

**REPORT TO NORTHERN ROADS COLLABORATION JOINT COMMITTEE – 18  
MAY 2018****ADOPTION OF STANDING ORDERS****1 Recommendation**

The Committee is recommended to:

- 1.1 Adopt the Standing Orders attached at Appendix 1 to govern proceedings at meetings of the Northern Roads Collaboration Joint Committee.**

**2 Background/Discussion**

- 2.1 **Appendix 1** details the Standing Orders, the purpose of which are to govern proceedings at meetings of the Joint Committee and clarify the procedures to be followed.
  - 2.2 The Standing Orders incorporate the terms of the Minute of Agreement previously agreed by the Members Councils and include provision for:-
    - 1) Appointment of Chair and Vice-Chair for a term of twelve months;
    - 2) A quorum of six Appointed Members;
    - 3) Participation in meetings through remote access and for meeting venues to have the necessary equipment to facilitate same;
    - 4) A Lead Officer who shall be the Chair of the Officers Group and shall oversee the preparation of agendas for the Joint Committee; and
    - 5) Public access to reports and meetings except those which are certified as exempt as defined in **Appendix 2** of the Standing Orders.
  - 2.3 The Joint Committee is now asked to approve the Standing Orders as detailed as **Appendix 1**.
  - 2.4 The Joint Committee's Legal Monitoring Officer within Aberdeenshire Council and Financial Monitoring Officer with the Highland Council have been consulted in the preparation of this report and are satisfied that the report complies with the constitutional arrangements of the Member Councils and legislation. Legal officers in each Member Council have also been consulted on the Standing Orders and have confirmed acceptance of their terms.
- 3 Implications and Risk**
- 3.1 An equality impact assessment is not required because this report proposes the adoption of standing orders to govern the business of the Joint Committee and the proposals do not have a differential impact on any of the protected characteristics.

- 3.2 The following Risks have been identified as relevant to this matter – if the Joint Committee does not adopt Standing Orders there is a significant risk that the business of the Committee will not be conducted effectively in the absence of continuity of procedure.

**Ewan Wallace**  
**Lead Officer**

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9 May 2018

APPENDIX 1

STANDING ORDERS FOR THE  
PROCEEDINGS OF THE  
NORTHERN ROADS  
COLLABORATION JOINT  
COMMITTEE

DRAFT

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## 1 DEFINITIONS

In these Standing Orders the following words and expressions have the following meanings:-

“1973 Act” means the Local Government (Scotland) Act 1973 as amended;

“Appointed Member” means a person appointed by any of the Member Councils from their own number to be a member of the Joint Committee in terms of paragraph 4.2.1 of the Minute of Agreement;

“Chair” means a person appointed by the Joint Committee in terms of paragraph 4.3.1 of the Minute of Agreement;

“Committee Clerk” means the Officer appointed by the Lead Authority as Committee Clerk in terms of paragraph 4.6.1 of the Minute of Agreement;

“Confidential” means information defined in s.50A of the Local Government (Scotland) Act 1973 as (a) information furnished to the authority by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court; and, in either case, the reference to the obligation of confidence is to be construed accordingly;

“Exempt Information” means any information which falls within the categories set out in Appendix 1 which may be exempt from publication;

“Joint Committee” means the Northern Roads Collaboration Joint Committee established in accordance with Section 57 of the 1973 Act and under the Minute of Agreement;

“Lead Authority” means the Member Council appointed to support the Joint Committee in the discharge of its functions;

“Lead Officer” means the Chair of the Officers Group appointed under Clause 4.10.2 of the Minute of Agreement;

“Meeting” means a meeting of the Joint Committee or any Sub-Committee of the Joint Committee;

“Member Council” means any of the Councils of Aberdeen City, Aberdeenshire, Angus, Argyll and Bute, Comhairle nan Eilean Siar, Highland and Moray;

“Minute of Agreement” is the legal agreement entered into by all Constituent Authorities for their respective interests dated 6 October 2017;

“Vice Chair” means a person appointed by the Joint Committee under section 4.3.1 of the Minute of Agreement.

