

SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP

STANDING ORDERS

(last amended 10 November 2017)

Amendment History

Version	Amendments
1 March 2006	Adopted by Board
21 May 2010 review	No changes
13 July 2012	No changes pending review
15 March 2013	Amendments as below agreed by Board
Standing Order No	Considerations/ Proposed Amendment
3. Definitions	Reference added -Regional Transport Partnerships (Establishment, Constitution and membership) (Scotland) Order 2005
4. Chair and Depute Chairperson	definition regarding duration of ordinary Membership - amended to reference the constitution and duration of Membership as outlined in the 2005 Order above
7.1 – Quorum	Currently quorum is one – fourth or only two Members - amended to one third of all Members
9.3.3 – Voting	Transparent decision making replaced “show of hands” with roll call
25 – Exclusion of Press and Public	Transparent decision making – amended to take into provide legal authority for the exclusion of press and public
30 June 2017	No changes pending review
10 November 2017	Amendments as below agreed by the Board
25 Exclusion of press and public	<p>Standing Order 25 Exclusion of Press and Public as amended with regard to 25.3 and the addition of 25.4 as followings:-</p> <p>“25.3 The Transport Partnership may pass a resolution to meet in private in order to consider certain items of business, and may decide to do so for the following reasons:</p> <p>25.3.1 The business relates to the commercial interests of any person and confidentiality is required, e.g. when there is an ongoing tendering process or contract negotiation.</p> <p>25.3.2 The business necessarily involves reference to personal information, and requires to be discussed in private in order to uphold the Data Protection Principles.</p>

	<p>25.3.3 The business necessarily involves reference to exempt information, as determined by Schedule 7A of the Local Government (Scotland) Act 1973.</p> <p>25.3.5 The Transport Partnership is otherwise legally obliged to respect the confidentiality of the information being discussed.”</p> <p>“25.4 The minutes of the meeting will reflect the reason(s) why the Transport Partnership resolved to meet in private and provide a summary of the report considered”</p>
<p>Standing Order 24 - Observers</p>	<p>9.4 Standing Order 24 Observers be amended to include a new 24.4 as follows:-</p> <p>“24.4 Reference should be made to the guidance for observers as agreed by the Transport Partnership and subject to regular review as appropriate.”</p>

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STANDING ORDERS

STANDING ORDERS FOR THE REGULATION OF PROCEEDINGS AND BUSINESS OF SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP

1 Application of Interpretation Act

The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.

2 Commencement and Duration

These Standing Orders shall apply and have effect on and after 21 December 2005 and shall remain in full unless and until they are varied or revoked.

3 Definitions

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 1975 Act" means the Local Government (Scotland) Act 1975

"the 2000 Act" means the Ethical Standards in Public Life etc (Scotland) Act 2000

"The 2005 Order" means the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005

"External Member" means a member of the Transport Partnership who is not a member of Dumfries & Galloway Council

"Member" means a member of the Transport Partnership whether or not entitled to vote

"Observer" means a person accorded the status of observer by the Transport Partnership

"Proper Officer" means the person or persons appointed to undertake the duties of the proper officer in compliance with the provisions of the Transport (Scotland) Act 2005

"Secretary" means the person appointed to undertake the duties of secretary to the Transport Partnership in compliance with the provisions of the Transport (Scotland) Act 2005

