

Item: 15

Orkney and Shetland Valuation Joint Board: 3 March 2022

Review of Constitution.

Report by Clerk to the Board.

1. Purpose of Report

To receive proposals on the revision to the Orkney and Shetland Valuation Joint Board Constitution.

2. Recommendations

The Board is invited to note:

2.1.

That the Orkney and Shetland Valuation Joint Board Constitution, attached as Appendix 1 to this report, has been in place, without revision, for over a decade.

2.2.

That the Board does not currently have a Scheme of Delegation to Officers.

2.3.

That a review of the Constitution and associated governance documents is underway.

2.4.

That draft Standing Orders, incorporating the Constitution, have been developed for consultation with relevant members and officers.

It is recommended:

2.5.

That the Clerk present revised Standing Orders and a Scheme of Delegation to Officers to the next meeting of the Board to be held in June 2022.

3. Review of the Constitution

3.1.

The Orkney and Shetland Valuation Joint Board Constitution, attached as Appendix 1 to this report, has been in place, without revision, for over a decade. In addition, the Board does not currently have a Scheme of Delegation to Officers.

3.2.

A review of the Constitution is underway however, for effective and clear governance, a suite of documents is required which include Standing Orders and a Scheme of Delegation to Officers.

3.3.

It is therefore proposed that Standing Orders and a Scheme of Delegation to Officers are developed. In addition, Financial Regulations and Contract Standing Orders tailored to the Board will also be developed.

3.4.

A draft revised Constitution – Orkney and Shetland Valuation Joint Board Standing Orders, has been developed and is attached as Appendix 2 to this report. This working draft has been developed with reference to good practice in other Valuation Joint Boards.

3.5.

The draft revised document aims to provide clear Standing Orders to ensure good governance and a Scheme of Delegation to Officers which will articulate decision making mechanisms for the Board and Officers.

3.6.

It is proposed that a consultation on this draft is undertaken with Members and Officers of the Board and appropriate support officers from the constituent Councils. A final draft of the Standing Orders and the Scheme of Delegation will be presented for consideration at the next meeting of the Board.

4. Financial Implications

There are no financial implication arising from this report.

5. Governance Aspects

5.1.

The draft revised Standing Orders will be considered by the Monitoring Officers of the constituent Councils to ensure they comply with the relevant legislation.

5.2.

The content and implications of this report have been reviewed and, at this stage, it is deemed that the Board **DOES NOT** require external legal advice in consideration of the recommendations of this report.

6. Contact Officer

Karen Greaves, Clerk to the Board, Email karen.greaves@orkney.gov.uk

7. Appendices

Appendix 1: Orkney and Shetland Valuation Joint Board Constitution.

Appendix 2: Draft Revised Standing Orders for Orkney and Shetland Valuation Joint Board.

1 CONSTITUTION

- 1.1** The Orkney and Shetland Valuation Joint Board was established by, and exists in accordance with, the Local Government (Scotland) Act 1994 and the Valuation Joint Boards (Scotland) Order 1995.
- 1.2** The Joint Board shall consist of Councillors from the Constituent authorities of Orkney Islands Council and Shetland Islands Council and shall have all such functions as are vested in it by the Valuation Joint Boards (Scotland) Order 1995 and the functions which the constituent authorities of the Joint Board would otherwise have had under the Valuation Acts in consequence of section 27 of the Local Government etc. (Scotland) Act 1994.
- 1.3** The Joint Board shall be a body corporate by the name "The Orkney and Shetland Valuation Joint Board"

2 ELECTION AND TERM OF OFFICE

- 2.1** The total number of members of the Joint Board shall be ten in total, consisting of 5 Councillors from each of the Constituent authorities.
- 2.2** The term of office of members of the Joint Board shall be three years, expiring on the date of the first meeting of the constituent authority after the ordinary election following the date of his appointment. If, prior to the ordinary election, a member of the Board ceases to be a Councillor for the area of the constituent authority which appointed him, he shall immediately cease to be a member of the Board. A constituent authority may at any time terminate the membership of any person appointed by them as a member of the Board.

3 OFFICE BEARERS

- 3.1** **Statutory Meeting.** The election of the Convener as chairman of the Joint Board shall be the first business transacted at the first statutory meeting of the Joint Board held after the ordinary election of Councillors, and at that meeting, until the Convener is elected, the Clerk to the Joint Board, or his nominee, as appointed by him in writing, shall preside.
- 3.2** In the case of an equality of votes the Convener shall be elected by lot as between those who received equal votes.
- 3.3** On a casual vacancy occurring in the office of Convener an election to fill the vacancy shall be held as soon as practicable and in accordance with the terms of paragraphs 3.1 and 3.2.
- 3.4** The term of office of the Convener shall be from the date of his appointment until the day of the next ordinary election. Otherwise he shall cease to hold that office upon ceasing to be a member of the Board.
- 3.5** A person who previously held the office of Convener shall be eligible for re-election as Convener.
- 3.6** After the election of the Convener, and at the same meeting, the next business of the Joint Board shall be to elect a Member to be Depute Convener as Vice-Chairman of the Joint Board. The persons who hold office as Convener and Depute Convener shall not, at any time, be members of the same constituent authority.

- 3.7 In the case of an equality of votes the Depute Convener shall be elected by lot as between those who received equal votes.
- 3.8 The Depute Convener shall, unless he resigns or becomes disqualified, hold office until the day of the ordinary election of Councillors following the date of his appointment.
- 3.9 On a casual vacancy occurring in the office of Depute Convener an election to fill the vacancy shall be held as soon as practicable.
- 3.10 In the absence of the Convener, the Depute Convener shall assume his authority and powers.
- 3.11 It is the responsibility of the Convener and the Depute Convener to observe the Administrative Regulations and to ensure that the Members observe and adhere to them at all times.
- 3.12 In the event of an urgent matter arising which requires an immediate decision, the Clerk to the Joint Board , or his nominee, may take action on behalf of the Joint Board, having consulted with the Convener or Depute Convener, which ever is appropriate and available. A short report of the action taken shall be submitted to a meeting of the Joint Board as soon as possible and no later than the next meeting.
- 3.13 The Joint Board may appoint representatives to other Committees and Organisations.

4 THE EXECUTIVE

- 4.1 **Clerk to the Joint Board** The Clerk to the Joint Board , appointed from time to time by the Joint Board shall be responsible to the Joint Board for the overall executive management and co-ordination of the business and administration of the Joint Board.
- 4.2 **Secretary to the Joint Board** . The Clerk to the Joint Board shall appoint such nominees as necessary to provide a full range of administrative and secretarial services to the Joint Board. These shall include the publication and dispatch of notices of Joint Board meetings, agendas and reports, the preparation of minutes, attendance at meetings and procedural advice. He shall assist in the preparation of reports to the Joint Board in so far as they relate to administrative matters;
- 4.3 **Treasurer to the Joint Board** . The Treasurer of the Joint Board to be appointed by the Board from time to time, shall provide a full range of general financial advice and services to the Joint Board including the preparation of accounts, regulation of expenditure, and the preparation of financial reports to Joint Board meetings. He shall assist in the preparation of other reports to the Joint Board in so far as they relate to financial matters.

5 TERMS OF REFERENCE

- 5.1 **Purpose.** The purpose of the Orkney and Shetland Valuation Joint Board is to discharge jointly the functions of the valuation authorities of Orkney Islands and Shetland Islands.
- 5.2 **Authority.** Subject to the express provision of any enactment the Joint Board may delegate any of its functions, with the exception of the approval or introduction of new policies or changes to existing policies, to Committees, or Officers.

