the Councillor's Code of Conduct and the guidance issued by the Standards Commission for Scotland are included as an appendix to this document.

### **11.2 Chair - Powers and Duties - Casting Vote**

- (i) Deference will at all times be paid to the authority of the Chair, and on all points of order the Chair's ruling will be final and not open to discussion. When the Chair speaks, any Member who is addressing

the meeting will give way. It will be the duty of the Chair to preserve order and ensure that Members obtain a fair hearing. The Chair will also decide between two or more Members wishing to speak by calling on the Member first observed indicating a wish to speak.

- (ii) The Chair will be entitled, in the event of disorder arising at any meeting, to adjourn the meeting to a time he/she may then or afterwards fix, and quitting the Chair in such circumstances shall, without further procedure, have the effect of a formal adjournment of the meeting.
- (iii) In the event of any Member at any meeting disregarding the authority of the Chair or engaging in obstructive or offensive conduct, a motion may be moved and seconded to suspend the Member for the remainder of the meeting. This will be put to the meeting immediately without discussion, and, if supported by at least two-thirds of the Members present (or the nearest whole number to this) it shall be declared carried. The offending Member shall then be required by the Chair to leave the room in which the meeting is being held.
- (iv) In any division each Member shall have one vote only. The Chair, in the case of an equality of votes, will have a second or casting vote. This will not apply however when the matter which is the subject of the vote relates to the appointment of a Member of the Council to any particular office or Committee. In that case the decision will be by lot.

### 11.3 Order of Debate

- (i) A Member wishing to speak will address the Chair. If the meeting is within the Council Chamber, the Member will activate their microphone before speaking. The Member will speak strictly to the motion or amendment to be proposed or seconded or to other matters under discussion, or to a question of order.
- (ii) Every motion and every amendment relevant to the matter under discussion will be moved and seconded. The mover of a motion or of an amendment may be required by the meeting or by the Chair to state its terms or to set it down in writing. In the event of the latter it will be handed to the Chair and will be read out before being further discussed or put to the meeting.
- (iii) A Member may not move or second a motion or amendment for the election or appointment of him/herself to any of the positions referred to under Standing Order 4, whether appointed at the first meeting of the Council after the election or at a later date. Neither shall a Member vote in any personal election or appointment. This Standing Order (11.3 (iii)) will not apply when block proposals are put forward to facilitate Council business.
- (iv) Every amendment will be relevant to the motion which has been moved.

- (v) Motions or amendments which are not seconded will not be discussed or inserted in the Minutes. The dissent of any Member who is in a minority of one will, if that Member so requests, be recorded in the Minutes of the Meeting.
- (vi) The dissent of any Member who disagrees with the decision or recommendation in respect of any item discussed will, if that Member so requests, be recorded in the Minutes of the meeting.
- (vii) A motion or amendment when made and seconded will not be withdrawn without the consent of the mover and the seconder thereof, and then only with the sanction of the meeting.
- (viii) When there is more than one amendment, the Chair will have power to determine the order and manner in which the motion and amendments are put to the vote.
- (ix) When there is more than one amendment, the Chair, with the agreement of the meeting, may call for a vote on the substantive motion itself which if carried will mean that all the amendments will fall and the motion will become the decision of the meeting.

#### **11.4 Points of Order**

- (i) A Member who wishes to raise a point of order or give a personal explanation, will be entitled to be heard immediately, but will not speak for more than three minutes. A point of order must relate only to an alleged breach of a Standing Order or of a statutory provision and the Member shall specify the Standing Order or statutory provision and the way in which it is considered that it has been breached.
- (ii) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall be final and not open to discussion unless challenged by one half of the membership of the meeting (i.e. one half of those in attendance at the meeting).

#### **11.5 Voting**

- (i) Subject to the provisions of these Standing Orders, all questions will be decided by a majority of the Members present and voting.
- (ii) Any vote will be taken normally by a show of hands. The Officer clerking the meeting will confirm the number of votes. If any Member objects to the vote being taken this way and if one-third of the Members present (or the nearest whole number to this), similarly agree then the vote will be taken by calling the roll.

i.e.