"Transport Partnership" means the South West of Scotland Transport Partnership

4 Membership, Chairperson and Depute Chairperson

- 4.1 The terms of Paragraphs 1 of Schedule 2 of the 2005 Order shall determine the arrangements for the appointment of Members
- 4.2 The duration and termination of membership is in accordance with the terms of Paragraph 2 of Schedule 2 of the 2005 Order.
- 4.3 Any person appointed by a constituent council as a councillor member of the Transport Partnership shall hold office until the first meeting of that council held after the next ordinary election following the date of that member's appointment
- 4.4 If prior to the next ordinary election following the date of the member's appointment, a councillor member of the Transport Partnership ceases to be a councillor then the member will immediately cease to be a member of the partnership.
- 4.5 Other members and observers appointed by the Transport Partnership, or the Scottish Ministers, as the case may be, shall hold office for a period of 4 years following the date of their appointment unless specified at the time of their appointment
- 4.6 At a meeting of the Transport Partnership, the Chairperson or, in his or her absence, the Depute Chairperson shall preside. If the Chairperson and Depute Chairperson are both absent from a meeting, the Secretary shall call on the Members of the Transport Partnership to choose a Member to preside.
- 4.7 The Chairperson and Depute Chairperson, upon being elected, shall hold office for a period to be determined by the Transport Partnership not exceeding two full Council terms, or until ceasing to be a Member, whichever is the earlier.

5 Meetings

- 5.1 All meetings of the Transport Partnership shall be held at such places and at such times as may be fixed by the Transport Partnership.
- 5.2 Notice of the place and time of a meeting of the Transport Partnership with the agenda thereof shall be given by the Secretary not later than three clear working days before the meeting by being left at or sent by post to the usual place of residence of every Member of the Transport Partnership or to an address specified in a notice by a Member to the Secretary in terms of paragraph 2(2) of schedule 7 to the 1973 Act. The proceedings of the meeting of the Transport Partnership shall not be invalidated by an omission to send a notice of the meeting or agenda to any Member thereof or by any defect therein.
- 5.3 If a Member gives notice in writing to the Secretary that he or she desires summonses to attend meetings of the Transport

Partnership to be sent to some address specified in the notice, other than his or her place of residence, any such summons addressed to the Member and left at or sent by post to that address shall be deemed sufficient service.

- 5.4 The proceedings of a Transport Partnership shall not be invalidated by any vacancy among its number or by any defect in the election or qualifications of any Member.
- 5.5 Providing that it appears to the Chairperson that items of business so demand, an emergency meeting of the Transport Partnership may be called by the Secretary at shorter notice but in any event by intimation to the Members as soon as possible prior to the date for the meeting.
- 5.6 A special meeting of the Transport Partnership shall be called by the Secretary (a) at any time on being required so to do by the Chairperson or (b) on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting signed by at least one-fourth of the whole number of Members of the Transport Partnership, which meeting shall be held within fourteen days of receipt of the requisition by the Secretary.
- 5.7 Public notice of the time and place of the meeting shall be given by posting it at the offices of the Transport Partnership three clear working days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.
- 5.8 No business shall be transacted other than that specified in the summons relating thereto except:
 - business required by any Act to be transacted at a meeting of the Transport Partnership;
 - any other business brought before the meeting by reason of special circumstances where the Chairperson is of the opinion that the item should be considered as a matter of urgency and which special circumstances shall be specified in the Minutes.

6 Minutes

- 6.1 Minutes of the proceedings of a meeting of the Transport Partnership shall be drawn up and shall be signed at the same or next suitable meeting of the Transport Partnership by the person presiding thereat and any Minute purporting to be so signed shall be received in evidence without further proof.
- 6.2 Until the contrary is proved, a meeting of a Transport Partnership, a Minute of whose proceedings has been made and signed as above, shall be deemed to have been duly convened and held, and all the Members present at the meeting shall be deemed to have been duly qualified.

7 Quorum

- 7.1 No business shall be transacted at a meeting of the Transport Partnership unless at least one-third of all Members of the Transport Partnership are present.
- 7.2 No item of business shall be transacted at a meeting of the Transport Partnership if, in consequence of the disability of Members for voting on account of interest in that item, less than a quorum of the Transport Partnership is entitled to vote on that item.
- 7.3 If within ten minutes after the time appointed for a meeting of the Transport Partnership a quorum be not present the Chairperson shall adjourn the meeting to a time he or she may then or afterwards fix and, in the event of the Chairperson being among those absent, the Secretary shall minute that owing to the lack of the necessary quorum no business was transacted.
- 7.4 If during any meeting of the Transport Partnership the attention of the Chairperson is called to the number of Members present, he or she shall (unless it is apparent to the Chairperson that a quorum is present) direct the roll to be called and if it be found that there is not a quorum present the meeting shall thereupon terminate.