5.3 Notwithstanding the above, the Joint Board may resume responsibility for exercising any such delegated functions.

6 APPOINTMENT OF COMMITTEES

6.1 In order to delegate its functions, the Joint Board may appoint Committees.

6.2 Each Committee shall have authority to carry out the functions of the Joint Board within its own area of responsibility as defined in terms of reference approved by the Joint Board. Membership of Committees shall be comprised solely of Members of the Joint Board.

7 PROCEDURES

7.1 **Cycle of Meetings.** The Ordinary Meetings of the Orkney and Shetland Valuation Joint Board shall be held on at intervals in terms of a cycle of meetings determined by the Joint Board.

7.2 **Time and Place.** All meetings of the Joint Board shall generally be held alternately between Orkney and Shetland, at such place or time as the Joint Board may direct.

7.3 **Notification to Members.** Notification to Members of the time, place and business of the meeting shall be given in a Notice of Meeting issued by or on behalf of the Clerk to the Joint Board and sent to every Member of the Joint Board at least 7 days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.

7.4 **Special Joint Board Meetings.** The Clerk to the Joint Board shall call a meeting of the Joint Board at any time on being required in writing so to do by the Convener of the Joint Board, or on receiving a written formal notice for that purpose specifying the business proposed to be transacted at the meeting signed by no fewer than one third of the Members of the Joint Board. The meeting shall be held within fourteen days of receipt of the notice and shall deal only with the business specified in the notice.

8 AGENDA MANAGEMENT

8.1 **Procedures.** The procedures of Agenda Management are governed by the timetable for meetings of the Joint Board. The timetable shall be circulated by the Clerk to the Board on a regular basis. The procedures and timetable for the circulation of draft reports and the clearance and classification of reports shall be in accordance with guidelines issued by the Clerk to the Joint Board .

8.2 All letters, reports etc., from outside bodies must be accompanied by a written report by the relevant officers of a constituent authority.

8.3 The Secretary to the Joint Board will consult with the Convener and authors in the drafting of the Agenda. The Convener, in consultation with the Clerk to the Joint Board, shall see the draft agenda and the sequence of items under consideration before publication.

8.4 All reports and relevant documentation shall be available for circulation with the Agenda; only in exceptional circumstances will items be listed on the Agenda, where the report is not available at that time.

8.5 Agendas, reports and all other relevant papers will normally be sent to Members seven days prior to the meeting to which they apply. The addition of other items to an Agenda which has already been issued shall not be permitted unless the Clerk has arranged with the Convener for the item to be taken as a matter of urgency.

8.6 Copies of the Agenda together with copies of reports and other relevant papers, not classified as Confidential or Exempt, shall be open for inspection by members of the public at the offices of the Secretary to the Joint Board; further copies of such documents may be provided for an appropriate charge.

9 MEETINGS OF THE JOINT BOARD

9.1 Order of Business. The order of business at every meeting of the Joint Board, except the first Statutory Meeting, shall be as follows:

9.1.1 The Convener, or in his absence the Depute Convener, shall take the Chair. If both are absent the Joint Board shall appoint an interim Chairman.

9.1.2 The Minute-taker shall record those present and intimate apologies.

9.1.3 The Notice of the meeting shall be read or held as read.

9.1.4 The Minutes of the previous meeting shall be submitted for confirmation and signature.

9.1.5 Reports from Joint Board Officers.

9.1.6 Business expressly required by Statute.

9.1.7 Business remaining from the last meeting (if any).

9.2 Quorum. A quorum shall consist of one fourth of the Members of the Joint Board entitled to vote. If, fifteen minutes after the meeting was called it is still inquorate, the meeting shall not be held and shall be reconvened in accordance with the usual notification procedures.

9.3 Urgent Business. The Chairman may, at any meeting, vary the order of business so as to give precedence to any business of special urgency.

10 ADMISSION OF PUBLIC AND PRESS.

10.1 Unless the Joint Board decide otherwise, the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings, or the making of any oral report on any proceedings as they take place, shall not be permitted.

10.2 All meetings of the Joint Board shall be open to the public except to the extent that:

the public shall be excluded if it is likely that CONFIDENTIAL information will be disclosed.

10.2.1 CONFIDENTIAL refers to:

- 10.2.1.1 information furnished to the Joint Board by a Government Department upon terms (however expressed) which forbid the disclosure of the information to the public, or
 - 10.2.1.2 information, the disclosure of which to the public is prohibited by, or under, any enactment or by the order of a Court.
 - 10.2. 2 The CONFIDENTIAL classification is imposed by higher authority and must not be changed or removed without the approval of that higher authority.
- 10.3 The public may, by resolution of the Joint Board, be excluded during consideration of an item of business which contains EXEMPT information.
 - 10.3.1 An item of business contains EXEMPT information if the information is similar to the criteria set out in Schedule 7A of the Local Government (Scotland) Act 1973.
 - 10.3.2 The classification as "Not for Publication" of a document containing information which is EXEMPT is the responsibility of the Clerk .
 - 10.3.3 In addition to the EXEMPT classification, a report may also contain a recommendation by its author as to whether or not, and why, the report should be considered in private.
 - 10.3.4 It is for Members to decide whether or not to resolve that a document marked: "Not for Publication" should be considered in private.
 - 10.3.5 The Joint Board may resolve that certain categories of items containing EXEMPT information will always be considered in public. The Joint Board shall instruct the Clerk accordingly and these items shall not be marked.

11 CHAIRMAN'S POWERS AND DUTIES

- 11.1 Deference shall at all times be paid to the authority of the Chairman. When the Chairman speaks, any Member addressing the meeting shall stop speaking. It shall be the duty of the Chairman to preserve order and to ensure that Members obtain a fair hearing. He shall decide all matters of order, competency and relevancy, and conduct meetings strictly in terms of these Administrative Regulations.
- 11.2 The Chairman shall determine all questions of procedure for which no express provision is made under these Administrative Regulations.
- 11.3 After warning, the Chairman may order the removal from the meeting of any person causing disturbance.
- 11.4 The Chairman`s ruling shall be final and shall not be open to discussion. He shall be entitled, in the event of disorder arising, to adjourn the meeting, and his vacating the Chair shall be the signal that the meeting is adjourned.

12 SUSPENSION AND ALTERATION OF ADMINISTRATIVE REGULATIONS

- 12.1** Any one or more of these Administrative Regulations, except those governed by statute, may be suspended at any meeting provided that a motion to do so is allowed by the Chairman and is supported by a majority of the Joint Board present and voting. If this occurs, advice must be sought to ensure that subsequent business is conducted in accordance with the law.
- 12.2** Notice of any Member's proposal to change Administrative Regulations shall be given at one meeting of the Joint Board, and not debated or voted upon until the next. Any proposed change must have the approval of a majority of the Members present and voting before it can be incorporated.
- 12.3** The Clerk shall submit to any meeting of the Joint Board a note of any new, or alteration of any existing, Administrative Regulation which may be required as a result of any Act of Parliament, Statutory Instrument or Regulation. Administrative Regulations shall be amended accordingly.

13 JOINT BOARD BUSINESS

- 13.1** An item of business shall not be considered at a meeting of the Joint Board unless either:
- 13.1.1** a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public at the offices of the Joint Board for at least 3 working days before the meeting; or,
- 13.1.2** in special circumstances, a copy of an item added to the agenda, after its release for circulation, shall be open to inspection from the time that it is added. In this event the Chairman shall specify that the minutes record the special circumstances and his opinion as to why the item should be considered as a matter of urgency.

14 MINUTES OF THE PREVIOUS JOINT BOARD MEETING

- 14.1** The minutes of the previous Joint Board Meeting may only be challenged on accuracy, and that by a motion before they are signed.
- 14.2** The minutes, both "A" and "B" minutes, shall be signed immediately after they have been approved.
- 14.3** Until the contrary is proved, the signed minutes of a meeting shall be evidence that the meeting was duly convened and held and that the Members present were duly qualified.

