

# HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD

23 January 2014

Agenda Item	8
Report No	VAL 5/14

## Revision of Standing Orders and Scheme of Delegation

### Report by the Clerk

#### Summary

This report seeks approval of revised Standing Orders relating to the Conduct of Meetings and also a revised Scheme of Delegation.

#### 1. Background

- 1.1 Standing Order 5 of the Board's Standing Orders relating to the Conduct of Meetings provides that the Board will review its Standing Orders at the end of each year. It is appropriate to review the Board's Scheme of Delegation at the same time. The current versions have been in place since August 2012.
- 1.2 Both documents were accordingly reviewed at the end of 2013 and recommended revisions are appended for approval.

#### 2. Standing Orders Relating to the Conduct of Meetings

- 2.1 Draft revised Standing Orders relating to the Conduct of Meetings are attached, tracked, at Appendix 1, with inserted words shown in italics. A number of minor typographical/grammatical issues that were detected in the previous versions have been corrected without tracking. All former references to "Vice Convener" have been amended to read "Depute Convener", as this is the term used in the relevant legislation, while any former reference to "Chairman" or "Vice Chairman" has been updated to read "Chair" or "Vice Chair", to reflect wide current practice.
- 2.2 The Board's Standing Orders (SOs) are modelled on those of the Highland Council, which are themselves reviewed regularly. Highland Council amendments that are not relevant to the Board's proceedings have not been taken into account. Where it is considered, however, that a Highland Council amendment may improve clarity or otherwise assist this Board, this has been reflected and tracked in Appendix 1.
- 2.3 **Committees/Sub-Committees.** Currently, the Board has no Committees or Sub-Committees. However, it is reasonable to make provision for any such development in the future and the Board's current SOs already include a number of provisions referring to Sub-Committees. As a sub-committee is generally a body subsidiary to a Committee, it is perhaps not logical to use only the term Sub-Committees. Existing references to "Sub-Committees" have therefore been expanded to read "Committees or Sub-Committees", again without tracking.

- 2.4 The Board's current provisions on Sub-Committees reflect, as appropriate, equivalent provisions in the Highland Council's SOs. However, not all Highland Council provisions relating to Committees are reflected in the Board's current SOs, including provision for a Notice of Amendment procedure. Should the Board wish to allow for the possible use of this procedure in future, were it to appoint Committees or Sub-Committees, appropriate amendments are drafted at SOs 9.3, 19, 24.3 and 38.6.
- 2.5 **Position of Convener.** The Highland Council SOs specify the process required before a Convener may be removed from office. The Board's SOs have to date been silent on this. Draft SO 14.3 seeks to address this omission.
- 2.6 **Declaration of Financial Interest.** The previous Councillors' Code of Conduct required any member declaring a financial interest in relation to an item of business to withdraw from the room during discussion of that item. The Board's current SOs still reflect this. The 2010 Code (Paragraph 5.6) modified this absolute requirement by introducing the concept of a financial interest "*so remote or insignificant that it could not reasonably be taken to fall within the objective test*". In such a case withdrawal is not required. The Highland Council SOs have been amended to reflect this and an equivalent Board amendment is recommended at SO 20.1.
- 2.7 **Voting.** The Board currently conducts any votes by show of hands and therefore details of individual Members' votes are not recorded in the Minutes of meeting. Should Members wish such a record to be made, it is recommended that the default voting procedure be changed to calling of the roll. Draft SOs 31.5 to 31.7 would provide for this.
- 2.8 **Miscellaneous.** Various other more minor amendments are suggested, largely in the interests of clarity. These should be self-explanatory.

### 3. Scheme of Delegation

- 3.1 A draft revised Scheme of Delegation is attached at Appendix 2.
- 3.2 Some recommended amendments simply reflect a standardisation of style. The principal substantive change recommended is a separation between the role of Clerk and the statutory role of Monitoring Officer, with the latter transferring to the Highland Council's Head of Legal and Democratic Services. The duties of the Monitoring Officer, as specified in the legislation, are also now set out in detail.
- 3.3 In addition, other specific recommended changes to the Clerk's remit are:
- Point 9 – to allow more flexibility, if required
  - Point 10 – to address a previous oversight, in that former Standing Order 9.3 (now 9.4) on Notice of Referral cross-refers to the Scheme of Delegation, but until now this has not been spelled out specifically within the Scheme
- 3.4 The recommended change in relation to Property responsibilities reflects recent changes in Highland Council's staffing structures.

- 3.5 The Highland Council has also agreed that, with effect from 1 April 2014, the title of the post currently designated as Head of Legal and Democratic Services will change to Head of Corporate Governance, while that of Head of Personnel will change to Head of People and Performance. Members are asked to agree that the Scheme of Delegation be so updated at that time.

**4. Recommendation**

4.1 Members are asked to:

- i. approve with immediate effect the revisions to the Board's Standing Orders relating to the Conduct of Meetings set out at Appendix 1;
- ii. approve with immediate effect the revisions to the Board's Scheme of Delegation set out at Appendix 2; and
- iii. agree that the Scheme of Delegation be updated as from 1 April 2014 to reflect the changes in post titles as set out in paragraph 3.5.

