

**HIGHLAND AND WESTERN ISLES
VALUATION JOINT BOARD**

18 June, 2021

Agenda Item	11
Report No	VAL/12/21

**CORPORATE GOVERNANCE - STANDING ORDERS RELATING TO THE CONDUCT
OF MEETINGS AND SCHEME OF DELEGATION**

Report by the Clerk

1.Purpose

1.1 This report outlines proposals for amendments to the Board's Standing Orders Relating to the Conduct of Meetings and the Scheme of Delegation.

1.2 The Board's Standing Orders are modelled on those of The Highland Council, which are themselves reviewed regularly. Where it is considered that a Highland Council amendment may improve clarity or otherwise assist this Board, this has been reflected and tracked in Appendix 1. Also, minor amendments to the Scheme of Delegation to reflect changes in post titles are also proposed.

2. Standing Orders Relating to the Conduct of Meetings

2.1 Members are advised that the main changes proposed relate to the following:-

- S/O 9 – Notices of Motion etc for Submission to Future Meetings

It is proposed to include the following wording within Standing Order 9.1:-

For the avoidance of doubt, the Clerk will rule on issues of competency;

All Notices of Motion coming before the Board for consideration, shall be accompanied, where appropriate, with an assessment completed by the Assessor and Electoral Registration Officer, identifying the financial, staffing and other implications of adopting the Motion together with, where appropriate, an assessment of the measures that have been identified to address such implications.

- S/O 20 – Declaration of Interest

It is proposed to include the following wording within Standing Order 20.3:-

For Clarification, it is the personal responsibility of Members to make decisions about whether to declare interests and take part in discussion or voting. This includes all interests whether or not entered in the Register of Interests which might be perceived as influencing an opinion and/or vote on any matter.

- Miscellaneous – various other minor amendments are suggested, largely in the interests of clarity.

3. Scheme of Delegation

3.1 Minor amendments to the Scheme of Delegation to reflect changes in post titles are proposed:-

Matters delegated to the Assessor:- Item 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 *Executive Chief Officer Property and Housing*, the Highland Council.” (formerly Director of Development and Infrastructure).

Implementation of Board’s Capital Programme and responsibility for maintenance of Board Properties – change in title from Head of Property to *Executive Chief Officer Property and Housing, The Highland Council*.

Personnel Adviser - change in title of the Board’s Personnel Adviser from Head of People and Information & Communications Technology to *Head of Human Resources, The Highland Council*.

A copy of the current version of the Scheme of Delegation can be found on the Highland Council website and the link to the document is shown below:-

https://www.highland.gov.uk/downloads/file/6292/scheme_of_reference_and_delegation

Recommendation

The Board is asked to consider and agree the proposed changes to the Standing Orders as tracked in Appendix 1 to the report and the Scheme of Delegation as detailed in Section 3 of the report.

Designation: Clerk to the Board
Author: Stewart Fraser

Date: June 2021

THE HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD

**STANDING ORDERS
RELATING TO THE CONDUCT OF MEETINGS**

June, 2021

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

A. PRELIMINARIES

1. Commencement
2. Application of Interpretation Act
3. Definitions
4. Alteration
5. Review
6. Suspension of Standing Orders

B. CALLING MEETINGS/ITEMS FOR FUTURE MEETINGS

7. Notice of Meetings
8. Place of Meetings
9. Notices of Motion for Submission to Future Meetings

C. ATTENDANCE AT MEETINGS - BASIC PROVISIONS

10. Convener
11. Quorum
12. Substitute Members
13. Members of Press/Public

D. CONDUCT OF BUSINESS/PROCEEDINGS AT MEETINGS

14. Convener - Powers and Duties
15. *Recording of Members' Attendance Sederunt*
16. Urgent Business
17. Order of Business/Adjournment
18. Order of Business at First Meeting of the Board after Elections
19. Rescinding of Resolution
20. Declaration of Interest
21. Obstructive/Offensive Conduct
22. Order of Speeches
23. Number and Duration of Speeches
24. Motions and Amendments – General
25. Procedural Motions
26. Point of Order/Explanation
27. Right of Reply
28. Voting - Order of Motions and Amendments
29. Voting - Election, Selection, Appointment of Members to any particular office or Committee/Sub-Committee
30. Voting - Appointment of Staff
31. Method of Voting
32. Casting Votes
33. Defect in Procedures
34. Recording of Dissent from Decision
35. Minutes of Board Meetings

Formatted: Font: Italic

E. COMMITTEES AND SUB-COMMITTEES

- 36. Application to Committees and Sub-Committees**
- 37. Decisions of Committees and Sub-Committees**
- 38. Submission of Minutes of Committees and Sub-Committees**

F. MISCELLANEOUS

- 39. Vacation of Office by Failure to Attend Meetings**
- 40. Authentication of Notices etc.**
- 41. Execution of Deeds and Use of Seal**
- 42. Councillors' Code of Conduct**

**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 18 June, 2021 ~~23 JANUARY 2014~~**

A. PRELIMINARIES

1. Commencement

These Standing Orders will apply and have effect on and after 18 June, 2021 ~~23 January 2014~~.