<b>Number of Members present</b>	<b>One third required to agree a vote to be taken by roll call.</b>
6	2
7	2
8	3
9	3
10	3
11	4
12	4
13	4
14	5
15	5
16	5
17	6
18	6

- (iii) Where a vote by a show of hands has been taken and the accuracy of the count is immediately challenged, it will be at the Chair's discretion to call for a recount by a show of hands or to order the vote to be taken by calling the roll. In the case of a roll-call vote, the voting will be recorded so as to show how the vote was cast by each Member present, and the name of any Member present and not voting will also be recorded.

#### **11.6 Election, Selection or Appointment of Members to Office**

- (i) In the case of an election, selection or appointment of a Member or of any person to any office where the number of candidates nominated exceeds the number of vacancies, the Member or person to be elected, selected or appointed will be decided by a show of hands or by a ballot as the meeting may decide.
- (ii) Where only one vacancy requires to be filled and any candidate has an absolute majority of the votes cast then that candidate will be declared elected, selected or appointed as the case may be. Where more than one vacancy requires to be filled, then voting will again be by ballot or show of hands, and the candidates so elected, selected or appointed will be those receiving the greatest number of votes. Where there is no clear result due to an equality of votes, the candidate(s) to be eliminated shall be determined by lot.

## **12 MINUTES – REFERRED AND DELEGATED MATTERS**

12.1 When the minutes of a Committee come before the Council it shall be competent for the Council, in respect of any matter referred but not delegated, to change that decision or refer the matter in whole or in part back to the Committee for further consideration.

12.2 When the minutes of a Committee come before the Council in respect of any matter delegated but not yet fully carried into effect, the Council can refer

the matter, whether in whole or in part, back to the Committee for further consideration.

### **13 TERMINATION OF OFFICE**

Unless otherwise provided for by statute or regulation, every Member of a body referred to in the Scheme of Administration or a Member of any Joint Committee, Joint Board or other Outside Body who, at the time of appointment, is a Member of the Council, shall upon ceasing to be a Member of the Council, also cease to be a Member of that body.

### **14 VACANCIES**

Every vacancy occurring in the membership of a meeting referred to in the Scheme of Administration or among the Council's representatives on any Joint Committee, Joint Board or Outside Body will be reported by the Director, Resources to the first meeting of the Council or relevant Committee, as appropriate, after the vacancy has occurred. The Council or Committee will then fill the vacancy or agree such other action as may seem proper.

### **15 EXCEPTIONS FROM REFERENCE**

15.1 The following will be excluded from the reference to any meeting:-

- (i) any matter specifically referred to another meeting; and
- (ii) any matter which in terms of a decision of the Council is specifically excluded from such reference.

15.2 In the event of any doubt or difficulty arising over the proper co-ordination of the work of two or more bodies contained in the Scheme of Administration, then this will be referred to the Council for clarification and any necessary change.

### **16 SUBSTITUTE MEMBERS**

16.1 Where substitute Members may be appointed to an outside body, Joint Committee or Joint Board, any other Member of the Council may be authorised to act as a substitute Member unless limited by statute or regulation.

16.2 Where a substitute Member has been identified, their appointment will be confirmed to the outside body, Joint Committee or Joint Board by the Director, Resources.

### **17 APPOINTMENT OF OFFICERS**

17.1 A reference to the post of Chief Official means any of the following posts:-

Chief Executive

Director, Education, Communities and Economy



Director, Resources

Joint Director, Health and Social Care

The appointment of Chief Officials will be by the Council, on a recommendation by the Cabinet, which will also recommend conditions to apply to the posts.

17.2 The appointment of Heads of Service shall be by the Cabinet, which shall agree conditions to be attached to the posts.

17.3 The authorised establishments of the Directorates of the Council will be determined by the Cabinet.

17.4 Any reference to a specified officer of the Council in these Standing Orders shall include any member of staff under the direction of that officer.

## **18 SHARED SERVICE OFFICER APPOINTMENTS**

Where the Council agrees to appoint an officer under a Shared Service agreement with another local authority (or authorities or other bodies) then the arrangements for the appointment of that officer shall be as determined between the bodies concerned.