Designation: Clerk

Date: 7 January 2014

Author: Rhona Moir, Assistant Clerk to the Board

**THE HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD**  
**STANDING ORDERS**  
**RELATING TO THE CONDUCT OF MEETINGS**

23 January 2014

Deleted: 29 August 2012

**HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD**  
**STANDING ORDERS RELATING TO THE CONDUCT OF MEETINGS -**  
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**STANDING ORDERS OF THE HIGHLAND AND WESTERN ISLES VALUATION  
JOINT BOARD  
RELATING TO THE CONDUCT OF MEETINGS**

**STANDING ORDERS MADE BY THE HIGHLAND AND WESTERN ISLES  
VALUATION JOINT BOARD ON 23 JANUARY 2013**

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**A. PRELIMINARIES**

**1. Commencement**

These Standing Orders will apply and have effect on and after 23 January 2014.

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**2. Application of Interpretation Act**

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

**3. Definitions**

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

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

"Board" means The Highland and Western Isles Valuation Joint Board constituted under the Valuation Joint Boards (Scotland) Order 1995.

**4. Alteration**

It shall not be competent to rescind or alter any of these Standing Orders unless the Board has passed a resolution to that effect following the procedure detailed in Standing Order 9.1, or where the Board has agreed at a previous meeting to consider such rescission or alteration. In the case of the Notice of Motion procedure, the terms of the proposed amendment will have been specified in the Notice of the Business for the meeting of the Board. (For the avoidance of doubt this Standing Order cannot be suspended under Standing Order 6 below).

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**5. Review**

The Board will review these Standing Orders at the end of each year.

**6. Suspension of Standing Orders**

To suspend any of the Standing Orders, with the exception of Standing Orders 4, 11, 16, 20 and 39-42, which cannot be suspended, will require not less than two-thirds of the number of members of the Board present at any meeting to vote to do so.

## **B. CALLING MEETINGS/ITEMS FOR FUTURE MEETINGS**

### **7. Notice of Meetings**

- 7.1 **Generally**, Notice of the place, date and time of a meeting of the Board will, subject to the provisions of Standing Order 7.3 below, be given to every member of the Board by or on behalf of the Clerk not later than the seventh day before the meeting by being delivered, posted, faxed or delivered or transmitted by other electronic means to his or her usual place of residence (or any other address stated in writing by the member to the Clerk).
- 7.2 A **Special Meeting** of the Board will be called by the Clerk (a) on being required to do so by the Convener of the Board or (b) on receipt of a requisition in writing for that purpose (i) stating the business proposed to be transacted at the meeting; and (ii) signed by at least 3 members of the Board; and the meeting will be held within fourteen days of receipt of the requisition by the Clerk.
- 7.3 In the case of a Special Meeting called at the request of the Convener of the Board, where it appears to the Convener that the item of business demands special urgency, the Clerk may call the meeting without giving the seven days notice specified in 7.1 above, provided every effort is made to contact members to give them as much notice as possible before the meeting.
- 7.4 **Public Notice** of a meeting of the Board will be given by posting a Notice outside The Highland Council Headquarters, Glenurquhart Road, Inverness, or outside any other place where the meeting is to take place, at least four clear working days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is actually convened.

The Notice of Meeting will include:

- (a) the date, time and place of the meeting, and
- (b) information on the availability for inspection of the Agenda and accompanying reports.

The Agendas and accompanying reports will be available for public inspection during working hours at the office where the Notice is posted, and will be published on The Highland Council's website for the press and the public at least three clear days before the meeting.

- 7.5 Want of service of a Notice of Meeting on any member of the Board shall not affect the validity of the meeting.

### **8. Place of Meetings**

**Meetings of the Board**, its Committees, Sub-Committees and other subsidiary bodies will be held at Highland Council Headquarters,

Glenurquhart Road, Inverness, on the days and times fixed by the Board or at such place and time as may be otherwise fixed by the Board or by the Convener in consultation with the Clerk. The powers of the Convener under this Standing Order include power to cancel an ordinary meeting if it appears to him or her, after such consultation, that there is insufficient business to justify the holding of a meeting.

## **9. Notices of Motion etc for Submission to Future Meetings**

9.1 **A Notice of Motion for submission to a future meeting** of the Board will be in writing, signed by the member of the Board giving Notice, counter-signed by at least one other Substantive member and sent to the Clerk.

9.2 Such a Notice of Motion must be received not later than fourteen days prior to the meeting of the Board concerned, and no later than 5 p.m. on the final day. In calculating the fourteen days' notice, the day of the Board meeting will be excluded. If a Notice of Motion is late, it will be referred to the next available meeting of the Board, at the request of the members involved.