15 NOTICE OF MOTION

- 15.1** A Notice of Motion may be lodged by any Member in respect of any item of business relevant to the Joint Board. Such Notice of Motion must be received by Clerk to the Joint Board by 11 am on the tenth clear working day prior to the day of the meeting. The Notice of Motion shall bear the signatures of at least one quarter of the Members of the Joint Board.

- 15.2** Any decision of the Joint Board contained in the signed minutes shall stand and no motion or resolution inconsistent with it shall be allowed unless a Notice of Motion to overturn the decision is given. When any such motion has been disposed of, the Joint Board shall not consider a similar motion within six months.
- 15.3** If the Member who has given a Notice of Motion is absent from the meeting at which the motion is to be considered, the motion shall fall, unless it is moved by another Member or, by resolution of the Joint Board, it is deferred to the next ordinary meeting.
- 15.4** If the Member who has given a Notice of Motion is present at the meeting at which it is to be considered and does not move the motion when called upon by the Chairman, it shall fall.

16 SPEECHES

- 16.1** Members shall not be permitted to read speeches except at the discretion of the Chairman. Notes will be allowed.
- 16.2** No speech shall exceed five minutes except when prior notice has been sought from, and approval granted by, the Chairman.
- 16.3** If a Member raises a point of order, he shall say, if requested to do so by the Chairman, to which Administrative Regulation his point is directed.
- 16.4** No interruption of a speech shall be permitted other than by the Chairman.
- 16.5** A Member who speaks shall speak strictly to the motion under discussion, or to a motion or amendment to be proposed by himself, or to a point of order.
- 16.6** No Member shall speak more than once on any subject under discussion, except on a point of order or, with the consent of the Chairman, to make an explanation or correction as to a point of factual inaccuracy expressed during the debate. Only the mover of a motion shall have a right of reply.
- 16.7** A Member of the Joint Board shall address the Chairman when speaking. If two or more Members speak simultaneously, the Chairman shall call upon one to speak.
- 16.8** The Chairman shall check a Member for irrelevance, unnecessary repetition, failure to address the Chairman, unbecoming language, reflections of a personal character or unwarranted or unsubstantiated criticism of another Member or an Official. If a Member disregards the Chairman, the Chairman may order him to end his speech and, if he considers it necessary, following a resolution of the Joint Board or otherwise on behalf of the Joint Board, order his removal from the Chamber or suspend the sitting for a specified time.

17 DEBATES

- 17.1** No motion or amendment shall be debated unless it has been seconded.
- 17.2** If required by the Chairman, a motion or amendment shall be put in writing and handed to minute-taker. In that case it shall be read before it is further discussed or put to the vote.
- 17.3** The seconder may speak when seconding or reserve his right to speak later.

- 17.4** A Member shall not move more than one amendment upon a motion.
- 17.5** A motion or amendment once moved and seconded, shall not be altered or withdrawn without the consent of the mover and seconder.
- 17.6** Every amendment must be relevant to the motion to the satisfaction of the Chairman. He can, with the consent of the meeting, combine motions or amendments which are similar.
- 17.7** Whenever an amendment upon the original motion has been moved and seconded, no further amendment shall be moved until the first amendment has been disposed of. Notice of any further amendments must be given before the vote is taken on the first amendment; the order of such further amendments shall be recorded by the minute-taker.
- 17.8** If an amendment is rejected the next further amendment may be moved on the original motion. If an amendment is carried, it shall take the place of the original motion.
- 17.9** Before voting takes place on any motion or amendment the mover shall be called upon by the Chairman to reply. When replying the mover shall strictly confine himself to answering previous speakers and shall not introduce any new matter. No further debate shall be permitted and the vote shall be taken.
- 17.10** At any stage of the debate any Member who has not spoken on the item before the meeting may move "that the question be now put". This motion must be moved and seconded without discussion, but if the Chairman considers that the matter has been insufficiently discussed, he may refuse to accept the motion. If he accepts the motion, he shall put to the vote the motion "that the question be now put"; if this is carried, he shall permit the mover of the original motion his right of reply. No further debate shall be permitted and the motion shall then be put to the vote.

18 DECISIONS

- 18.1** The Chairman, or on his request the minute-taker, shall read out the motion and, having called for and received no amendments, shall declare the motion to be the decision of the meeting.
- 18.2** If an amendment is moved and seconded, then before the motion and amendment are voted upon, they shall be read out and confirmed by the Chairman, or on his request by the Minute-taker. After voting has taken place, the decision of the meeting shall be similarly declared.
- 18.3** A vote may be taken by calling the roll, by ballot or by show of hands as determined by a majority of the Members present. Voting for the appointment of officers shall be by ballot and, if necessary casting vote. Voting on procedure shall be by a show of hands.
- 18.4** A roll-call shall be taken if a majority of the Members present and voting (subject to a minimum of three) indicate that they require a roll call; individual votes shall then be recorded in the minutes.
- 18.5** The Chairman shall have a casting vote, in addition to any vote which he may be entitled to exercise, except in relation to appointments to Committees in which case the decision shall be by lot.

19 ADJOURNMENT MOTIONS

A Member may move that the Joint Board adjourns. He shall need, if challenged, the support of at least half of the Members present and voting (subject to a minimum of three). He may not move or second an adjournment motion more than once at a meeting.

20 RECORDS

20.1 Record of Proceedings. The Clerk to the Board shall be responsible for the preparation of the formal minutes of meetings.

20.2 Identification. Each item discussed at a meeting shall be identified by a Minute Reference Number and, where appropriate, the author department and the date of the report.

20.3 Content. The Minutes shall be a brief and concise record of the business conducted at the meeting. They shall include Motions and Amendments together with the names of the Movers and Seconders. If a Roll-Call is approved a record shall be made of the names and votes of the Members present and voting.

20.4 Classified Items. The complete Minutes of a meeting are known as the "A" Minutes. When items of business have been dealt with in private by reason of their containing Confidential and/or Exempt information a "B" Minute, summarising the proceedings without disclosing the classified information shall be produced for members of the public.

20.5 Administration. The Secretary to the Joint Board is responsible for collating and retaining, in book form, all the Minutes of all official meetings of the Joint Board and its Committees. The "B" Minutes shall be available for public inspection for a minimum of six years.

MISCELLANEOUS

21 MEMBERS

21.1 Each Member shall act honestly and in good faith and in the best interests of the Joint Board.

21.2 The names of Members present at all meetings of the Joint Board and its Committees shall be recorded.

21.3 When Members know in advance that they will not be able to attend a meeting for any reason they shall inform the Secretary. Each constituent authority shall make arrangements for a substitute to attend when appropriate. Before each meeting the Minute-taker shall ascertain from the Secretary which Members will be attending and if the meeting is likely to be inquorate.

22 FAMILY RELATIONSHIPS

Members shall disclose to the Clerk to the Joint Board or his nominee any family relationship in connection with the appointment, promotion, settlement of individual conditions of service or termination of employment, of a relation, by the Joint Board.

23 CANVASSING

Employees and/or officials acting on behalf of the Joint Board and applicants for employment may not canvass Members.

24 ACCESS TO DOCUMENTS

24.1 Members may have, on request, a copy of the signed Minutes of any Joint Board or Committee meeting.

24.2 The production to a Member of a document which has not been circulated shall be at the discretion of the Clerk to the Joint Board or his nominee. If the Clerk to the Joint Board or his nominee considers that a document should be withheld it shall be withheld until a decision is taken by the Board.

25 UNAUTHORISED INSTRUCTIONS

Individual Members may not give instructions to Joint Board staff or require any Joint Board Official to do or refrain from doing anything.

26 MEMBERS NOT ELIGIBLE FOR STAFF APPOINTMENTS

A person shall, so long as he is, and for twelve months after he ceases to be, a Member of the Joint Board, be disqualified for being appointed by the Joint Board to any paid office.