## 2 GENERAL

2.1 All proceedings of the Joint Committee shall be regulated by these Standing Orders.

- 2.2 Any statutory provision, regulation or direction by Scottish Ministers and the Minute of Agreement shall have precedence if these Standing Orders conflict with them.
- 2.3 These Standing Orders may be amended, varied or revoked at a meeting of the Joint Committee provided that notice of the proposed change is given at a previous meeting of the Joint Committee and the proposal itself does not result in the Joint Committee not complying with any statutory provision or regulation.
- 2.4 Except in the case of those Standing Orders referenced in Appendix 2, any one or more of the Standing Orders may be suspended in any case of urgency or upon motion made on a notice duly given at any Meeting provided that two-thirds of the members present and voting shall so decide. Any motion to suspend Standing Orders shall be made with a short explanation and, on such motion being seconded, the Chair shall put the same to the Meeting without speeches or discussion. Any vote on such motion shall be by a show of hands.
- 2.5 These Standing Orders shall apply to any Sub-Committee of the Joint Committee.

### **3 LEAD AUTHORITY**

- 3.1 The Joint Committee shall from time to time appoint a Member Council to be Lead Authority.

### **4 CHAIR AND VICE CHAIR**

- 4.1 The Joint Committee shall appoint a Chair and Vice Chair from within its membership. The offices of Chair and Vice Chair cannot be held by Appointed Members from the same Member Council.
- 4.2 The first term of Chair and Vice-Chair shall be twelve months from the date of appointment. Further terms of Chair and Vice-Chair shall be for twelve months. The office of Chair shall not be held by the same Appointed Member for a second/subsequent time within any consecutive five year period. The office of Vice-Chair shall not be held by the same Appointed Member for a second/subsequent time within any consecutive five year period.
- 4.3 For the avoidance of doubt, should the Chair cease to be a member of the Joint Committee during their term of Chair the Vice-Chair shall be appointed as Chair and new Vice Chair shall be appointed from within the membership of the Joint Committee. The term of the new Chair shall be twelve months from the date of appointment.
- 4.4 The Chair will preside at every meeting of the Joint Committee that he or she attends.
- 4.5 In the absence of the Chair, the Vice-Chair shall preside at the meeting of the Joint Committee.
- 4.6 In the absence of both the Chair and Vice Chair, the voting members present at the meeting shall choose an Appointed Member to preside. In the event of an equality of votes, the decision as to who shall preside shall be determined by lot.

## 5 MEETINGS

- 5.1 The timetable for ordinary meetings of the Joint Committee shall be decided by the Joint Committee. The Joint Committee may amend or adjust that timetable from time to time, provided that at least three such meetings are held each year.
- 5.2 The meetings shall be held at a venue to be arranged by the Committee Clerk in consultation with the Chair and Lead Officer. The meeting venue shall have the necessary facilities to enable any person to fully participate by tele-conferencing or video-conferencing.
- 5.2 The Chair may change the date and/or time of an ordinary meeting, but may not cancel an ordinary meeting.
- 5.3 The Committee Clerk may call a special meeting of the Joint Committee at any time on being requested in writing to do so:
- a by the Chair; or
  - b by at least two thirds of the number of voting members.
- 5.4 A request for a special meeting of the Joint Committee must specify the business to be transacted. The Committee Clerk shall call a special meeting following receipt of the request at a time and place specified by the Committee Clerk in consultation with the Chair. The meeting shall be held as soon as reasonably practicable, but in any event within 14 days of the request.
- 5.5 No business shall be transacted at a special meeting other than that specified in the request.