9.3 **Notice of Amendment (challenging a Committee or Sub-Committee decision)**. A Notice for submission to a meeting of the Board that seeks rescission or alteration of a resolution or decision of a Committee or Sub-Committee on a matter delegated or remitted with powers to that Committee or Sub-Committee will be termed a Notice of Amendment. The Notice must be in writing, signed by a member of the Board giving the Notice, countersigned by at least two other members of the Board, and received by the Clerk not more than three working days after (but excluding) the date of the Committee meeting at which the resolution or decision was passed, and no later than 5 p.m. on the final day. On receipt of such a Notice of Amendment, the Clerk will immediately instruct the Assessor and Electoral Registration Officer, or relevant Board official, not to implement the Committee or Sub-Committee decision.

9.4 **Notice of Referral**. The Clerk has the power, in terms of the Board's Scheme of Delegation, to refer for further consideration by the Board by way of a Notice of Referral any decision taken which may be considered by that Officer as a contravention of law or any Code of Practice under any enactment, or maladministration leading to injustice.

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## **C. ATTENDANCE AT MEETINGS - BASIC PROVISIONS**

### **10. Convener**

At a meeting of the Board, the Convener of the Board or, in the event of the Convener's absence, the Depute Convener will preside. If the Convener and the Depute Convener are both absent, the Clerk, or a member of the Board's staff acting as Clerk to the Meeting, will preside

until the members of the Board choose one of their number to preside.

**11. Quorum**

- 11.1 No business will be transacted at a meeting of the Board unless at least 3 members of the Board are present.
- 11.2 If within ten minutes after the time appointed for a meeting of the Board, a quorum is not present, the Convener will adjourn the meeting to a time he or she may then or afterwards fix and in the event of the Convener being among those absent, the Clerk, or a member of the Board's staff acting as Clerk to the Meeting, will record that owing to the lack of the necessary quorum no business could be transacted.
- 11.3 If during any meeting of the Board the attention of the Convener is drawn to the number of members present he or she shall, unless it is apparent to him or her that a quorum is present, direct the roll to be called and, if it is found that there is not a quorum present, then the meeting shall end at that point.
- 11.4 Subject to the provisions of the 1973 Act, no item of business will be transacted at a meeting of the Board if, in consequence of the provisions of Section 38 of that Act (disability of members from voting on account of an interest in contracts etc.), less than a quorum of the Board is entitled to vote on that item.

**12. Substitute Members**

A member of the Board shall, if he or she is unable to attend a meeting of the Board or of a Committee or Sub-Committee to which he or she has been called, make arrangements with a duly appointed substitute member of the Board to attend in his or her stead and shall advise the Clerk accordingly.

**13. Members of Press/Public**

Members of the Press and public will be entitled to attend meetings of the Board. However, in exceptional cases, the Board may resolve that members of the Press and public be excluded from the meeting where confidential business, or business containing exempt information, will be disclosed, all as defined in the 1973 Act.

**D. CONDUCT OF BUSINESS/PROCEEDINGS AT MEETINGS**

**14. Convener - Powers and Duties**

- 14.1 Deference shall at all times be paid to the authority of the Convener and, on all points of order, competency and relevancy, his or her ruling shall be final and not open to discussion. This includes discretion to rule on all questions of procedure where no express provision is made under these Standing Orders. When

the Convener rises to speak, any member of the Board who is addressing the meeting must resume his or her seat. It is the duty of the Convener to preserve order and to ensure that members obtain a fair hearing. In the event of disorder, the Convener has absolute discretion to adjourn the meeting, and by quitting the Chair will bring the meeting to an end.

- 14.2 All powers and duties of the Convener in terms of these Standing Orders shall, in the absence of the Convener, or in the event of the Convener being unable to act for any reason, be exercised by the Depute Convener, whom failing the member chosen to preside in terms of Standing Order 10 above.

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*14.3 The Convener of the Board may be removed from office before the date of the next ordinary appointment of the full Board provided that a majority of the members of the Board present and voting so decide. No proposal to remove the Convener from office shall be made without notice being given at one meeting of the Board to be discussed at the following one.*

**15. Sederunt**

The Clerk, or a member of the Board's staff acting as Clerk to the Meeting, will record the names of the members present at each meeting of the Board, as well as those who have submitted apologies for absence, with special reference to those who have been unable to attend due to other Council duties.

**16. Urgent Business**

- 16.1 Except in the case of business brought before the meeting which is certified by the Convener as urgent in terms of the 1973 Act, no business will be transacted at a meeting of the Board other than that specified on the Agenda for the meeting.
- 16.2 It shall be in the sole discretion of the Convener to decide whether any business not specified on the Agenda for the meeting should, by reason of special circumstances, be considered at the meeting as a matter of urgency, and such special circumstances must be specified in the Minutes of the Meeting.

**17. Order of Business/Adjournment**

The business of a meeting of the Board shall be conducted in the order set out on the Agenda for the meeting, provided that any item of business may, with the consent of the meeting, be taken out of its place. The Convener may, with the consent of the meeting, also adjourn the meeting to any other day time and place.

## **18. Order of Business at First Meeting of the Board after Elections**

18.1 At the first meeting of the Board after a local authority election the order of business will be -

1. Intimation of appointment of Board members by the Constituent Authorities.
2. Sederunt.
3. Election of Convener of the Board.
4. Election of Depute Convener of the Board.
5. Consideration of the Board's Committee and Sub-Committee Structure.
6. Appointment, if appropriate, of Committees and Sub-Committees of the Board.
7. Appointment, if appropriate, of Chairs of Committees and Sub-Committees.
8. Appointment of representatives of the Board to outside bodies.
9. Other competent business.

