

## WEST DUNBARTONSHIRE COUNCIL

### Report by the Executive Director of Corporate Services

Council : 29 September 2010

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**Subject: West Dunbartonshire Community Health and Care Partnership - Standing Orders for Meetings**

#### **1. Purpose**

- 1.1 To propose a single style of Standing Orders which can be used by the Community Health and Care Partnership (CHCP).

#### **2. Background**

- 2.1 In legal terms the Partnership consists of two separate bodies, being:-
- A Committee of Greater Glasgow & Clyde NHS Board whose membership, functions etc are detailed in the West Dunbartonshire Community Health and Care Partnership to be approved by the Scottish Ministers; and
  - A Sub-Committee of West Dunbartonshire Council created under Section 56 of the Local Government (Scotland) Act 1973. The Council decision which creates and delegates functions to this body will agree its membership and functions.
- 2.2 Normally each of these bodies would have their own Standing Orders. However, the intention is that each of these bodies will meet simultaneously. It would be impracticable to do so, if each body had different Standing Orders. Accordingly, the purpose of this report is to propose a single set of Standing Orders for meetings of the Partnership.

#### **3. Main Issues**

- 3.1 The creation of a single set of Standing Orders is slightly complicated by the fact that the Community Health Partnerships (Scotland) Regulations 2004 prescribe a number of provisions which must be included in the Standing Orders of a Community Health Partnership. Similarly, Schedule 7 of the Local Government (Scotland) Act 1973 includes a number of mandatory provisions which must apply to meetings of a local authority sub-committee. Accordingly, the Standing Orders have been drafted to ensure compliance with both the 2004 Regulations and the 1973 Act.

- 3.2 The Standing Orders have been drafted by using existing provisions from the West Dunbartonshire CHP Standing Orders and the West Dunbartonshire Council Standing Orders. In many cases the Standing Orders were similar. Key issues where there were differences included:-
- Deputies - the CHP Standing Orders provide for a named deputy to attend where the main nominee is absent, unlike the Council's Standing Orders. As the NHS representation is meant to incorporate representation from a number of different bodies (i.e. a Professional Advisory Group, the Staff Partnership Forum and the Public Partnership Forum), it is thought important to retain the ability to have deputies. Accordingly, this provision has been included in the new draft.
  - The CHP Standing Orders were largely silent on the detailed procedure for dealing with motions and during debate. This has been included from the Council's Standing Orders.
  - Council Standing Orders do not allow a decision made within the previous six months to be overturned, except with a two-thirds majority to suspend Standing Orders. This was absent from the CHP style although the Standing Orders for the Health Board do include such a provision. It has therefore been included in the draft.
- 3.3 The Standing Orders provide that where there is not consensus on any decision, that only Council Members will be eligible to vote on local authority functions, and only Health board Members will be eligible to vote on Health Board functions. This encourages decisions to be made by consensus and avoids any chance of one partner overruling the other.
- 3.4 The proposed new Standing Orders for meetings of the Partnership are attached as Appendix 1 hereto. . The Shadow CHCP considered these Standing Orders at its meeting on 11 August 2010 and their recommendations have been incorporated into Appendix 1.

#### **4. People Issues**

- 4.1 There are no people issues.

#### **5. Financial Implications**

- 5.1 There are no financial implications.

#### **6. Risk Analysis**

- 6.1 From a good governance point of view, it is important to have up-to-date and effective Standing Orders.

## **7. Equalities Impact Assessment**

- 7.1 No significant issues were identified regarding potential equalities impact of these Standing Orders.

## **8. Recommendations**

- 8.1 Council is recommended to approve the Standing Orders for meetings of the CHCP as contained in Appendix 1.