8 Order of Business

- 8.1 The business of the Transport Partnership shall proceed in the order specified in the notice calling the meeting except that any item of business may at the discretion of the Chairperson, be taken out of its order and provided that the Transport Partnership may adjourn a meeting of the Transport Partnership to any other day, hour or place. The order in the notice shall, unless circumstances otherwise require, be as follows:
 - the recording of the names of Members present;
 - the signing of Minutes of the previous meeting by the person presiding;
 - any other items on the agenda.

9 Procedure and Conduct of Meetings

9.1 Powers and Duties of Chairperson

- 9.1.1 The Chairperson shall preserve order and ensure that Members obtain a fair hearing.
- 9.1.2 The Chairperson shall decide all matters of competency and relevancy, procedure and conduct of business having taken advice from the Secretary.
- 9.1.3 The Chairperson shall decide as to the inclusion of items of business, not on the Agenda, for consideration as a matter of urgency, by reason of special circumstances which shall be specified.
- 9.1.4 In the event of any Member disregarding the authority of the Chairperson or being guilty of obstructive or offensive behaviour, a motion may be

thereupon moved to suspend the Member for the remainder of the meeting. The motion shall be put without discussion and, if carried, the Member concerned shall forthwith leave the meeting. This Standing Order also applies to all Committee and Sub-Committee meetings.

9.2 Motions and Amendments at the Meeting

- 9.2.1 A motion must be competent and relevant to the business on the agenda and any amendments and counter amendments must be competent and relevant to the motion.
- 9.2.2 A motion and any amendments or counter amendments shall be moved and seconded.
- 9.2.3 An External Member shall not move or second any motion or amendment in respect of any matter on which an External Member is not permitted to vote.
- 9.2.4 A motion or amendment or counter amendments once moved and seconded may be altered or withdrawn with the consent of the mover and seconder.
- 9.2.5 When a motion and amendment or counter amendments are before a meeting, the last counter amendment shall be voted on as against the second last until the position is reached whereby a final vote shall be taken as between the successful amendment and the motion.
- 9.2.6 A Member shall not move or second more than one amendment or counter amendment to a motion, unless the earlier amendment or counter amendment is withdrawn.
- 9.2.7 The mover of a motion or amendment shall not speak for more than five minutes; each succeeding speaker shall not speak for more than two minutes and shall speak only once in the same discussion unless to call attention to a point of order or with the sanction of the Chairperson to make an explanation.
- 9.2.8 The mover of an amendment and the mover of the original motion in that order shall have the right to speak for two minutes in reply, strictly confining him or herself to answering previous speakers and not introducing any new matter.
- 9.2.9 After the replies are concluded the discussion shall be held to be closed, after which no Member shall be permitted to offer an opinion or to ask a question or otherwise interrupt the proceedings or to speak, except with regard to a point of order or clarification and the question under discussion shall thereupon be put by the Chairperson.
- 9.2.10 Once a matter has been voted on, thereafter no other motion or amendment or counter amendment on the same business shall be competent at that meeting.
- 9.2.11 A motion for adjournment of the meeting shall be moved and seconded without a speech and shall have precedence over all other motions and shall at once be voted on if there is an amendment.

9.3 Voting – Majority, Roll Call, Ballot, Equality

- 9.3.1 Subject to Standing Order 9.3.2 all questions coming or arising before the Transport Partnership shall be decided by a majority of the Members present and voting except where otherwise required by statute.
- 9.3.2 An External Member may not vote on any matter in respect of which an External Member is prohibited from voting on by virtue of (1) an enactment, (2) an Act of the Scottish Parliament and an instrument made under such an Act or (3) any decision of the Transport Partnership.
- 9.3.3 Unless the Transport Partnership otherwise determine for any specific occasion:
the vote will be taken by a roll call, except:
- all votes on the appointment of Members to any particular office or Committee shall be by ballot;
 - all votes on the appointment of Officers and relating to disciplinary and grievance issues shall be by ballot.
- 9.3.4 In the case of any equality of votes, the person presiding at the meeting shall have a second or casting vote except when the matter which is the subject of the vote relates to an appointment of a Member to any particular office or Committee in which case the decision shall be by lot.