18.2 The election of a member as Convener or Depute Convener of the Board does not in any way debar him or her from being appointed Chair or Vice Chair of any Committees or Sub-Committees of the Board.

## **19. Rescinding of Resolution or Decision**

A resolution or decision of the Board and a resolution or decision of a Committee or Sub-Committee on a matter delegated or remitted with powers [\(except a resolution or decision challenged by Notice of Amendment under Standing Order 9.3 above\)](#) will continue to be operative and binding on the Board for at least six months after the date of the resolution or decision.

## **20. Declaration of Interest**

20.1 It shall be for any member who has declared any financial interest in any matter and is present at a meeting of the Board at which matter is the subject of consideration, to [give careful consideration as to whether he or she needs to](#) leave the room before the matter is discussed, unless exempted from doing so by a Dispensation granted by the Standards Commission for Scotland. [In this regard, members must always comply with the "objective test" as outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct.](#)

20.2 It shall be for any member who has declared any other interest in any matter and who is present at a meeting of the Board at which such matter is the subject of consideration, to determine whether or not to leave the room, or to participate in discussion or voting, in accordance with the Councillors' Code of Conduct and any relevant Dispensation granted by the Standards Commission of Scotland

**21. Obstructive or Offensive Conduct**

In the event of any member at a Board meeting disregarding the authority of the Convener or of being guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend such member for the remainder of the sitting.

Such a motion will be put to the meeting without discussion and, if supported by a majority of members of the Board present and voting, will be declared carried. The offending member will then be required by the Convener to leave the meeting.

**22. Order of Speeches**

A member wishing to speak will attract the Convener's attention by raising his or her hand, and when called upon will rise in his or her place to address the Chair. The member will direct his or her speech strictly to the matter under discussion or to the Motion or Amendment to be proposed or seconded by himself or herself, or to a question of order.

The Convener will decide between two or more members wishing to speak by calling on the member whom he or she first observed to raise his or her hand.

**23. Number and Duration of Speeches**

The number of speeches and the point at which Motions and Amendments are to be accepted is at the discretion of the Convener. A member moving a Motion or Amendment will not speak for more than ten minutes, except with the consent of the Board; all other speakers taking part in any discussion on an item will not speak for more than five minutes and shall speak only once in the same discussion unless to call attention to a point of order or to make an explanation in terms of Standing Order 26.

**24. Motions and Amendments - General**

24.1 All motions and amendments arising at a meeting will be moved and seconded, and then given in writing to the Clerk as soon as they are moved. This does not apply to motions seeking to approve or disapprove of any matter, purely negative amendments, amendments proposing further consideration and reports, and motions and amendments that are fully set out in a minute of a Committee or Sub-Committee or a report by an officer. A member cannot move or second both the Motion and an Amendment or more than one Amendment upon a Motion.

24.2 If a Motion which is specified on the agenda for the meeting (under Standing Order 9.1) is not moved by the member who has given the notice and seconded, then it will, unless moved by another member and seconded on the day, or postponed with the

agreement of the Board, be considered as dropped and cannot be moved again without fresh notice.

24.3 A Notice of Amendment submitted in terms of Standing Order 9.3 specified on the agenda will require to be moved and seconded at the meeting concerned and will be debated as an amendment to the motion before the meeting for approval of the Committee or Sub-Committee minutes and, if successful when the vote is taken, will become the decision of the Board.

No other Motion or discussion will be allowed except where in the opinion of the Convener its subject matter lies within the limits set by the terms of the Committee resolution and the terms of the Notice of Amendment; but nothing in this Standing Order will prevent the Board from deferring consideration of the matter under discussion or from referring the matter back to the appropriate Committee.

- 24.3 It will not be competent for a member to move or second his or her own election or appointment as Convener or Depute Convener of the Board or as an Office-Bearer of any Committee, Sub-Committee or other Group, or as a representative of the Board on any similar or outside body. This does not prevent a member when such election or appointment is under consideration from indicating his or her interest in being nominated for election or appointment.
- 24.4 Every Amendment will be relevant to the Motion on which it is moved. The Convener will decide as to relevancy and has the power, with the consent of the meeting, to conjoin Amendments which are not inconsistent with each other.
- 24.5 Should any Amendment raise a procedural issue, rather than to affect the substantive issue, that procedural issue will be addressed and dealt with, without affecting the substantive Motion or Amendments.
- 24.6 All additions to, omissions from, or variations upon a Motion will be considered as Amendments to the Motion and will be disposed of accordingly.
- 24.7 Motions or Amendments which are not seconded will not be discussed.
- 24.8 A Motion or Amendment once moved and seconded will not be withdrawn without the consent of the mover and seconder, and then only with the sanction of the meeting.