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**Appendices:** Appendix 1 - West Dunbartonshire Community Health and Care Partnership - Proposed Standing Orders for Meetings

**Background Papers:** None

**Wards:** All

**APPENDIX 1**

**WEST DUNBARTONSHIRE COMMUNITY HEALTH  
AND CARE PARTNERSHIP**

**STANDING ORDERS FOR MEETINGS**

## **1. General**

- 1.1** West Dunbartonshire Community Health and Care Partnership comprises of two separate legal bodies being (a) a Committee of the Greater Glasgow Health Board (“the Board”) constituted in terms of the West Dunbartonshire Community Health and Care Partnership Scheme of Establishment approved by the Scottish Ministers; and (b) a Sub-Committee of the West Dunbartonshire Council (“the Council”) constituted in terms of Section 56 of the Local Government (Scotland) Act 1973. As the Committee and Sub-Committee have identical membership and will meet simultaneously and make decisions on functions delegated from both the Board and the Council, the Board and the Council have resolved that a single identical set of Standing Orders will apply to both the Committee and the Sub-Committee.
- 1.2** In these Standing Orders “the Partnership” shall mean both the Committee of the Health Board and the Sub-Committee of the Council as specified in paragraph 1.1.
- 1.3** These Standing Orders are made in accordance with the Community Health Partnership (Scotland) Regulations 2004 (SSI 2004 386), the West Dunbartonshire Community Health and Care Partnership Scheme of Establishment approved by Scottish Ministers and the Local Government (Scotland) Act 1973.
- 1.4** Any statutory provision, regulation or direction issued by the Scottish Ministers shall have precedence if they are in conflict with the Standing Orders.

## **2. Membership**

- 2.1** Membership of the Partnership shall comprise six Members nominated by the Board, the categories of which are more particularly detailed in the West Dunbartonshire Community Health and Care Partnership Scheme of Establishment approved by Scottish Ministers and six persons appointed by the West Dunbartonshire Council.
- 2.2** The term of office of Members of the Partnership shall be last until the day of the next ordinary Elections for Local Government Councillors in Scotland. NHS Board nominees are reaffirmed on an annual basis.
- 2.3** Where a Member resigns or otherwise ceases to hold office, the person appointed in his/her place shall be appointed for the unexpired term of the Member they replace.
- 2.4** On expiry of a Member’s term of appointment the Member shall be eligible for re-appointment provided that he/she remains eligible and is not otherwise disqualified from appointment.

- 2.5** Any Member appointed to the Partnership who ceases to fulfil the requirements for membership detailed in the Scheme of Establishment approved by the Scottish Ministers shall be removed from membership on the serving by the Board of notice to that effect.
- 2.6** A Member of the Partnership may resign his/her membership at any time during their term of office by giving notice to both the Health Board's Head of Board Administration or the Council's Head of Legal, Administrative and Regulatory Services. The resignation shall take effect from the date notified in the notice or on the date of receipt if no date is notified.
- 2.7** If Member has not attended three consecutive Ordinary Meetings of the Partnership, the Board and the Council shall, by giving notice in writing to that Member, remove that person from office unless the Board are satisfied that :-
- (a) The absence was due to illness or other reasonable cause; and
  - (b) The Member will be able to attend future Meetings within such period as the Board consider reasonable.
- 2.8** Named Deputies for Members of the Partnership may be appointed by the Board and the Council. The appointment of such Deputies will be subject to the same rules and procedures for Members. Deputies shall receive papers for Meetings of the Partnership but shall be entitled to attend or vote at a Meeting only in the absence of the principal Member they represent.
- 2.9** The acts, meetings or proceedings of the Partnership shall not be invalidated by any defect in the appointment of any Member.
- 3. Chair**
- 3.1** The Chair of the Partnership shall be the elected member of the Council who is the Council's Social Work and Health Spokesperson.
- 3.2** The Vice-Chair of the Partnership shall be a Board appointee. The Vice-Chair may act in all respects as the Chair of the Partnership if the Chair is absent or otherwise unable to perform his/her duties.
- 3.3** At every Meeting of the Partnership the Chair, if present, shall preside. If the Chair is absent from any Meeting the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent, a chair shall be appointed from within the members present for that meeting.
- 3.4** If a Depute Member is appointed for the Chair or the Vice-Chair the person so appointed shall have no right to assume the role of Chair or Depute Chair unless appointed for that purpose by the Members for a specific Meeting.
- 3.5** Powers, authority and duties of Chair and Vice-Chair.