27 INTERESTS

27.1 Any Member who has a pecuniary interest in any contract, proposed contract or other matter before a meeting of the Joint Board or any of its Committees or Sub-Committees shall disclose his interest and, if appropriate:

27.1.1 refrain from taking part in any debate or discussion of the matter;

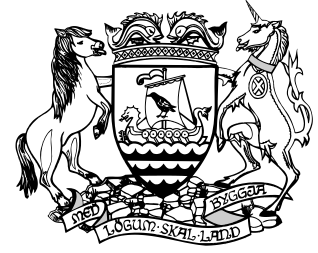
27.1.2 refrain from voting upon the matter;

27.1.3 withdraw from the meeting if required to do so by the Chairman.

28 NON-PECUNIARY INTERESTS

28.1 Non-pecuniary interests must be declared if they become relevant when a matter is considered.

28.2 Guidelines as to what constitutes a significant, clear and substantial private or personal non-pecuniary interest are laid down in the National Code of Local Government Conduct, and as an indicator of good practice should be adhered to by Members.



Orkney and Shetland

Valuation Joint Board

DRAFT Standing Orders

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STANDING ORDERS RELATING TO MEETINGS

SECTION 1 - PRELIMINARY MATTERS

1. APPLICATION OF INTERPRETATION ACT 1978

- 1.1 The purpose of the Orkney and Shetland Valuation Joint Board is to discharge jointly the functions of the valuation authorities of Orkney Islands and Shetland Islands.
- 1.2 The Interpretation Act 1978 will apply to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.
- 1.3 Subject to the express provision of any enactment the Joint Board may delegate any of its functions, with the exception of the approval or introduction of new policies or changes to existing policies, to Committees, or Officers.
- 1.4 Notwithstanding the above, the Joint Board may resume responsibility for exercising any such delegated functions.

2. DEFINITIONS

- 2.1 In the Standing Orders, unless the context otherwise demands, the following terms will have the undernoted meanings:-

Term	Meaning
The 1973 Act	The Local Government (Scotland) Act 1973.
The Board	Orkney and Shetland Valuation Joint Board constituted by virtue of and incorporated under the Order.
The Order	The Valuation Joint Boards (Scotland) Order 1995.
Clear days	When referring to service of Notices, the term "clear days" refers to weekdays, excluding weekends, Bank Holidays, local or national holidays, the day the Notice is posted and the day on which the meeting is held.
Clerk	The Clerk appointed to the Joint Board.
Committee	A committee of the Board.
Convener	The person presiding at the Board or a committee duly appointed by the Board or by that committee where these Standing Orders so provide.
Councillor	A member of a constituent authority duly elected at an election or by-election, and who has made and delivered to

	the Proper Officer of the Council a Declaration of Acceptance of Office in accordance with section 33A of the 1973 Act.
Depute Convener	The person presiding at the Board or a committee in the absence of the convener, duly appointed by the Board or by that committee where these Standing Orders so provide.
Member	Unless the context prescribes otherwise a member of the Board appointed in terms of Standing Order 4.3.

3. GENERAL PRINCIPLES

3.1 The following general principles will be given effect to in the application of the Standing Orders Relating to Meetings:-

- (i) The role of the Convener is to permit fair and responsible debate and to ensure that the business of the meeting is properly dealt with and clear decisions are reached;
- (ii) The Convener has a responsibility to ensure that the views and opinions of other participants (including the advice of officers where this is necessary to inform the decision) are allowed to be expressed. This requires a balanced approach to ensure fairness while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay the meeting;
- (iii) Meetings are conducted in a proper and timely manner with all members sharing the responsibility for the proper and expeditious discharge of business;
- (iv) Meetings are conducted in compliance with these Standing Orders and that the role of that the Convener in reaching decisions on their application is respected and supported; and
- (v) All members will show respect for one another and for employees of the Board.

SECTION 2 - CONSTITUTION AND APPOINTMENT OF MEMBERS

4. CONSTITUTION OF THE VALUATION JOINT BOARD

- 4.1 The Orkney and Shetland Valuation Joint Board was established by, and exists in accordance with, the Local Government (Scotland) Act 1994 and the Valuation Joint Boards (Scotland) Order 1995.
- 4.2 The Joint Board shall consist of Councillors from the Constituent authorities of Orkney Islands Council and Shetland Islands Council and shall have all such functions as are vested in it by the Valuation Joint Boards (Scotland) Order 1995 and the functions which the constituent authorities of the Joint Board would otherwise have had under the Valuation Acts in consequence of section 27 of the Local Government etc. (Scotland) Act 1994.
- 4.3 The Joint Board shall be a body corporate by the name "The Orkney and Shetland Valuation Joint Board" comprising of 10 members appointed from the membership of the constituent authorities as follows:-
- (i) 5 appointed by Orkney Islands Council; and
 - (ii) 5 appointed by Shetland Islands Council.

APPOINTMENT OF MEMBERS OF THE BOARD AND PERIOD OF OFFICE

- 4.4 Members of the Board shall be appointed by each constituent authority at the first meeting of that authority after each election of Councillors
- 4.5 The term of office of members of the Joint Board shall be three years, expiring on the date of the first meeting of the constituent authority after the ordinary election following the date of his appointment.
- 4.6 The proceedings of the Board shall not be invalidated by any vacancy or vacancies among its Members or by any defects in the method of appointment of any of its members.
- 4.7 Any member of the Board may be represented at any meeting of the Board by substitute Member appointed in accordance with Standing Order 4.8 below.
- 4.8 A constituent authority may, subject to Standing Order 4.9 appoint **three/one** of its members to be a substitute member for any member of the Board who is also a member of that authority.
- 4.9 A substitute member shall have the same powers at a meeting of the Board as the member whom they are representing would have had at that meeting.

4.10 A Councillor may not be appointed as a substitute member of the Board if they are a member of the Board.

CESSATION OF MEMBERSHIP OF THE BOARD

4.11 Subject to Standing order 4.4, any member of the Board ceasing to be a member of the constituent authority which appointed them shall cease to be a member of the Board.

4.12 A member of the Board may resign their membership at any time. Such resignation shall -

- (i) be in writing;
- (ii) be intimated to the head of the paid service of the constituent authority by which they were appointed and to the Clerk; and
- (iii) take effect on the date on which the Clerk receives such intimation or on such later date as may be specified in that intimation.

4.13 A member of the Board shall cease to be a member of the Board if and when the constituent authority by which they were appointed so decides.

4.14 A member of the Board shall cease to be a member of the Board in accordance with Standing Order 12.

4.15 If any person ceases to be a member of the Board, the constituent authority which appointed them shall as soon as possible appoint a member in their place unless in the opinion of the constituent authority the appointment should be deferred until the next appointment of members of the Board.

CONVENER AND DEPUTE CONVENER

4.16 **Statutory Meeting.** The election of the Convener as chairman of the Joint Board shall be the first business transacted at the first statutory meeting of the Joint Board held after the ordinary election of Councillors, and at that meeting, until the Convener is elected, the Clerk to the Joint Board, or his nominee, as appointed by him in writing, shall preside.

4.17 In the case of an equality of votes the Convener shall be elected by lot as between those who received equal votes.

4.18 On a casual vacancy occurring in the office of Convener an election to fill the vacancy shall be held as soon as practicable and in accordance with the terms of paragraphs 4.16 and 4.17.

4.19 The term of office of the Convener shall be from the date of his appointment until the day of the next ordinary election. Otherwise he shall cease to hold that office upon ceasing to be a member of the Board.