## **25. Procedural Motions**

- 25.1 A member moving that the Board do now **proceed to the next business** or that the debate **be now adjourned** may speak for not more than five minutes and if the Motion is seconded it will be

seconded without a speech. If the Convener is of the opinion that the business which is the subject of the debate has been sufficiently discussed, the procedural motion will be put without further discussion to the meeting and, if supported by a majority of the Board present and voting, will be declared carried.

The procedural Motion may only be put forward where either a formal Motion or a Motion and any Amendments are not already before the Board in relation to the item concerned.

- 25.2 Where both a Motion, and Amendment(s) are already before the Board, any member who has not spoken in the debate can move that **"the matter be put to the vote"** and he or she may speak for not more than five minutes in support of that procedural Motion, which, if seconded, will be seconded without a speech. If the Convener is of the opinion that the business which is the subject of the debate has been sufficiently discussed, a vote on the procedural motion will be taken without further debate.

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If the procedural Motion is carried, the mover of the original Motion will have the right to reply in terms of Standing Order 27 and the question under discussion will then be put to the meeting.

## 26. Point of Order/Explanation

During the discussion, a member may call attention to a point of order or, with the sanction of the Convener, may make an explanation. A member who is addressing the meeting when a question of order is raised will resume his or her seat until the question of order has been decided by the Convener.

## 27. Right of Reply

The mover of an original Motion will have the right to speak for five minutes in reply and in the reply will confine his or her comments to answering previous speakers and will not introduce a new matter into the debate. The mover may, however, seek a point of clarification. After the mover has been called upon by the Convener to reply no other member can speak to the question except on the point of clarification raised and once the reply has been given the Board will proceed directly to the vote.

## 28. Voting - Order of Motions and Amendments

When only one amendment is made upon a Motion, the vote will be taken between the Amendment and the Motion. Where there is more than one Amendment, generally the Amendment last proposed will be put against the immediately preceding one, and the Amendment which is carried will be put against the next preceding, and so on until only one Amendment remains and the vote will be taken between that Amendment and the original Motion. However, particularly in relation to composite Motions, the Convener may decide that Amendments be taken individually against the Motion. After the vote between an

Amendment and the Motion whichever is carried will be the decision of the Meeting.

**29. Voting - Election, Selection or Appointment of Members to any Particular Office or Committee/Sub-Committee**

- 29.1 In the case of an Election, Selection or Appointment of Members of the Board to any particular office, Committee or Sub-Committee or other subsidiary body, or as a representative of the Board on an outside body, where the number of candidates nominated exceeds the number of vacancies, the member(s) to be elected, selected or appointed as the case may be, shall be determined by vote. Members voting shall be entitled to cast as many votes as they wish up to the number of vacancies available.
- 29.2 Where only one vacancy requires to be filled, the vote will normally be by ballot but may be by a show of hands and any candidate having an absolute majority of the votes cast shall be declared duly elected, selected or appointed as the case may be. Where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, the vote shall be by ballot, the name of the candidate having least votes being struck out of the list of candidates. Such process of elimination by vote by ballot shall be continued until in a case where only one vacancy exists any candidate has an absolute majority of the votes cast or in any other case, until the number of candidates remaining equals the number of vacancies when the candidate or candidates remaining shall be declared duly elected, selected or appointed as the case may be.
- 29.3. If in any ballot among more than two candidates there is equality in votes among the candidates having least votes, the candidate whose name shall be eliminated shall be determined by an additional vote by ballot and unless there again be equality in votes, the name of the candidate having least votes shall be struck out of the list.
- 29.4 Where in any vote between two candidates or in such additional vote by ballot there is equality in votes, the candidate to be selected or appointed or eliminated (as the case may be) shall be determined by lot.

**30. Voting - Appointment of Staff**

Where there is member involvement in staff appointments, staff will be appointed in the same manner detailed in Standing Order 29 for the election, selection and appointment of members to any particular post or office or Committee/Sub-Committee, except that, where applicants for appointment to any particular post or office are being interviewed by the Board or by a Committee or Sub-Committee acting as an Appointments Board, the members of the appointing body will be entitled to participate in the voting for that appointment only if they have been present

throughout all of the interviews. A further exception applies in relation to equality of votes, as is laid down in Standing Order 32.3 below.

### 31. **Method of Voting**

- 31.1 Where an electronic voting system is in operation, Standing Orders 31.2 to 31.4 will apply with regard to the method of voting. Standing Orders 31.5 to 31.7 will apply where there is no such system in operation.
- 31.2 The vote of the Board, including ballots referred to in Standing Order 29 and the recording of abstentions, will normally be taken by use of the electronic voting system.
- 31.3 If any member objects to the vote being taken by use of the electronic voting system and a majority of the members of the Board present and voting signify their support of the objection, the vote will be taken by show of hands, calling the roll or by paper ballot.
- 31.4 All votes on procedure will be taken by use of the electronic voting system.
- 31.5 The vote of the Board, including the recording of abstentions, will be taken normally by calling the roll.
- 31.6 If any member objects to the vote being taken by calling the roll and a majority of the members of the Board present and voting signify their support of their objection, the vote will be taken by show of hands or by ballot.
- 31.7 All votes on procedure will be taken by calling the roll.