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).

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 ~~e-mailed~~^{given} to every member of the Board by or on behalf of the Clerk not later than the ~~seven~~⁷th 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).~~

Formatted: Font: Italic

Formatted: Font: Italic

7.2 A **Special Meeting** of the Board will be called by the Clerk (a) on ~~the request of 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~~¹⁴ days of receipt of the requisition by the Clerk.

Formatted: Font: Italic

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~~⁷ 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, or on The Highland Council website, or on the Comhairle nan Eilean Siar website when the meeting is scheduled to take place within that Council's area. Such notice will be posted at least ~~4~~^{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 ~~3~~^{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 1 one~~ other Substantive member and sent to the Clerk.

Formatted: Font: Italic

For the avoidance of doubt, the Clerk will rule on issues of competency.

Formatted: Font: Italic

All Notices of Motion coming before the Board for consideration shall be accompanied, where appropriate, with an assessment completed by the Assessor and Electoral Registration Officer, identifying the financial, staffing and other implications of adopting the Motion together with, where appropriate, an assessment of the measures that have been identified to address such implications.

Formatted: Font: Italic

Formatted: Font: Italic

9.2 Such a Notice of Motion must be received not later than ~~14 fourteen~~ days prior to the meeting of the Board concerned, and no later than 5 p.m. on the final day. In calculating the ~~14 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 ~~2 two~~ other members of the Board, and received by the Clerk not more than ~~3 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

Formatted: Font: Italic

and Electoral Registration Officer, or relevant Board official, not to implement the Committee or Sub-Committee decision.

Formatted: Font: Italic

- 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.

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 ~~10 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.

Formatted: Font: Italic

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 ~~are welcome to 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.

Formatted: Font: Italic

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.
- 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. **Recording of Members' Attendance Sederunt**

Formatted: Font: Italic

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. **Recording of Members' Attendance** ~~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.

Formatted: Font: Bold

20. Declaration of Interest

20.1 ~~A Member It shall be for any member~~ who has declared ~~a any~~ financial interest in ~~a any_ matter and is present at a meeting of the Board at which matter~~ *which* is the subject of consideration ~~at a meeting, has~~ 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.

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

20.2 ~~A Member It shall be for any member~~ who has declared any other interest ~~must 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.

Formatted: Font: Italic

20.3 ~~For clarification, it is the personal responsibility of Members to make decisions about whether to declare interests and take part in discussion or voting. This includes all interests whether or not entered in the Register of Interests which might be perceived as influencing an opinion and/or vote on any matter.~~

Formatted: Font: Italic

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 ~~their 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.

Formatted: Font: Italic

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 ~~their his or her~~ hand.

Formatted: Font: Italic

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 ~~10~~ **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 ~~5~~ **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~~ –General

Formatted: Font: Italic

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 – *Closure of Debate*

Formatted: Font: Italic

- 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 Members Board present and voting, will be declared carried.

Formatted: Font: Italic

The procedural Motion may only be put forward where ~~either a formal Motion or a~~ Motions 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.

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, ~~provide may make~~ an explanation. A member who is addressing the meeting when a question of order is raised will resume ~~their his or her~~ seat until the question of order has been decided by the Convener.

Formatted: Font: Italic

Formatted: Font: Italic

27. Right of Reply

The mover of an original Motion and the movers of any Amendments will have the right to speak for ~~5 five~~ minutes in reply and ~~in the reply~~ will confine their comments to answering previous speakers and ~~will~~ not introduce a new matter into the debate. The movers may, however, seek points of clarification. After the movers have been called upon by the Convener to reply no other Member can speak to the question except on the points of clarification raised and once the replies have 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 ~~will being~~ struck out of the list of candidates.

Formatted: Font: Italic

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.

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

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

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~~ 3 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 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~~ 12 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 Corporate Governance 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 Corporate Governance 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.