The Chair shall amongst other things:-

- (a) Preserve order and ensure that every Member has a fair Hearing;
- (b) Decide on matters of relevancy, competency and order, and whether to have a recess during the Meeting, having taken into account any advice offered by the Partnership Director or other relevant officer in attendance at the Meeting;
- (c) Determine the order in which speakers can be heard;
- (d) Ensure that due and sufficient opportunity is given to Members who wish to speak to express their views on any subject under discussion;
- (e) If requested by any Member ask the mover of a motion, or an amendment, to state its terms;
- (f) Maintain order and at his/her discretion, order the exclusion of any Member of the public who is deemed to have caused disorder or misbehaved;
- (g) The decision of the Chair on all matters within his/her jurisdiction shall be final;
- (h) Deference shall at all times be paid to the authority of the Chair. When he/she rises to speak, the Chair shall be heard without interruption and
- (i) Members shall address the Chair while speaking;

#### **4. Meetings**

- 4.1** The Partnership shall meet at such place and such frequency as may be agreed by the Partnership.
- 4.2** The Chair may convene Special Meetings if it appears to him/her that there are items of urgent business to be considered. Such Meetings will be held at a time, date and venue as determined by the Chair. If the Office of Chair is vacant, or if the Chair is unable to act for any reason the Vice-Chair may at any time call such a Meeting.
- 4.3** If the Chair refuses to call a Meeting of the Partnership after a requisition for that purpose specifying the business proposed to be transacted, signed by at least one third of the whole number of Members, has been presented to the Chair or if, without so refusing, the Chair does not call a Meeting within seven days after such requisition has been presented, those Members who presented the requisition may forthwith call a Meeting provided no business shall be transacted at the Meeting other than specified in the requisition.

## **5. Notice of Meeting**

- 5.1** Except in the case of urgency, all Meetings of the Partnership will be called by Circular containing the Agenda of the Meeting not less than nine clear working days before the date of the Meeting.
- 5.2** Before every Meeting of the Partnership a Notice of the Meeting, specifying the time, place and business to be transacted at it and signed by the Chair, or by a Member authorised by the Chair to sign on that person's behalf, shall be delivered to every Member or sent by post to the usual place of residence of such Members or delivered by electronic means so as to be available to them at least nine clear days before the Meeting. Members may opt in writing addressed to the Partnership Director to have Notice of Meetings delivered to an alternative address. Such Notice will remain valid until rescinded in writing. Lack of service of the Notice on any Member shall not affect the validity of a Meeting.
- 5.3** In the case of a Meeting of the Partnership called by Members in default of the Chair, the Notice shall be signed by those Members who requisitioned the Meeting.
- 5.4** At all Ordinary or Special Meetings of the Partnership, no business other than that on the Agenda shall be discussed or adopted except where 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.

## **6. Quorum**

- 6.1** No business shall be transacted at a Meeting of the Partnership unless there are present, and entitled to vote both Council and Health Board members and at least one third of the whole number of Members of the Partnership.

## **7. Codes of Conduct and Conflicts of Interest**

- 7.1** Members of the Partnership shall subscribe to and comply with both the Standards in Public Life - Code of Conduct for Members of Devolved Public Bodies and Councillors Code of Conduct and Guidance made in respect thereto which are incorporated into the Standing Orders.
- 7.2** If any Member has a financial or non-financial interest as defined in the Councillors' Code of Conduct or the Code of Conduct of Members of Devolved Public Bodies and is present at any Meeting at which the matter is to be considered, he/she must as soon as practical, after the Meeting starts, disclose that he/she has an interest and the nature of that interest and if he/she is precluded from taking part in consideration of that matter.
- 7.3** If a Member or any associate of theirs has any pecuniary or any other interest direct or indirect, in any Contract or proposed Contract or other matter and that Member is present at a Meeting of the Partnership, that Member shall



disclose the fact and the nature of the relevant interest and shall not be entitled to vote on any question with respect to it. A Member shall not be treated as having any interest in any Contract or matter if it cannot reasonably be regarded as likely to significantly affect or influence the voting by that Member on any question with respect to that Contract or matter.