9.4 Procedure if Two or More Candidates

- 9.4.1 When the first voting does not produce an absolute majority of votes cast in favour of any candidate, then the candidate having the least number of votes shall be eliminated.
- 9.4.2 If two or more candidates have received in total less votes cast than the candidate having the next lowest number, those two or more with the least votes shall be eliminated.
- 9.4.3 If two or more candidates tie for the least number of votes cast and their votes in total exceed or equal the number of votes cast for the candidate having the next lowest number, or if all candidates receive an equal number of votes, a supplementary vote shall be taken as to which of these candidates who tie for the least number of votes cast is to be eliminated and so on until only two candidates remain.

10 Committees and Sub-Committees

- 10.1 The Transport Partnership shall appoint such Committees and Sub-Committees as they consider necessary and shall prepare and adopt Schemes of Administration and Delegation for the reference and delegation of business to Committees; as the Transport Partnership shall decide.
- 10.2 Sub-Committees shall only be established with the approval of the Transport Partnership.
- 10.3 Schemes of Administration and Delegation made and adopted by the Transport Partnership in terms of Standing Order 10.1 and any amendments made by the Transport Partnership thereto are hereby incorporated into these Orders.

11 Exclusion from Delegation to Committees etc

- 11.1 changing the name of the Transport Partnership
- 11.2 the appointment of the Chairperson and Depute Chairperson of the Transport Partnership
- 11.3 the appointment of Committees
- 11.4 the promotion and opposition of private legislation
- 11.5 receiving the certified abstract of the Transport Partnership's annual accounts
- 11.6 the consideration of reports by the Commissioner for Local Administration in terms of sections 28 and 29 of the 1975 Act
- 11.7 fixing (and amending) the constitution, membership and functions of Committees and to appoint Chairpersons, Vice Chairpersons and members of Committees.
- 11.8 fixing (and amending) a programme of Transport Partnership and Committee meetings.
- 11.9 determining the Transport Partnership's annual revenue budget and capital programme.
- 11.10 determining the process for selection, appointment and dismissal of Officers required by Statute to be appointed or dismissed only by the Transport Partnership.
- 11.11 the consideration of a statutory report from the Controller of Audit, or from the Transport Partnership's External Auditor.
- 11.12 the making (and amendment) of the Schemes of Administration and Delegation.
- 11.13 the making (and amendment) of Standing Orders.
- 11.14 authorisation to execute documents on behalf of the Transport Partnership.

12 Withdrawal of Delegation

- 12.1 A motion for the withdrawal of delegation in respect of any delegated matter shall require to be carried before such matter may be reviewed at a meeting of the Transport Partnership.
- 12.2 In consideration of a motion to remove delegation, only the Member moving removal of the delegation and any Member moving the direct negative by way of an amendment thereto shall be entitled to speak, the respective seconders shall restrict themselves to a formal seconding and no other Member shall be permitted to speak on the motion or amendment for removal of delegation.

13 Questions on Delegated Matters

- 13.1 A Member shall have the right to ask a question at a Transport Partnership meeting on any matter delegated to a Committee or Sub-Committee and contained in the Minutes presented to the Transport Partnership, subject to the following procedure:

- 13.2 The details of the question on the delegated matter shall require to be given to the Secretary in writing no later than 10.00 am on the last working day prior to the meeting of the Transport Partnership.
- 13.3 The question should be addressed by the Chairperson or, where appropriate, by the Chairperson of the relevant Committee.
- 13.4 Any question which, in the opinion of the Chairperson, 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 the sole discretion of the Chairperson, be disallowed and shall not be the subject of any response.
- 13.5 The question shall be put, and the answer given, without any discussion.
- 13.6 The Member submitting the question shall be allowed to ask no more than one supplementary question arising directly out of the reply.
- 13.7 If requested by the Member asking the question, a written answer to the question will be given to that Member by the relevant Officer after the meeting in question at which the question is considered.