## 6 CALLING MEETINGS

- 6.1 A notice shall be sent, or its availability intimated, to every Appointed Member at least five clear days before the meeting. Saturdays, Sundays and Public Holidays will be included for the purpose of these Standing Orders in calculating clear days.
- 6.2 The notice shall be in the form of an agenda. Proposed items for the agenda shall be submitted by email to the Lead Officer who shall prepare the agenda in consultation with the Committee Clerk. The agenda shall be approved by the Chair or, in the absence of the Chair, by the Vice-Chair, and shall specify the date, time and place of the meeting and the business to be transacted.
- 6.3 Reports and other supporting papers shall be attached to the notice and delivered with it electronically to every Appointed Member.
- 6.4 Reports shall be prepared using a standard template which may be approved and reviewed by the Joint Committee from time to time.
- 6.5 The address for intimation or delivery shall be the email address notified by each member, unless a member requests that a different address is used.
- 6.6 Lack of or a defect in the service or intimation of the notice to any member shall not affect the validity of a meeting.
- 6.7 Only the business specified in the notice shall be transacted at the Meeting, unless an item of business is notified to the Chair before the meeting with a request for it to be

added to the agenda, and the Chair rules to allow it to be considered on the ground of urgency. The Chair shall state the reason for such a ruling and the minute shall record the ruling and the reason given.

- 6.8 If the Chair rules that the matter is not urgent, it shall be included as an item for the next ordinary meeting, unless it is withdrawn.

## 7 PUBLIC ACCESS TO MEETINGS AND MEETING PAPERS

- 7.1 Subject to paragraphs 7.4 and 7.5, the meeting papers shall be open to public access by being published through the internet at least three clear days before the Meeting or the day they are issued to Appointed Members, whichever is the later.
- 7.2 Every Meeting will be open to the public, except in the special circumstances set out in paragraphs 7.4 and 7.5 below.
- 7.3 No person or body shall be permitted, without the permission of the Joint Committee, to tape record, photograph, video, film or use any other form of electronic, digital or computerised sound or visual recording system during any Meeting.
- 7.4 However, the public must be excluded from a Meeting when an item of business is being considered if it is likely, because of the business itself or what might be said at the Meeting, that *confidential* information (as meant by the relevant law) would be given to members of the public. Papers which contain confidential information will not be available to the general public.
- 7.5 The Joint Committee or Sub-Committee may decide, by passing a resolution at any Meeting, to exclude the public when it is considering an item of business if it is likely, because of the business itself or what might be said at the Meeting, that *exempt* information would be given to members of the public. The resolution to exclude the public will make clear the proceedings or which part of the proceedings of the Meeting it applies to and state the description of the exempt information. The types of information that are classed as exempt can be found in Appendix 1. Meeting papers containing exempt information will not be available to the general public.
- 7.6 The minute of the Meeting will record the reason for any decision by the Joint Committee or Sub-Committee to exclude the public from a Meeting.

## 8 QUORUM

- 8.1 There must be a minimum number of Members present at a Meeting. This is known as the quorum. The quorum for each Meeting of the Joint Committee shall be six Appointed Members.
- 8.2 If, 10 minutes after the time set for the start of a Meeting a quorum is not present, the Meeting will be abandoned and the Committee Clerk will record that no business was considered because there was no quorum.

- 8.3 If at any time after the start of a quorate Meeting there is a question about whether or not there continues to be a quorum, the Chair will, after allowing an interval of 10 minutes, ask the Committee Clerk to count the number of Members present. If a quorum is not present, the Meeting will be adjourned to another time on the same day or to another date and time as the Chair may decide then or afterwards. The Chair may direct that any business which has not been disposed of due to a lack of quorum may be dealt with at such adjourned Meeting.
- 8.4 A member shall be regarded as being present at a meeting if he or she is able to participate from a remote location by teleconference, video conference or otherwise. A member participating in a meeting in this way will be counted for the purposes of deciding if a quorum is present.
- 8.5 If a member withdraws from a meeting then he or she shall not be counted for the purposes of a quorum. If there is as a result no quorum for that item of business then the item shall not be considered, and shall be carried forward to the next ordinary meeting, unless it is withdrawn.