- 4.20 A person who previously held the office of Convener shall be eligible for re-election as Convener.
- 4.21 After the election of the Convener, and at the same meeting, the next business of the Joint Board shall be to elect a Member to be Depute Convener as Vice-Chairman of the Joint Board. The persons who hold office as Convener and Depute Convener shall not, at any time, be members of the same constituent authority.
- 4.22 In the case of an equality of votes the Depute Convener shall be elected by lot as between those who received equal votes.
- 4.23 The Depute Convener shall, unless he resigns or becomes disqualified, hold office until the day of the ordinary election of Councillors following the date of his appointment.
- 4.24 On a casual vacancy occurring in the office of Depute Convener an election to fill the vacancy shall be held as soon as practicable.
- 4.25 In the absence of the Convener, the Depute Convener shall assume his authority and powers.
- 4.26 It is the responsibility of the Convener and the Depute Convener to observe the Administrative Regulations and to ensure that the Members observe and adhere to them at all times.
- 4.27 The Joint Board may appoint representatives to other Committees and Organisations.
- 4.28 If the Convener and, the Depute Convener are absent from any meeting of the Board, the Clerk shall preside over the meeting until the Board present appoints a chair to preside at that meeting.
- 4.29 In the event of an urgent matter arising which requires an immediate decision, the Clerk to the Joint Board, or his nominee, may take action on behalf of the Joint Board, having consulted with the Convener or Depute Convener, which ever is appropriate and available. A short report of the action taken shall be submitted to a meeting of the Joint Board as soon as possible and no later than the next meeting.

5. OFFICERS OF THE BOARD

- 5.1 **Clerk to the Joint Board** The Clerk to the Joint Board, appointed from time to time by the Joint Board shall be responsible to the Joint Board for the overall executive management and co-ordination of the business and administration of the Joint Board.
- 5.2 **Secretary to the Joint Board.** The Clerk to the Joint Board shall appoint such nominees as necessary to provide a full range of administrative and secretarial services to the Joint Board. These shall include the publication and dispatch of notices of Joint Board meetings, agendas and reports, the preparation of minutes, attendance at meetings and procedural advice. He shall assist in the preparation of reports to the Joint Board in so far as they relate to administrative matters.
- 5.3 **Treasurer to the Joint Board.** The Treasurer of the Joint Board to be appointed by the Board from time to time, shall provide a full range of general financial advice and services to the Joint Board including the preparation of accounts, regulation of expenditure, and the preparation of financial reports to Joint Board meetings. He shall assist in the preparation of other reports to the Joint Board in so far as they relate to financial matters. The Board may appoint such other staff as may be required for the discharge of the functions of the Board under this Scheme.

6. APPOINTMENT OF COMMITTEES

- 6.1 In order to delegate its functions, the Joint Board may appoint Committees according to Standing Orders **XXX**
- 6.2 Each Committee shall have authority to carry out the functions of the Joint Board within its own area of responsibility as defined in terms of reference approved by the Joint Board. Membership of Committees shall be comprised solely of Members of the Joint Board.

SECTION 3 - MEETINGS OF THE BOARD

7. MEETINGS

7.1 All Board meetings will take place in accordance with legal requirements. There are 2 forms of meeting:-

- (i) Ordinary Meetings
- (ii) Special Meetings

7.2 All meetings of the Board shall generally be held alternatively between Orkney and Shetland at the time and on the day which is approved by the Board and in accordance with the programme circulated by the Clerk, unless determined otherwise by:-

- (i) the Board; or
- (ii) the Convener and Depute Convener; or
- (iii) the Convener or Depute Convener, acting together with the Clerk,

with due notice being given of any alteration to the ordinary meeting place or time in compliance with the provisions of the 1973 Act.

7.2 **Members may attend such meetings remotely providing arrangements can be made for members to participate via electronic means.**

7.2 In extreme circumstances (for example severe weather conditions preventing members and the public from travelling safely to the meeting place) meetings may be cancelled or postponed by the Clerk in consultation with the Convener.

8. SPECIAL MEETINGS

8.1 A Special Meeting of the Board may be called at any time:-

- (i) by the Convener; or
- (ii) in the absence of the Convener, by the Depute Convener; or
- (iii) on a requisition in writing specifying the business proposed to be transacted and signed by at least 4 members of the Board. The Clerk in consultation with the Convener will arrange for the meeting to be held within fourteen days of receipt of the requisition.

9. NOTICE OF MEETING

9.2 Notice to Board members: The Clerk will give notice of meetings to all members of the Board by leaving or sending a notice to them at their usual place of residence or such other address as any member may have notified to the Clerk. The notice will be given at least **three** clear days before the meeting, or if the meeting is convened at shorter notice, at the time the meeting is actually convened and will comprise:-

- (i) the date, time and place of the meeting;
- (ii) the list of items of business to be transacted at the meeting; and
- (iii) copies of reports associated with every agenda item.

9.3 **Want of service of a notice on any member of the Board will not affect the validity of a meeting.**

9.4 Notice to the Press and Public: The Clerk will give notice of meetings to the press and to the public by posting or delivering copies of the items specified in Standing Orders 9.1 and 9.2 online:-

- (i) at least **three** clear days before the meeting, or
- (ii) if the meeting is convened at shorter notice, at the time the meeting is actually convened.

However, no report containing confidential or exempt information as defined in Standing Orders 10.5 and 10.6 will be made available for public inspection.

10. THE AGENDA

10.1 The procedures of Agenda Management are governed by the timetable for meetings of the Joint Board. The timetable shall be circulated by the Clerk to the Board on a regular basis. The procedures and timetable for the circulation of draft reports and the clearance and classification of reports shall be in accordance with guidelines issued by the Clerk to the Joint Board.

10.2 Each item of business to be transacted at a meeting will be noted on the agenda. No other item of business will be considered at the meeting unless, by reason of special circumstances, the Convener is of the opinion that the item should be considered as a matter of urgency. The nature of the special circumstances will be recorded in the minute of the meeting.

- 10.3 Each agenda item will be accompanied by a report, unless special circumstances exist for non-availability of any report.
- 10.4 All letters, reports etc., from outside bodies must be accompanied by a written report by the relevant officers of a constituent authority.
- 10.5 The Clerk to the Joint Board will consult with the Convener and authors in the drafting of the Agenda. The Convener, in consultation with the Clerk to the Joint Board, shall see the draft agenda and the sequence of items under consideration before publication.
- 10.6 All reports and relevant documentation shall be available for circulation with the Agenda; only in exceptional circumstances will items be listed on the Agenda, where the report is not available at that time.
- 10.7 Agendas, reports and all other relevant papers will normally be sent to Members seven days prior to the meeting to which they apply. The addition of other items to an Agenda which has already been issued shall not be permitted unless the Clerk has arranged with the Convener for the item to be taken as a matter of urgency.
- 10.8 Copies of the agenda and accompanying reports will be open for inspection by members of the public at least **three** clear days before the meeting, except:-
- (i) where the meeting is convened at shorter notice, in which case the agenda and reports will be available for public inspection from the time the meeting is convened;
 - (ii) where an item is added to an agenda, copies of which are open for inspection by the public, copies of the item (or of the revised agenda), and copies of any report for the meeting relating to the item, will be open for inspection from the time the item is added to the agenda;
 - (iii) there may be excluded from the copies of reports the whole or part of any report which relates only to items during consideration of which, in the opinion of the Clerk, the meeting is likely not to be open to the public; and
 - (iv) the whole or part of any report which discloses confidential information will be excluded from publication.