14 Notices of Motion

- 14.1 Every Notice of Motion shall be in writing and shall be signed by the Member of the Transport Partnership giving the Notice and counter-signed by one other Member at least.
- 14.2 A Notice of Motion shall be forwarded to the Secretary at least ten days before the meeting of the Transport Partnership to allow its incorporation into the Summons for the meeting.
- 14.3 The foregoing provision shall not apply in a case where the Chairperson decides, that the matter is one of urgency.

15 The Business Agenda

- 15.1 Responsibility for the preparation of agendas and papers for a meeting rests with the Secretary and reports will only be submitted to the Transport Partnership or a Committee after full consultation.
- 15.2 Any Member may request the Secretary to arrange for a report on a policy issue to be submitted to the Transport Partnership or one of its Committees. Such reports shall only be submitted after due consideration and appropriate consultation. In the event that the Secretary determines that the submission of such a report is inappropriate, then the final decision as to the need or otherwise for the report shall rest with the Transport Partnership.

16 Application of Standing Orders to Committees and SubCommittees

- 16.1 The provisions of the Standing Orders of the Transport Partnership, except as herein provided, shall, so far as applicable apply to Committees and SubCommittees in like manner as they apply to the Transport Partnership with the substitution of reference to the

Committee or SubCommittee and to the Chairperson of the Committee or Sub-Committee thereof as the case may be, for reference to the Transport Partnership and to the Chairperson of the Transport Partnership and Depute Chairperson of the Transport Partnership respectively.

Those Standing Orders which do not apply to Committees and SubCommittees are as follows:

5.6, 12, 13, 14, 24

16.2 Except as otherwise provided by Statute or as aftermentioned, the quorum at all meetings of Committees and Sub-Committees shall be as prescribed in Standing Order 7.1 or two members of the Committee or Sub-Committee, whichever is the greater.

16.3 A Member has the right to attend or address a Committee or Sub-Committee of which he or she is not a member subject to the agreement of the Chairperson. No Member may speak on any item in terms of this Standing Order in respect of (i) matters where a statutory consent is to be considered; (ii) judicial or quasi-judicial matters which are to be considered; or (iii) matters where the Member in question has a direct or indirect pecuniary or non-pecuniary interest.

17 Implementation of Decision — Reference to Committee or Transport Partnership

17.1 If within 48 hours of the conclusion of a meeting, a request in writing submitted to the Secretary sponsored and initiated by a Member or Members and signed by at least one-fourth of all Members that a decision taken at that meeting be not implemented, then that item shall be referred to the next appropriate Committee or Transport Partnership meeting for consideration as appropriate.

17.2 The above applies to all Committees and Sub-Committees.

18 Appointment of Officers — Unless otherwise provided by Statute

18.1 The appointment of all senior managers with salaries conditioned by SJNC for Chief Officials shall be made by the appropriate Committee or by a Sub-Committee of that Committee.

18.2 All other appointments shall be made by the Lead Officer unless the Transport Partnership decides otherwise subject to specific statutory provisions.

19 Matters of Special Importance and Urgency - Delegation to Lead Officer

19.1 Notwithstanding the provisions of Standing Order 10.1 and Schemes of Administration and Delegation made thereunder:

19.1.1 If a matter is of such special importance and urgency as to render it not expedient to await the decision of the Transport Partnership or the appropriate Committee, the Lead Officer, after consultation with the Chairperson and Depute Chairperson and the Chairperson of the Committee or Committees concerned shall have power to take all such steps as may be

necessary, which steps shall be binding and, in the circumstances before mentioned, there shall be deemed to have been a delegation of such power.

- 19.1.2 If a matter of ordinary business requires to be dealt with expeditiously without awaiting the decision of the appropriate Committee of the Transport Partnership, then the Lead Officer, after consultation with the Chairperson of the Committee concerned shall have the same power as is in standing order 19.1.