## **9 DUTIES AND RESPONSIBILITIES OF CHAIR**

- 9.1 At all times during a Meeting, Appointed Members will respect the authority of the Chair. If the Chair speaks, any Appointed Member who is speaking to the Meeting will stop.
- 9.2 The Chair's duty is to preserve order at the Meeting and ensure that Appointed Members are given a fair hearing. If two or more Appointed Members try to speak at the same time, the Chair will decide who is to speak first.
- 9.3 The Chair will decide all matters of order, admissibility and urgency and that ruling will be final.
- 9.4 The Chair will ensure that the decision of the Meeting is clear with regard to all matters which form the business of the Meeting.
- 9.5 The Chair may allow any Appointed Member to participate in a Meeting although not actually present at the location where the Meeting is being held whether by way of teleconference, video conference or otherwise.

## **10 CONDUCT OF MEMBERS**

- 10.1 The Appointed Members shall at all times adhere to the Councillor's Code of Conduct.
- 10.2 If an Appointed Member persistently misbehaves by disregarding rulings by the Chair, or behaves improperly or offensively, or wilfully obstructs the business of the Meeting, the Chair may take the following courses of action sequentially –
- 10.2.1 Warn the Appointed Member about her/his behaviour;
- 10.2.2 Tell the Appointed Member not to speak during the remainder of the debate on the item being discussed.

- 10.2.3 Move that the Appointed Member should not speak again during the Meeting. The motion, if seconded, will be decided without discussion; if the motion is carried the Appointed Member will not speak again during that Meeting;
  - 10.2.4 Move that the Appointed Member should be suspended for the remainder of the Meeting. The motion, if seconded, will be decided without discussion; if the motion is carried, the Appointed Member will leave the Meeting immediately;
  - 10.2.5 Adjourn the Appointed Meeting for a short time as seems reasonable to the Chair in the circumstances.
- 10.3 If there is disorder at any Meeting, the Chair will be entitled to adjourn the Meeting to another time the same day, or to another date and time as she/he may decide then or afterwards.

## **11 ADJOURNMENT**

- 11.1 The Chair may adjourn a Meeting for a reasonable interval if she/he decides there is a good reason to do so.
- 11.2 At the end of any item of business, the Meeting may be adjourned for a reasonable interval or to another date as agreed by the Appointed Members at the Meeting. The vote on such a motion, on being seconded, will be taken without amendment or discussion and by show of hands. Any subsequent motion to adjourn to another date will not be competent within a period of one hour after the decision on the earlier motion. If it is decided at the Meeting to adjourn, the remaining business will stand over until a resumed Meeting. Subject to the Chair's discretion under Standing Order 3.1, proceedings shall start at the point at which they were broken off at the adjournment. A fresh notice of the Meeting will not require to be issued.

## **12 ITEMS OF BUSINESS AND DEBATE**

- 12.1 The Joint Committee and Sub-Committee may reach consensus on an item of business without taking a formal vote.
- 12.2 Every motion and amendment must be moved and seconded and must be made only by an Appointed Member. An Appointed Member may not move or second more than one amendment to a motion, and may not move or second an amendment if she/he has moved or seconded the motion. If a motion or an amendment is withdrawn, its mover or seconder may move or second another amendment or motion, as the case may be. The terms of any motion or amendment will be stated immediately when they are moved and seconded and before the mover and seconder speak to the motion or amendment. Every motion or amendment must be relevant to the item of business. Every amendment must be relevant to the motion.
- 12.3 If any motion or amendment is, in the opinion of the Chair, irrelevant or incompetent, she/he shall rule out such motion or amendment.
- 12.4 If the Chair decides, a motion or amendment will be written down and given to the Committee Clerk who will read it to the Meeting.
- 12.5 a. A motion or amendment which is not seconded will not be discussed nor will it be recorded in the Minutes.