11. PUBLIC AND PRESS ACCESS TO MEETINGS

- 11.1 All meetings of the Board will be open to the public, except in the circumstances detailed below:-
- (i) whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that there will be a disclosure of exempt information (see Standing Order 10.5), the public

may be excluded from the meeting while the particular matter is being considered;

- (ii) whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information (see Standing Order 10.6) will be disclosed in breach of the obligation of confidence, the public will be excluded while the particular matter is being considered;
 - (ii) the Convener has power to exclude any member of the public from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour which is impeding or likely to impede the work or proceedings of the Board;
 - (iv) if a member of the public interrupts the proceedings at any meeting, the Convener will give a warning. If the interruption continues, the Convener will order the removal of the person from the meeting place. In the case of general disturbance in any part of the meeting place open to the public, the Convener may order that part to be cleared.
- 11.2 No member of the public will be permitted to speak or to take any other part in the proceedings of a meeting of the Board except when addressing the meeting as a member of a deputation under Standing Order 32.
- 11.3 The right of public access to meetings does not include a right to photograph, record or broadcast the proceedings at the meeting. The Board may permit such photography, recording or broadcasting. A request for such permission should be made to the Board by close of business on the clear day prior to the date of the meeting and will be considered as part of the business of the meeting.
- 11.4 Unless the Joint Board decide otherwise, the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings, or the making of any oral report on any proceedings as they take place, shall not be permitted.
- 11.5 All meetings of the Joint Board shall be open to the public except to the extent that the public shall be excluded if it is likely that CONFIDENTIAL information will be disclosed.

11.5.1 CONFIDENTIAL refers to:

15.5.1.1 information furnished to the Joint Board by a Government Department upon terms (however expressed) which forbid the disclosure of the information to the public, or

15.5.1.2 information, the disclosure of which to the public is prohibited by, or under, any enactment or by the order of a Court.

15.5.2 The CONFIDENTIAL classification is imposed by higher authority and must not be changed or removed without the approval of that higher authority.

11.6 The public may, by resolution of the Joint Board, be excluded during consideration of an item of business which contains EXEMPT information.

11.6.1 An item of business contains EXEMPT information if the information is similar to the criteria set out in Schedule 7A of the Local Government (Scotland) Act 1973.

11.6.2 The classification as "Not for Publication" of a document containing information which is EXEMPT is the responsibility of the Clerk .

11.6.3 In addition to the EXEMPT classification, a report may also contain a recommendation by its author as to whether or not, and why, the report should be considered in private.

11.6.4 It is for Members to decide whether or not to resolve that a document marked: "Not for Publication" should be considered in private.

11.6.5 The Joint Board may resolve that certain categories of items containing EXEMPT information will always be considered in public. The Joint Board shall instruct the Clerk accordingly and these items shall not be marked.

12. NON-ATTENDANCE OF MEMBERS

12.1 Should a member of the Board be unable to attend a meeting for whatever reason, they may tender their apologies either by intimating them to the Clerk in advance of the meeting or by another member doing so at the commencement of business, and these apologies only will be incorporated in the minute of the meeting.

12.2 If a member of the Board fails throughout a period of six consecutive months to attend any meeting of the Board, the clerk will report this to the Board and the Board may determine to contact the constituent authorities with a request to remove that member from the Board.

12.3 Subject to the provisions of the 1973 Act, the Board may grant a leave of absence to any member who, for a reason approved by Board, is unable to attend any meeting of the Board for a continuous period of six months.

12.4 Attendance at any committee of the Board is deemed to be attendance at a meeting of the Board for the purposes of this Standing Order.

13. QUORUM

- 13.1 At all meetings of the Board, the quorum will be one fourth of the members of the Joint Board entitled to vote. No meetings shall be held where all members present represent only one of the constituent authorities will form a quorum. If, within fifteen minutes after the time appointed for the meeting, a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed by the Convener, and the minute of the meeting will disclose this fact.
- 13.2 If, at any time after a meeting has commenced, the number of members present falls below the quorum, the Convener will suspend the proceedings.
- 13.3 If, after the lapse of five minutes, the Convener finds that the quorum has not been achieved, they will adjourn the meeting to such other date and time as may be fixed, and the minute of the meeting will disclose this fact.

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SECTION 4 -ORDER AND CONDUCT OF BUSINESS AT MEETINGS OF THE BOARD

14. ORDER OF BUSINESS

14.1 The business of the Board at Ordinary meetings will proceed (unless otherwise directed by the Convener who may, at his/her discretion, alter the order of business at any stage) in the following order:-

- (i) Welcome
- (ii) Audio casting Notice
- (iii) Apologies
- (iv) Declarations of interest;
- (v) Disclosure of Exempt Information
- (vi) The minutes of the last ordinary meeting and of any special meeting of the Board since held;
- (vii) Reports Submitted by Joint Board Officers for consideration
- (viii) Urgent items added to the agenda under Standing Order 10.3;
- (ix) Motions of which notice has previously been given in accordance with Standing Order 29;

14.2 Urgent Business. The Chairman may, at any meeting, vary the order of business so as to give precedence to any business of special urgency.

15. MINUTES

15.1 Minutes of Board meetings will be compiled and kept by the Clerk and on their approval at the next Ordinary Board meeting of the Board will be signed by the Convener.

15.2 There will be no discussion of the minutes except on their accuracy. Any question of accuracy must be raised by amendment to the Convener's motion and voted on without discussion. No written notice of motion is required.

16. POWERS AND DUTIES OF THE CONVENER

16.1 The Convener will preside at all meetings of the Board.

16.2 The Convener shall:-

- (i) ensure that Standing Orders are followed;
- (ii) ensure that members are treated equally and that they are given a fair opportunity to express their views on any item of business while having regard to the terms of Standing Order 17.5 on the requirement to ensure the proper and expeditious discharge of business; and
- (iii) to preserve order within the meeting.

16.3 Without prejudice to any other provision of these Standing Orders, the Convener shall have power:-

- (i) to decide on all matters of decorum, order, competency and relevancy, having sought advice from relevant officers where appropriate;
- (ii) to determine all matters of procedure for which no provision is made in these Standing Orders;
- (iii) to determine the order in which members may speak;
- (iv) in ruling that certain language is unacceptable, to seek withdrawal of a remark, an apology or any other action required, in the Convener's opinion, to allow the meeting to proceed properly;
- (v) to rule on the acceptability of behaviour during the course of the meeting;
- (vi) in the event of disorder arising, to adjourn the meeting to a time and date as the Convener shall fix then or later, and the Convener leaving the Chair in such circumstances shall, without further procedure, have the effect of a formal adjournment of the meeting;
- (vii) to order the exclusion of any members of the public in the event of disorderly conduct or other misbehaviour;
- (viii) to exercise both a deliberative and a casting vote unless otherwise provided by statute;
- (ix) to exercise the powers set out in Standing Order 27, and

- 16.4 The Chairman shall determine all questions of procedure for which no express provision is made under these Administrative Regulations.
- 16.5 The decision of the Convener on all matters within their powers shall be final and shall not be open to question or discussion. If asked, however, the Convener will state a reason for any decision they make which will be recorded in the minutes of the meeting.
- 16.6 After warning, the Chairman may order the removal from the meeting of any person causing disturbance.
- 16.7 The Chairman's ruling shall be final and shall not be open to discussion. He shall be entitled, in the event of disorder arising, to adjourn the meeting, and his vacating the Chair shall be the signal that the meeting is adjourned.
- 17. CONDUCT AT MEETINGS**
- 17.1 All members of the Board must comply with the requirements of the Councillors' Code of Conduct and associated guidance as issued by the Standards Commission for Scotland from time to time.
- 17.2 Deference shall at all times be paid to the authority of the Convener. When the Convener begins to speak, any member addressing the meeting shall give way. The Convener shall be heard without interruption.
- 17.3 All members must respect the Convener, colleagues, Board employees and any members of the public present during meetings or other formal proceedings of the Board.
- 17.4 Members are accountable for their own conduct in meetings in terms of the Code of Conduct of the Board irrespective of the conduct of others. Abusive or offensive language is not acceptable.
- 17.5 All members must comply with rulings from the Convener in the conduct of business of the Board. This includes rulings on the proper and timely conduct of meetings, the acceptability of language used and the fairness and sufficiency of debate. Members present at the meeting share responsibility for the proper and expeditious discharge of business.
- 17.6 No behaviour which is disruptive of the meeting shall be acceptable and, where appropriate, the sanctions specified in Standing Order 27 will be applied.
- 17.7 Members shall ensure that all mobile phones and other electronic devices are turned off or are switched to silent mode during meetings.