- 7.4** A Member who has an interest in service delivery may participate in the business of the Committee, except where they have a direct and significant interest in a matter, unless the Committee formally decides and records in the Minutes of the Meeting that the public interest is best served by the Member remaining in the Meeting and contributing to the discussion. During the taking of a decision by the Committee on such matter, the Member concerned shall absent him/herself from the Meeting.

## **8. Adjournment of Meetings**

- 8.1** A Meeting of the Partnership may be adjourned by a motion, which shall be moved and seconded and put to the Meeting without discussion. If such a motion is carried by a simple majority of those present and entitled to vote, the Meeting shall be adjourned to another day, time and place specified in the motion.

## **9. Disclosure of Information**

- 9.1** No Member or Officer shall disclose to any person any information which falls into the following categories:-

- Confidential information within the meaning of Section 15(a)(2) of the Local Government (Scotland) Act 1973.
- The full or any part of any document marked “not for publication by virtue of the appropriate paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.
- Any information regarding proceedings of the Partnership from which the Public have been excluded unless or until disclosure has been authorised by the Council or the Board or the information has been made available to the Press or to the Public under the terms of the relevant legislation.

Without prejudice to the foregoing no Member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a Member where such disclosure would be to the advantage of the Member or of anyone known to him/her or which would be to the disadvantage of the Partnership, the Council or the Board.

## **10. Recording or Proceedings**

No sound, film, video tape, digital or photographic recording of the proceedings of any Meeting shall be made without the prior written approval of the Partnership.

## **11. Admission of Press and Public**

(a) Subject to the extent of the accommodation available and subject to the terms of Sections 50A and 50E of the Local Government (Scotland) Act 1973, Meetings of the Partnership shall be open to the public. The Partnership Director shall be responsible for giving public notice of the time and place of each Meeting of the Partnership by posting within the main offices of the CHCP not less than three clear days before the date of each Meeting.

(b) Every Meeting of the Partnership shall be open to the public but these provisions shall be without prejudice to the Partnership's powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at a Meeting. The Partnership may exclude or eject from a Meeting a member or members of the Press and Public whose presents or conduct is impeding the work or proceedings of the Partnership.

## **12. Alteration, Deletion and Rescission of Decisions of the Partnership**

Except insofar as required by reason of illegality, no motion to alter, delete or rescind a decision of the Partnership will be competent within six months from the date of adoption of that Resolution, unless a decision is made prior to consideration of the matter so suspend this Standing Order in terms of Standing Order 13.

## **13. Suspension, Deletion or Amendment of Standing Orders**

Any one or more of the Standing Orders in the case of emergency as determined by the Chair upon motion may be suspended, amended or deleted at any Meeting so far as regards any business at such Meeting provided that two thirds of the Members of the Partnership present and voting shall so decide. Any motion to suspend Standing Orders shall state the number or terms of the Standing Order(s) to be suspended.

## **14. Motions, Amendment and Debate**

(a) It will be competent for any Member of the Partnership at a Meeting of the Partnership to move a motion directly arising out of the business before the Meeting.

- (b) In the event that there is not consensus as to a decision, only Members appointed by the Council will be able to raise a motion or amendment in relation to Council functions. Similarly, if there is no consensus, only Health Board appointed Members will be able to raise motions or amendments in relation to Health Board functions.
- (c) No Member, with the exception of the mover of the motion or amendment, will speak supporting the motion or amendment until the same will have been seconded.
- (d) Subject to the right of the mover of a motion, and the mover of an amendment, to reply, no Member will speak more than once on the same question at any Meeting of the Partnership except:-
  - On a question of Order
  - With the permission of the Chair
  - In explanation or to clear up a misunderstanding in some material part of his/her speech.