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### 32. **Casting Votes**

- 32.1 Except as otherwise provided in the 1973 Act and this Standing Order, the Convener or the member presiding in his or her absence in accordance with Standing Order 10 shall in the case of an equality of votes give the casting vote.
- 32.2 In the case of the election, selection or appointment of members to any particular office or Committee/Sub-Committee in terms of Standing Order 29, in any case of equality of votes between candidates as described in Standing Order 29.4, the Convener or member presiding in his or her absence will not have a casting vote but the candidate to be elected, selected, appointed or eliminated as the case may be will be determined by lot.
- 32.2 For the avoidance of doubt, in the case of the appointment of a member of staff to a post as described in Standing Order 30, where in any vote between candidates there is equality in voting, the Convener will exercise his or her casting vote in determining

the candidate to be selected or (in the case of an additional vote) to be eliminated in terms of Standing Order 29.4.

**33. Defect in Procedures**

The proceedings of the Board shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member or by any member voting or taking part in the consideration or discussion of any question when he or she is not entitled to do so.

**34. Recording of Dissent from Decision**

A member of the Board may have his or her dissent recorded to a decision of the Board provided that he or she has moved a Motion or Amendment and failed to find a seconder or else has taken part in a vote provided that such member asks immediately after the item is disposed of that such dissent be recorded.

**35. Minutes of Board Meetings**

All Minutes of the proceedings of the Board, in which will be recorded the names of the members who attended the meetings, will be drawn up by or on behalf of the Clerk and, so far as practicable, issued to members of the Board not later than the seventh day before the next ensuing ordinary meeting at which they will be submitted, held as read, corrected if need be and, where held to be a true record of the proceedings to which they relate, will be signed by the person who presided at the previous meeting or who presides at the meeting when the Minutes are approved. Without prejudice to any of the provisions of the 1973 Act, any Minutes purporting to be so signed will be received in evidence without further proof.

**E. COMMITTEES AND SUB-COMMITTEES**

**36. Application of Standing Orders to Committees, Sub-Committees etc.**

The provisions of these Standing Orders, with the exception of Standing Orders 18 and 35, will apply to Committees and Sub-Committees of the Board and to other subsidiary bodies as they apply to the Board, with the substitution of references to the Committee, Sub-Committee, other subsidiary body or its Chair, as the case may, for reference to the Board, Convener or Depute Convener, as appropriate.

**37. Decisions of Committees and Sub-Committees**

Decisions of a Committee or Sub-Committee will not be carried into effect until these decisions have been reported to and approved by the Board, except that, and subject to Standing Orders 9.3 and 9.4, a Committee or Sub-Committee may carry into effect any decision on the following without the necessity of first having reported this to the Board: -

- (a) a matter included in the delegation to the Committee or Sub-Committee or remitted with powers to the Committee or Sub-Committee, after the lapse of three working days after the date of the meeting of the Committee or Sub-Committee;
- (b) a matter remitted with full delegated powers to the Committee or Sub-Committee which may be implemented immediately;
- (c) any matter which, in the opinion of the Committee or Sub-Committee, is one of urgency, on the understanding that, even though not included in the Annual Estimates of the Board, the decision does not involve major expenditure and has the approval of the Assessor and Electoral Registration Officer and of the Treasurer;
- (d) any routine matter not involving a change of policy.

**38. Submission of Minutes of Committees and Sub-Committees**

- 38.1 The report of each Committee and Sub-Committee of the Board, being the Minutes of Meetings of such Committees and Sub-Committees, will be circulated among the members and will be held as read.
- 38.2 The Minutes of Meetings of Committees and Sub-Committees will be submitted for confirmation as correct records of the proceedings to the next ordinary meeting of the Board by the Chair of each Committee or Sub-Committee, whom failing any other Committee or Sub-Committee member in attendance at the relevant meeting, (a) for information in respect of business delegated or remitted with powers and (b) for approval in respect of matters referred.
- 38.3 If any question arises at a meeting of the Board **as to the accuracy of a Minute** which has not already been confirmed, such question will be determined by the members of the Committee or Sub-Committee who were present at the meeting to which the Minute relates and are present at the meeting of the Board at which the matter is raised.
- 38.4 In relation to **business delegated or remitted with powers** to Committees and Sub-Committees, no discussion or Motion will be allowed in the Board on the Minutes except as to their accuracy as a correct record .
- 38.5 In **matters referred to Committees and Sub-Committees**, a member may move an amendment to the Motion before the Board referred to in Standing Order 38.6 for approval of the Committee or Sub-Committee Minutes and, provided that the Amendment is seconded, concerns the merits of the Committee or Sub-Committee decision and is successful when the vote is taken, that Amendment will become the decision of the Board. The Board having so decided, it will be incompetent for the matter

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to be re-considered by the Committee or Sub-Committee concerned except in terms of Standing Order 38.7 below.