- b A motion or amendment which has been seconded may only be withdrawn or altered in substance by the mover and only if her/his seconder agrees
  - c Any Appointed Member who at any Meeting has taken part in a vote or has proposed a motion or amendment which has not been seconded will, if she/he asks, have her/his dissent from the eventual decision recorded in the Minutes, provided that the request is made immediately after the decision on the item has been made.
- 12.6 A motion for the approval of a Minute of a Meeting, or of any part of such minute, will be considered as an original motion and in such case, any proposal involving alteration or rejection of the Minute will be dealt with as an amendment.

### **13 VOTING**

- 13.1 Voting shall be by a majority of Appointed Members who are present and voting. A vote will normally be taken by calling the roll, and the names of those voting for or against the motion or amendment(s) will be taken down and recorded in the minutes. Where a vote is taken by show of hands, the names will not be recorded in the Minute.
- 13.2 Except by the attendance of a substitute or in the event of a temporary vacancy, no vote may be cast by proxy for an absent Appointed Member.
- 13.3 When there is more than one amendment to the motion, then, unless the Chair decides otherwise in order to avoid inconsistency in voting, the last amendment shall be put against that immediately preceding and then the amendment which is carried shall be put against the next preceding and so on until there remains only one amendment. A vote will then be taken between the motion and the remaining amendment, and whichever is carried will be the decision of the Meeting.
- 13.4 In the case of an equality of votes, the Chair will have a casting vote.

### **14 CHANGING A DECISION**

- 14.1 A decision of the Joint Committee cannot be altered or revoked within six months unless:-
- a) The Joint Committee agrees there has been a material change of circumstance and explains the reasons for that, or
  - b) The Joint Committee agrees the decision was based on incorrect or incomplete information, or
  - c) It is detailed in the terms of a report submitted to the Joint Committee by an officer that the previous decision can no longer be implemented or its effect has been substantially altered by subsequent circumstances and this is agreed by the Joint Committee.
- 14.2 The minute shall record the reason for the decision being changed.

## **15 MINUTES**

- 15.1 The Committee Clerk shall arrange for minutes to be prepared for meetings of the Joint Committee.
- 15.2 The Joint Committee shall review and agree its minutes at its following ordinary meeting after which they shall be signed by the Chair and agreed as an accurate reflection of the proceedings.

## **16 SUB-COMMITTEES**

- 16.1 The Joint Committee shall appoint such Sub-Committees as it thinks fit.
- 16.2 The Sub-Committee shall appoint the Chair and may appoint a Vice-Chair from within the membership of the Sub-Committee.
- 16.3 The Joint Committee shall approve the terms of reference, remit and powers of such Sub-Committees.
- 16.4 All Sub-Committees Meetings shall be held at the times and locations detailed in accordance with a programme approved by each Sub-Committee or as agreed with the Chair of the relevant Sub-Committee.
- 16.5 The quorum of a Sub-Committee shall be one-fourth of the whole number of its membership, subject to a minimum of three.
- 16.6 Any Appointed Member may substitute at a Meeting for a Sub-Committee member, however the substitute member must be from the same Member Council.

## **17 PUBLIC PARTICIPATION AT MEETINGS**

The Joint Committee welcomes public participation at its Meetings. Except where Standing Orders otherwise provide, every meeting of the Joint Committee and its Sub-Committees will be open to the public (including the press).

The following arrangements are designed to provide for and regulate public participation at Meetings.

### **REQUESTS TO SPEAK FOR ITEMS ON MEETING AGENDA**

- 17.1 Requests to speak at a Meeting of the Joint Committee or a Sub-Committee may be made by members of the public in terms of the following provisions.
- 17.2 Such requests to speak shall be in writing and shall ordinarily be received by the Committee Clerk at least two clear days prior to the date of the Joint Committee or the Sub-Committee, as the case may be, and must include:-
  - 17.2.1 the subject matter of the request to speak;
  - 17.2.2 the action, if any, that it is proposed that the Joint Committee or the Sub-Committee, as the case may be, take.