In all of the above cases no new matter will be introduced.

- (e) A seconder of a motion or amendment must reserve their right to speak if they intend to speak at a later period in the debate.
- (f) The mover of an amendment and thereafter the mover of the original motion will have the right of reply for a period of not more than 5 minutes. He/she will introduce no new matter and once a reply in commenced, no other Member will speak on the subject of debate, except as provided for in Standing Order 20(e). Once these movers have replied, the discussion will be held closed and the Chair will call for the vote to be taken.
- (g) Amendments must be relevant to the motions to which they relate and no Member will be at liberty to move or second more than one amendment to any motion, unless the mover of an amendment has failed to have it seconded. The mover and seconder of the motion will not move an amendment or second an amendment, unless the mover of the motion has failed to have it seconded.
- (h) It will be competent for any Member who has not already spoken in a debate to move the closure of such debate. On such motion being seconded, the vote will be taken, and if a majority of the Members present vote for the motion, the debate will be closed. However, closure is subject to the right of the mover of the motion and of the amendment(s) to reply. Thereafter, a vote will be taken immediately on the subject of the debate.

- (i) Any Member may indicate his/her desire to ask a question or offer information immediately after a speech by another Member and it will be the option of the Member to whom the question would be directed or information offered to decline or accept the question or offer of information.
- (j) When a motion is under debate, no other motion or amendment will be moved except in the following circumstances:
  - to adjourn the debate in terms of Standing Order 18; or
  - to close the debate in terms of Standing Order 20(i).
- (k) A motion or amendment once moved and seconded cannot be altered or withdrawn unless with the consent of the majority of those present.

## **15. Voting**

- (i) Every effort shall be made by Members to ensure that as many decisions as possible are made by consensus. However, in the event that there is no consensus then only Council appointees can vote on business relating to Council functions, and only Health Board appointees can vote on business relating to Health Board functions. In the event that the business relates to both Council and Health Board functions, consensus will be required to determine the matter. Failing such consensus, no vote will be taken and the status quo shall remain.
- (ii) Every question at a Meeting shall be determined by a majority of votes of the Members present and who are entitled to vote on the question. In the case of an equality of votes in relation Council functions where only Council appointees can vote, the Chair shall have a second or casting vote. In the case of an equality of votes on Health Board functions where only Health Board appointees can vote, the Vice Chair shall have a second or casting vote.

## **16. Minutes**

- (i) The names of the Members and others present at a Meeting shall be recorded in the Minutes of the Meeting.
- (ii) The Minutes of the proceedings of a Meeting, including any decision or resolution made by that Meeting, shall be drawn up and submitted to the next ensuing Meeting for agreement by a person nominated by the Partnership Director, after which they will be signed by the person presiding at that Meeting. A Minute purporting to be so signed shall be received in evidence without further proof.

- (iii) Minutes of Meetings shall be submitted to the Council and the Board by the Partnership Director at the same time as they are circulated to Members of the Partnership.

## **17. Suspension and Disqualification**

Any Member of the Partnership may on reasonable cause shown be suspended from the Partnership or disqualified from taking part in any business of the Partnership in circumstances specified for Board appointed nominees by the Board, and for Council appointed nominees by the Council.

## **18. Working Groups**

- (a) The Partnership may establish any Working Group as may be required from time to time but each Working Group shall have a limited time span as may be determined by the Partnership.
- (b) The Membership, Chair and quorum of Working Groups will be determined by the Partnership.
- (c) A Working Group does not have any delegated powers to implement its findings and will prepare a Report for consideration by the Partnership
- (d) Agendas for consideration at Working Groups will be issued by electronic means to all Members no later than two days (not including Saturday and Sunday) prior to the start of the Meeting.