18. SUSPENSION AND ALTERATION OF ADMINISTRATIVE REGULATIONS

- 18.1** Any one or more of these Administrative Regulations, except those governed by statute, may be suspended at any meeting provided that a motion to do so is allowed by the Chairman and is supported by a majority of the Joint Board present and voting. If this occurs, advice must be sought to ensure that subsequent business is conducted in accordance with the law.
- 18.2** Notice of any Member's proposal to change Administrative Regulations shall be given at one meeting of the Joint Board, and not debated or voted upon until the next. Any proposed change must have the approval of a majority of the Members present and voting before it can be incorporated.
- 18.3** The Clerk shall submit to any meeting of the Joint Board a note of any new, or alteration of any existing, Administrative Regulation which may be required as a result of any Act of Parliament, Statutory Instrument or Regulation. Administrative Regulations shall be amended accordingly.

19. POINTS OF ORDER

- 19.1** A member may raise a point of order at any time during a meeting. In doing so, they must refer to the particular Standing Order that they consider is being infringed and must limit their intervention strictly to that point. The member then speaking will give way to enable the Convener to rule on the point. No other member may speak on it. The Convener will decide on the point.

20. SPEECHES

- 20.1** Each member will introduce their speech by indicating whether they are speaking in support of the motion, the amendment or introducing.
- 20.2** No speech shall exceed five minutes except when prior notice has been sought from, and approval granted by, the Chairman.
- 20.3** If a Member raises a point of order, he shall say, if requested to do so by the Chairman, to which Administrative Regulation his point is directed.
- 20.4** No interruption of a speech shall be permitted other than by the Chairman.
- 20.5** A Member who speaks shall speak strictly to the motion under discussion, or to a motion or amendment to be proposed by himself, or to a point of order.
- 20.6** No Member shall speak more than once on any subject under discussion, except on a point of order or, with the consent of the Chairman, to make an explanation or correction as to a point of factual inaccuracy expressed during the debate. Only the mover of a motion shall have a right of reply.
- 20.7** A Member of the Joint Board shall address the Chairman when speaking. If two

or more Members speak simultaneously, the Chairman shall call upon one to speak.

- 20.8 The Chairman shall check a Member for relevance, unnecessary repetition, failure to address the Chairman, unbecoming language, reflections of a personal character or unwarranted or unsubstantiated criticism of another Member or an Official. If a Member disregards the Chairman, the Chairman may order him to end his speech and, if he considers it necessary, following a resolution of the Joint Board or otherwise on behalf of the Joint Board, order his removal from the Chamber or suspend the sitting for a specified time.

21. DEBATES

- 21.1 No motion or amendment shall be debated unless it has been moved and seconded.
- 21.2 If required by the Chairman, a motion or amendment shall be put in writing and handed to minute-taker. In that case it shall be read before it is further discussed or put to the vote.
- 21.3 The seconder may speak when seconding or reserve his right to speak later.
- 21.4 A Member shall not move more than one amendment upon a motion.
- 21.5 A motion or amendment once moved and seconded, shall not be altered or withdrawn without the consent of the mover and seconder.
- 21.6 Every amendment must be relevant to the motion to the satisfaction of the Chairman. He can, with the consent of the meeting, combine motions or amendments which are similar.
- 21.7 Whenever an amendment upon the original motion has been moved and seconded, no further amendment shall be moved until the first amendment has been disposed of. Notice of any further amendments must be given before the vote is taken on the first amendment; the order of such further amendments shall be recorded by the minute-taker.
- 21.8 If an amendment is rejected the next further amendment may be moved on the original motion. If an amendment is carried, it shall take the place of the original motion.
- 21.9 Before voting takes place on any motion or amendment the mover shall be called upon by the Chairman to reply. When replying the mover shall strictly confine himself to answering previous speakers and shall not introduce any new matter. No further debate shall be permitted and the vote shall be taken.
- 21.10 At any stage of the debate any Member who has not spoken on the item before the meeting may move "that the question be now put". This motion must be moved and seconded without discussion, but if the Chairman considers that the

matter has been insufficiently discussed, he may refuse to accept the motion. If he accepts the motion, he shall put to the vote the motion "that the question be now put"; if this is carried, he shall permit the mover of the original motion his right of reply. No further debate shall be permitted and the motion shall then be put to the vote.

22. DECISIONS

- 22.1 The Chairman, or on his request the minute-taker, shall read out the motion and, having called for and received no amendments, shall declare the motion to be the decision of the meeting.
- 22.2 If an amendment is moved and seconded, then before the motion and amendment are voted upon, they shall be read out and confirmed by the Chairman, or on his request by the Minute-taker. After voting has taken place, the decision of the meeting shall be similarly declared.
- 22.3 A vote may be taken by calling the roll, by ballot or by show of hands as determined by a majority of the Members present. Voting for the appointment of officers shall be by ballot and, if necessary casting vote. Voting on procedure shall be by a show of hands.
- 22.4 A roll-call shall be taken if a majority of the Members present and voting (subject to a minimum of three) indicate that they require a roll call; individual votes shall then be recorded in the minutes.
- 22.5 The Chairman shall have a casting vote, in addition to any vote which he may be entitled to exercise, except in relation to appointments to Committees in which case the decision shall be by lot.

23. NOTICE OF MOTION

- 23.1 A Notice of Motion may be lodged by any Member in respect of any item of business relevant to the Joint Board. Such Notice of Motion must be received by Clerk to the Joint Board by 11 am on the tenth clear working day prior to the day of the meeting. The Notice of Motion shall bear the signatures of at least one quarter of the Members of the Joint Board.
- 23.2 Any decision of the Joint Board contained in the signed minutes shall stand and no motion or resolution inconsistent with it shall be allowed unless a Notice of Motion to overturn the decision is given. When any such motion has been disposed of, the Joint Board shall not consider a similar motion within six months.
- 23.3 If the Member who has given a Notice of Motion is absent from the meeting at which the motion is to be considered, the motion shall fall, unless it is moved by another Member or, by resolution of the Joint Board, it is deferred to the next ordinary meeting.

23.4 If the Member who has given a Notice of Motion is present at the meeting at which it is to be considered and does not move the motion when called upon by the Chairman, it shall fall.

24. ADJOURNMENT MOTIONS

24.1 A Member may move that the Joint Board adjourns. He shall need, if challenged, the support of at least half of the Members present and voting (subject to a minimum of three). He may not move or second an adjournment motion more than once at a meeting.

24.2 A motion or amendment will not be discussed or put to the meeting unless it has been moved and seconded.

24.2 Without prejudice to Standing Order 20.10, a motion to which no amendment is moved will be declared carried and will not be the subject of debate unless the Convener, at their sole discretion, allows the mover and seconder of the motion to speak in explanation if the subject matter is considered by the Convener to be of special interest to the meeting. No other speeches will be allowed.

24.3 Should any member wish to ask a question or to seek clarification in order to determine whether they support the motion or an amendment, the consent of the Convener should be sought to do so whenever the motion or amendment has been moved and seconded.

24.4 Motions or amendments made, but not seconded, will not be discussed or recorded in the minutes. When a motion or amendment has been moved but not seconded, the mover may require their dissent in respect of a decision taken on the item of business to which the motion or amendment relates, to be entered in the minute.

24.5 Only one amendment may be moved and discussed at a time and no further amendment may be moved (although notice of it must be given) until the amendment under discussion has been dealt with. No member may move more than one amendment to a motion.