- 17.3 If, in the opinion of the Chair, the subject matter of the request to speak, is (i) in the case of the Joint Committee, competent and relevant, in terms of its remit or is a matter in which the Joint Committee has a general interest and (ii) in the case of a Sub-Committee is competent and relevant, in terms of its remit, it shall be put on the agenda for the Meeting. It is at the discretion of the relevant Chair to decide whether to put on an agenda for a Meeting a request to speak in terms of this provision which is received late.
- 17.4 If agreed by the Chair, the request to speak shall be put before the Meeting for consideration. If the request is granted by the Joint Committee or the Sub-Committee, there will be permitted a period of up to five minutes for each party who has been granted a request to speak to present to the Meeting. Not more than two speakers to any one request to speak shall be permitted to address the Meeting. The Chair will allow an appropriate period whereby any Appointed Member may ask a question relevant to the subject. Only when all requests to speak on the particular matter in question have concluded will Appointed Members discuss the matter.

#### **POTENTIAL OUTCOMES OF REQUESTS TO SPEAK**

- 17.5 Having discussed the subject matter of the request to speak, Appointed Members will determine one of two courses of action –
- 17.5.1 whether simply to note the terms of the request to speak, or
- 17.5.2 whether to instruct the relevant officer to provide a report for a subsequent meeting of the Joint Committee or Sub-Committee,
- but it will not be competent for the Joint Committee or Sub-Committee to take a substantive decision in the absence of a report referred to at sub-paragraph 17.5.2 above.

## APPENDIX 1 – EXEMPT INFORMATION

### PART 1

#### Categories

- 1 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office-holder or applicant to become an office-holder under, the authority.
- 2 Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
- 3 Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
- 4 Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
- 5 Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement made in respect of that child under the Social Work (Scotland) Act 1968.
- 6 Information relating to the financial or business affairs of any particular person (other than the authority).
- 7 Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).
- 8 The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
- 9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

- 10 The identity of the authority (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
- 11 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.
- 12 Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with—
  - (a) any legal proceedings by or against the authority, or
  - (b) the determination of any matter affecting the authority,(whether, in either case, proceedings have been commenced or are in contemplation).
- 13 Information which, if disclosed to the public, would reveal that the authority proposes—
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- 14 Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 15 The identity of a protected informant.

## PART 2

### Qualifications

- 1 Information relating to a person of a description specified in any of paragraphs 1 to 4 of Part 1 above is not exempt information by virtue of that paragraph unless it relates to a person of that description in the capacity indicated by the description.

- 2 Information falling within paragraph 6 of Part 1 above is not exempt information by virtue of that paragraph if it is required to be registered under—
  - (a) the Companies Acts (as defined in section 2(1) of the Companies Act 2006);]
  - (b) the Friendly Societies Act 1974;
  - (c) the Industrial and Provident Societies Acts 1965 to 1978; or
  - (d) the Building Societies Act 1962.
- 3 Information falling within paragraph 8 of Part 1 above is exempt information if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.
- 4 Information falling within paragraph 9 of Part 1 above is exempt information if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.
- 5 Information falling within paragraph 11 of Part 1 above is exempt information if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.
- 6 Information falling within paragraph 13 of Part 1 above is exempt information if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

**APPENDIX 2 – Standing Order exemptions from suspension in accordance with sub-paragraph 2.4 above.**

2.3, 2.4, 3, 4, 5.4, 5.5, 6.1, 6.2, 6.5, 6.6, 7.4, 7.5, 8.1, 8.2, 8.3, 8.4, 9.5, 11.1, 11.2, 13.2, 13.3, 15.1, 15.2, 16.1, 16.2, 16.3, 16.5
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