## **19 CHIEF EXECUTIVE**

19.1 The Head of the Council's paid service will be the Chief Executive who will have authority over all other officers except where a Chief Official or other officer is carrying out a responsibility imposed by statute.

19.2 The Chief Executive, after discussion with the Leader of the Council, whom failing the Depute Leader of the Council, will have authority to take decisions where urgent or immediate action is required.

19.3 In the absence of the Chief Executive, any Chief Official may assume the duties, powers and responsibilities of the Chief Executive.

## **20 DUTIES AND CONDUCT OF OFFICERS**

20.1 The Officers of the Council shall at all times observe such regulations for official conduct as may be prescribed by the Council, including without prejudice to the generality the Code of Conduct for Employees of Midlothian Council.

20.2 Officers of the Council shall, as soon as it comes to their notice that the Council or any Committee has entered or proposes to enter into a contract in which they have a pecuniary interest, whether direct or indirect, give notice in writing in the manner provided by Section 68 of the Local Government (Scotland) Act 1973 (as amended).

## **21 WORKS, GOODS, SERVICES ETC TO BE BY CONTRACT**

21.1 Chief Officials may award contracts valued at less than £50,000 without using any of the methods in 22.3 below but in so doing must be able to demonstrate Best Value. Normally, this will involve adhering to the following guidelines in the Council's Procurement Policies and Procedures Manual:-

- For Contracts between £1,000 and £5,000, a minimum of three written or electronic quotations should be obtained; and
- For Contracts between £5,000 and £50,000, a minimum of three written or electronic quotations should be obtained.

Non-competitive action for contracts less than £50,000 may be approved by Chief Officials but only in the exceptional circumstances as detailed within the Council's Procurement Policies and Procedures Manual.

21.2 Tenders below an estimated contract value of £50,000 can be received and opened in the Directorate responsible for the contract but must be opened in the presence of the Chief Official or the Head of Service and not by an officer involved in the preparation of the specification.

21.3 For contracts valued at over £50,000, Chief Officials cannot award contracts unless tenders have been invited using one of the following methods:-

- (a) a notice in the European Journal (for contracts over a certain value);
- (b) public advertisement (for contracts between £50,000 and the European threshold and where the expense is warranted);
- (c) a select list of contractors compiled from the Council's Approved Lists of Contractors; or
- (d) by another method approved by the Cabinet.

21.4 For all contracts over £50,000, Chief Officials must accept the most economically advantageous tender in accordance with the tender evaluation criteria previously established for that contract.

21.5 For all contracts over £50,000, Chief Officials may in exceptional circumstances, as detailed in the Procurement Policies and Procedures Manual, issue a tender to one nominated contractor. All requests to proceed with such non-competitive action must be approved by the Director, Resources in advance, after discussion with the Leader of the Council.

21.6 For contracts over £50,000, tenders must be received by the Director, Resources and opened in the presence of a Member of the Council.

21.7 All tenders must be invited, received, opened and evaluated in accordance with the Council's Procurement Policies and Procedures Manual.

## **22 COMMON SEAL**

- 22.1 The Common Seal of the Council will be kept by the Director, Resources, who will be responsible for its safe custody.
- 22.2 The Common Seal will be affixed to a deed or other document only if authority to affix the seal to the deed or other document has been given by the Director, Resources.
- 22.3 An entry of the sealing of every deed and other document to which the Common Seal has been affixed will be made by the Director, Resources in a Register to be provided for that purpose, and the Director, Resources subscribing the deed or other document on behalf of the Council will also sign against the appropriate entry in such Register.
- 22.4 For the avoidance of doubt, as an alternative to affixing the Common Seal and subscription by the Director, Resources, self-proving execution shall also be competent by way of subscription by the Director, Resources, as attested by the subscription of a single witness.

## **23 DELEGATION TO PARENT COUNCIL**

Nothing in these Standing Orders or in the Appendix hereto shall apply to any matters delegated, in a Scheme of Delegation approved by the Council, to a Head Teacher or a Parent Council.

These are the Standing Orders of the Midlothian Council approved and adopted at the meeting of the Council held on 27 September 2016 for implementation on 27 September 2016.

.....Provost

.....Leader

.....Chief Executive

.....Director, Resources