20 Members

20.1 Standards in Public Life

- 20.1.1 The Model Code of Conduct for members of devolved public bodies made in terms of the 2000 Act and any amendments thereto are hereby incorporated into these Orders.
- 20.1.2 The Code of Conduct applies to all Members of the Transport Partnership including co-opted members of Committees and Sub-Committees.

20.2 Resignation of Member from the Transport Partnership

- 20.2.1 A Member may at any time resign by written notice delivered to the Secretary. Resignation shall take effect on the expiration of three weeks after delivery of notice or on an earlier date stated in the notice.

21 Contracts

- 21.1 With respect to proposed contracts for the execution of works, the provision of services, or for the supply of goods or materials, the following provisions shall apply relating to securing competition for such contracts and for regulating the manner in which tenders are invited.
- 21.2 With respect to proposed contracts, the Lead Officer responsible for arranging tenders shall ensure, in consultation with the Finance Officer, that, where applicable, the provisions of the Local Government Act 1988 all subsequent relevant legislation and any orders, regulations or directions made thereunder, the provisions of the relevant European Commission Public Procurement Directives and the provisions of the Public Works Contracts Regulations 1991, the Public Supply Contracts Regulations 1995 the utilities Supply and Works Contracts Regulations 1992 and the Public Services Contracts Regulations 1993, shall be applied with respect to the securing of competition for such tenders.
- 21.3 The Proper Officer shall prepare and submit to the Transport Partnership a Scheme of Tender Procedures and such Procedures, once approved and adopted by the Transport Partnership, shall be observed by all Members and Officers of the Transport Partnership, and shall be deemed to be part of these Standing Orders.

22 Authentication of Notices

Every notice, order, demand, requisition or other such document or withdrawal thereof by the Transport Partnership required or authorised by any enactment or statutory order shall, except in so far as such enactment or

statutory order specifically otherwise provides, be signed by the Proper Officer.

23 Execution of Deeds

A list of all deeds executed by the Transport Partnership shall be kept with the Secretary and shall be available for inspection by any Member of the Transport Partnership at any time.

24 Observers

24.1 An Observer may only address a meeting of the Transport Partnership on the invitation of the Chairperson.

24.2 An Observer may not vote on any matter.

24.3 An Observer may not attend any part of a meeting of the Transport Partnership from which the press and public are excluded.

24.4 Reference should be made to the guidance for observers as agreed by the Transport Partnership and subject to regular review as appropriate

25 Exclusion of Press and Public

25.1 Except where this Standing Order says otherwise, every meeting of the Transport Partnership and its committee will be open to the public and press.

25.2 The Chairperson may keep any members of the public or press out of a meeting, or cause them to leave if they are hindering the work of the Transport Partnership.

25.3 The Transport Partnership may pass a resolution to meet in private in order to consider certain items of business, and may decide to do so for the following reasons:

25.3.1 The business relates to the commercial interests of any person and confidentiality is required, e.g. when there is an ongoing tendering process or contract negotiation.

25.3.2 The business necessarily involves reference to personal information, and requires to be discussed in private in order to uphold the Data Protection Principles.

25.3.3 The business necessarily involves reference to exempt information, as determined by Schedule 7A of the Local Government (Scotland) Act 1973.

25.3.5 The Transport Partnership is otherwise legally obliged to respect the confidentiality of the information being discussed.”

25.4 The minutes of the meeting will reflect the reason(s) why the Transport Partnership resolved to meet in private and provide a summary of the report considered

Suspension, Alteration and Review of Standing Orders

- 26.1 A motion for the suspension of the relevant Standing Orders may be made at any time for the reason stated in the motion. Such a motion if opposed will be resolved without discussion and shall be held to be carried if supported by a majority of Members present and voting.
- 26.2 No alteration of the Standing Orders shall be made without notice given in the agenda for the meeting of the Transport Partnership to discuss the alterations, and shall not be effected except on a resolution, adopted by a majority of the Members present and voting.
- 26.3 The Transport Partnership shall, at least once every year, review these Standing Orders to determine whether any alteration should be considered.
- 26.4 The Proper Officer is authorised to supply any omission in, or, necessary amendment to or to correct any error arising in these Standing Orders which is of an administrative nature.