- 38.6 The Motion by the Chair for approval of the Minutes of the Committee or Sub-Committee of which he or she is Chair and the seconding of the Motion will not inhibit the Chair or seconder if either of them wishes to support the rescission or amendment of any Committee or Sub-Committee decision. In moving the approval of the Minutes of the Committee or Sub-Committee, the Chair, and in seconding the Motion the seconder, shall be regarded as carrying out a formal function which does not prevent either of them as an individual Board member from disagreeing with the decision of the Committee or Sub-Committee.

If, however, the Chair wishes to move an Amendment to the Minutes in respect of an item or items [or a Notice of Amendment](#), then the Chair, when moving approval of the Minute, will do so under exception of the item(s) concerned, leaving it to another member to move approval of the Minute in relation to the excepted item(s). The same principle shall apply in relation to the seconder of the Motion for approval of the Committee or Sub-Committee Minutes.

For the avoidance of doubt, the mover of the Motion for approval of the excepted item(s) of the Minutes in such a case will have the right of reply in relation to the item(s), the Chair having such right as regards the remainder of the Minutes.

- 38.7 In the event of a matter being referred back by the Board to a Committee or Sub-Committee for further consideration, the Committee or Sub-Committee will not require to suspend Standing Orders before such matter can be considered by the Committee or Sub-Committee or before the Committee or Sub-Committee can alter their decision on the matter.

## **F. MISCELLANEOUS**

### **39. Failure to Attend Meetings**

- 39.1 Subject to section 35 of the Act of 1973, if a substantive member of the Board fails throughout a period of twelve consecutive months to attend any meeting of the Board, then, unless the failure was due to some reason approved by the Board, the Clerk shall draw the matter to the attention of the relevant Constituent Authority, who may wish to reconsider that member's appointment to the Board.
- 39.2 Attendance as a member at a meeting of any Committee or Sub-Committee of the Board or other body by whom for the time being any of the functions of the Board are being discharged, and attendance as representative of the Board at a meeting of any body of persons, will be deemed to be attendance at a meeting of the Board.

**40. Authentication of Notices etc.**

Every notice, order, demand, requisition or such other document or withdrawal thereof by the Board required or authorised by any enactment or Statutory Order or bye-law will, except in so far as such enactment or Statutory Order specifically otherwise provides, be signed by the Clerk, the Head of Legal and Democratic Services of The Highland Council or such other officer of the Board as the Board may authorise.

**41. Execution of Deeds and Use of Seal**

41.1 All deeds to which the Common Seal of the Board will require to be affixed will be sealed only if authorised by the Board or, where the necessity to execute a deed is in consequence of a decision taken by the Board or, in the case of the discharge of a duty or function delegated by the Board to a Committee or Sub-Committee of the Board, to the Clerk or to the Assessor and Electoral Registration Officer, by that Committee or Sub-Committee, the Clerk or the Assessor and Electoral Registration Officer respectively.

41.2 All deeds to which the Common Seal of the Board is required to be affixed will be signed by the Clerk, or by the Head of Legal and Democratic Services of The Highland Council, [\*or by a member of staff authorised by either to do so.\*](#) or by such other officer of the Board as the Board may authorise.

41.3 A list of all deeds so executed will be reported to the next succeeding ordinary meeting of the Board for the information of members.

41.4 The Common Seal of the Board will be kept by the Clerk, who will be responsible for its safe custody.

**42. Councillors' Code of Conduct**

All members of the Board will be bound by the provisions of the Councillor's Code of Conduct issued under the Ethical Standards in Public Life etc. (Scotland) Act 2000.

**Appendix 2**

**HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD**

**SCHEME OF REFERENCE AND DELEGATION  
TO  
OFFICERS**

| 23 January 2014

Deleted: 29 August 2012

## **OFFICERS**

### **ASSESSOR & ELECTORAL REGISTRATION OFFICER ("ASSESSOR")**

The following matters are delegated to the Assessor:

1. Discharging the obligations outlined in the Board's Financial Regulations, including the exercise of delegated powers
2. Management of stocks and equipment
3. Daily administration of property, including maintenance of property and contracts, subject to the Board's Standing Orders and Financial Regulations. In these matters, the Assessor will be guided by the advice of the Director of Housing & Property, the Highland Council
4. Appointing employees within the approved budgets
5. Authorising minor changes in the staff structures or gradings, provided these can be contained within their approved budgets
6. Responsibility for all personnel administration, other than relating to Chief Officers or as specified elsewhere in this Scheme of Delegation, in accordance with agreed Board policies, where in place. In these matters, the Assessor will be guided by the advice of the Board's Personnel Adviser
7. Conducting disciplinary proceedings in respect of employees within the general terms of employment law and the specific provisions of the Board's approved disciplinary procedure
8. Implementing national circulars where these contain no element of discretion

## CLERK

The following matters are delegated to the Clerk:

1. Meetings and proceedings of the Board (Section 43 of the Act of 1973)
2. Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes (Section 50B(2); 50B(7)(c) and 50C(2) of the Act of 1973)
3. Complying with the Local Government (Access to Information) Act 1985 (Section 50A of the Act of 1973)
4. Deciding on members' rights of access to Board documents which disclose 'exempt information' in terms of the Local Government (Access to Information) Act 1985 (Section 50(F)(2) of the Act of 1973)
5. Acting as 'proper officer' to prepare and maintain a list of politically restricted posts (Section 2 of the Local Government and Housing Act 1989)
6. Accepting tenders in circumstances as set out in the Board's Standing Orders Relating to Contracts
7. On the recommendation of the Assessor and in consultation with the Convener and Depute Convener, approving early retirements on the grounds of ill-health
8. Approving attendance of Members at conferences/seminars in Great Britain where there is insufficient time for the invitation to be considered by the Board prior to the conference/seminar being held, subject to availability of funds and a report for information being submitted to the next available meeting of the Board
9. Signing documents on behalf of the Board, including binding missives, if so required in the absence of the Head of Legal and Democratic Services or duly authorised members of his/her staff, contracts and other agreements; this matter also being delegated, in the absence of the Clerk, to the officer designated by the Clerk to act as Assistant Clerk.
10. Referring for further consideration by the Board any item of business on which a decision has been made but which he or she may consider as being a contravention of law or any code of practice under any enactment, or maladministration leading to injustice. (Notice of Referral - See Paragraph 9.3 of Standing Orders)

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10. Acting as the Board's Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989¶

## TREASURER

The following matters are delegated to the Treasurer:

1. Acting as the proper officer of the Board with responsibility for the administration of its financial affairs
2. Discharging the obligations outlined in the Board's Financial Regulations, including the exercise of delegated powers

## MONITORING OFFICER

In terms of Section 5 of the Local Government and Housing Act 1989, as subsequently amended, it shall be the duty of every relevant authority:-

- (a) to designate one of their Officers (to be known as the Monitoring Officer) as the Officer responsible for performing the duties imposed by the Act; and
- (b) to provide that Officer with such staff, accommodation and other resources as are, in his or her opinion, sufficient to allow those duties to be performed.

The Officer so designated may be the Head of Paid Service but shall not be the Chief Finance Officer.

It shall be the duty of a relevant authority's Monitoring Officer, if it at any time appears to him or her that any proposal, decision or omission by the authority, by any Committee, Sub Committee or Officer of the authority, or by any Joint Committee on which the authority is represented, constitutes, has given rise to or is likely to or would give rise to:-

- (a) a contravention by the authority, by any Committee, Sub Committee or Officer of the authority or by any such Joint Committee of any enactment or rule of law or of any Code of Practice made or approved by or under any enactment; or
- (b) any such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974 (Local Commissioners) or Part 11 of the Local Government Act 1975 (which makes corresponding provision for Scotland);

to prepare a report to the authority with respect to that proposal, decision or omission.

It shall be the duty of the Monitoring Officer:-

- (a) in preparing a report under this section to consult as far as practicable with the Head of Paid Service and the Chief Finance Officer; and
- (b) as soon as practicable after such a report has been prepared by him or her or his or her deputy, to arrange for a copy of it to be sent to each member of the authority.

The Monitoring Officer for the Board is the Head of Legal and Democratic Services, the Highland Council.

## HEAD OF LEGAL AND DEMOCRATIC SERVICES, THE HIGHLAND COUNCIL

*The following matters are delegated to the Head of Legal and Democratic Services, the Highland Council:*

1. Acting as the proper officer of the Board in respect of the functions described in the following sections of the Local Government (Scotland) Act 1973:-

Section 190	-	service of legal proceedings
Section 191	-	claims in sequestrations and liquidations
Section 193	-	authorisation of documents
Section 194(i)	-	execution of deeds
Section 197	-	inspection and deposit of documents
2. Instituting, defending or appearing in any legal proceedings or any inquiry held by or on behalf of any minister or public body under any enactment, including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority
3. In an emergency, and in consultation with the Assessor, settling legal actions of all descriptions
4. Appointing or consulting with Counsel where considered expedient to do so for the promotion or protection of the Board's interests
5. Engaging private legal firms, Sheriff Officers, patent agents and parliamentary agents when suitable
6. Publishing or serving on any person or body any notice, direction, order, licence, summons, writ or other document which the Board is required or authorised to publish or serve under any public act or any regulation or order made thereunder, other than where the publication or service of any document has been delegated by the Board to another officer
7. Signing binding missives on behalf of the Board relating to the purchase or sale of heritable property, and executing any notice, order, declaration or other document which may be required relative to any compulsory purchase authorised by the Board
8. Carrying out any legal procedure which may prove necessary to enable either the Assessor, Clerk or Treasurer to implement a duty delegated to him/her

## **HEAD OF PROPERTY, THE HIGHLAND COUNCIL**

The following matters are delegated to the Head of Property, the Highland Council:

1. Where required, implementation of the Board's capital programme, in accordance with the Board's agreed policies and budget decisions
2. Where required, responsibility for the maintenance of Board properties, in accordance with the Board's agreed capital programme

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EXECUTIVE/ DIRECTOR OF  
HOUSING &

Deleted: Depute Chief  
Executive/Director

Deleted: Housing &

## **HEAD OF PERSONNEL, THE HIGHLAND COUNCIL**

The following matter is delegated to the Head of Personnel, the Highland Council:

1. Acting as the Board's Personnel Adviser