24.6 If an amendment is lost, other amendments may be moved on the original motion but only where notice has been given. If an amendment is carried, the amended motion replaces the original motion and becomes the substantive motion upon which any further amendment may be moved.

24.7 A member may only alter the text of their motion or amendment with the consent of the Convener on cause shown. The alteration must amend the motion or amendment and not be an entirely new motion or amendment. If the motion or amendment has been moved and seconded, the seconder must also give consent to the alteration.

24.8 A motion or amendment once made and seconded may only be withdrawn with the unanimous consent of those present at the meeting. No member may speak on the motion or the amendment after the mover has asked permission for its

withdrawal, unless permission has been refused.

24.9 An amendment must be relevant to the motion and will be either:-

- (i) to refer a subject of debate to a committee for consideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others, or
- (iv) to insert or add words,

but such omission, insertion or addition of words must not have the effect of introducing new subject matter into or negating the motion before Board.

24.10 Except where the Convener notes that those members at the meeting are in general agreement with regard to any unopposed motion, each motion will be put to the vote.

25. VOTING

25.1 Where a vote is taken by a show of hands and, immediately after a vote is taken, a member requests their vote to be recorded, there will be noted in a minute of the meeting whether the member:-

- (i) cast their vote for or against the question, or
- (ii) abstained from voting.

25.2 The clerk will then announce the result of the vote on the basis of a simple majority of those voting.

25.3 After the clerk has announced the issue on which a vote is to be taken and has started to take the vote, no member will be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings, until the result of the vote is declared.

25.4 In the case of an equality of votes, the Convener will have a second or casting vote and may exercise it at their discretion except when voting on appointments as detailed in Standing Order 23.

26. VOTING ON APPOINTMENTS OF MEMBERS

26.1 Where only one vacancy requires to be filled and two or more persons are nominated, a vote shall be taken between all the candidates, each member being entitled to one vote only. If any candidate obtains an absolute majority of those voting they shall be duly appointed. If no candidate obtains an absolute majority, the name of the candidate obtaining the least number of votes shall be

struck out and a new vote taken of the remaining candidates and so on until a candidate obtains an absolute majority.

- 26.2 Where more than one vacancy requires to be filled and the number of persons nominated exceeds the number of vacancies, a vote shall be taken between all the candidates, each member being entitled to vote for as many candidates as there are vacancies. Candidates who receive an absolute majority shall be duly appointed. If all the vacancies are not filled on the first vote, the name of the candidate obtaining the least number of votes shall be struck out and a new vote taken of the remaining candidates who have not already been duly appointed by the first vote, and so on until all the vacancies have been filled.
- 26.3 In the event of an equality of votes that cannot be resolved by a further voting stage, the candidate to be elected will be decided by lot, which will be conducted by the clerk.

27. THIRD PARTY INTERESTS

- 27.1 Where voting takes place on an agenda item where third party interests are directly affected, only those members who have been present during the whole of the discussion will be entitled to participate in the vote, save where otherwise provided within these Standing Orders.
- 27.2 Absences for brief periods during consideration of business will be disregarded in these situations. In all other cases, only those members who have been in attendance during the whole or part of the discussion on the agenda item giving rise to the vote will be entitled to participate in that vote.

28. MISCONDUCT

- 28.1 The Convener may check a member for irrelevance, tedious repetition, failure to address the Chair, unbecoming language, reflections of a personal character on another member or any breach of order and may direct such member speaking to discontinue their speech.
- 28.2 In the event of persistent misconduct of a member by disregarding the ruling of the Convener, or behaving improperly or offensively, or using racist or sexist or unbecoming language, or wilfully obstructing the business of the meeting, the Convener may take any of the following courses of action either separately or in sequence:-
- (i) direct the member to refrain from speaking during the remainder of the debate on the matter under discussion;
 - (ii) move "that the member be not further heard" which motion will not require to be seconded, will be put to a simple vote without discussion and, if carried, the member named must not speak further at that meeting. If the member named continues the misconduct, after a motion under the foregoing paragraph has been carried, and does not heed a further

warning from the Convener, the Convener is empowered to require the member to leave the meeting;

- (iii) adjourn the meeting for such period as seems expedient to the Convener;
- (iv) in the event of general disturbance, which in the opinion of the Convener renders the due and orderly despatch of business impossible, the Convener may, in addition to any other power vested in them, without the question being put, suspend the meeting for such period of time that they consider expedient.

29. PROTESTS OR EXPRESSIONS OF DISSENT

- 29.1 Without prejudice to Standing Order 20.4, no protest or expression of dissent made by any member will be entered in the minute of the Board.

30. MOTIONS – BUDGETS

- 30.1 Any motion or amendment which seeks to add to, take from or otherwise alter or amend the annual budgets submitted to Board shall require to take the form of an alternative budget which shall detail the cost of the proposal(s) being advanced or the savings proposed to be achieved and the consequential impact of that cost or those savings on the annual budget. Any such amendment must be submitted to the Treasurer by noon on the second last clear day before the meeting takes place to enable the Treasurer to consider the financial implications thereof.
- 30.2 Motions or amendments which, if approved, would involve the Board incurring revenue or capital expenditure must:-
- (i) contain information regarding the full amount of such expenditure; and
 - (ii) state whether the expenditure is recurring or one-off.
- 30.3 The Treasurer shall advise, where possible, on the financial implications of such motion or amendment. In the event that the Treasurer is unable to give advice on the matter at the meeting, the matter will not be determined until such time as they have had the opportunity to consider the implications and give advice on them.

31. REVOCATION OF PREVIOUS DECISION

- 31.1 A decision of Board cannot be reconsidered or changed within six months of being made unless:-
- (i) it is required by statute, or

- (ii) the Convener rules that there has been a material change in circumstances since the decision was made, or
- (ii) two thirds of the members present at the meeting agree otherwise; and
- (iii) in each of the cases (i) to (iii) above, notice has been given of the proposed change in the Notice for the meeting.

32. STANDING ORDERS

- 32.1 The ruling of the Convener concerning the interpretation or application of these Standing Orders shall not be challenged at any meeting of the Board.
- 32.2 The ruling of any person presiding at a meeting of any Board body shall not be challenged on the interpretation of Standing Orders relating to the meeting.
- 32.3 The Board at any of its meetings may suspend any Standing Order provided that:-
 - (i) either due notice has been given, or Board agrees that it is a case of urgency; and
 - (ii) the motion to suspend a Standing Order is moved, seconded and carried without discussion by at least two-thirds of the members present and voting at the meeting and an absolute majority of the whole Board.
- 32.4 A meeting of the Board may only consider changes to these Standing Orders if notice of the intention is included in the Notice for the meeting.
- 32.5 Standing Orders 34 and 35 are not capable of suspension.

SECTION 5 - MISCELLANEOUS MATTERS

33. DELEGATION TO OFFICERS

- 33.1 Without prejudice to the provisions of Standing Order 42, the Board may make a Scheme of Delegation to Officers for the purpose of arranging for the discharge of any of the functions of the Board. Any such scheme shall form part of and shall be read with these Standing Orders.
- 33.1 Standing Order 37.1 shall apply to any alteration to the Scheme of Delegation as it applies to these Standing Orders.

34. CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS

- 34.1 The Board will make Contract Standing Orders and may make Financial Regulations for the regulation of the making by it or on its behalf of contracts and for the proper planning, execution and control of its financial affairs and such Standing Orders and Regulations will form part of these Standing Orders and will be read with them and with any Scheme of Delegation made by the Board.
- 34.2 Contract Standing Orders and Financial Regulations made by the Board in terms of this Standing Order will apply to committees, members of the Board, Officers and certain Agents of the Board as appropriate, (the question of whether any person or body is an "Agent" of the Board being determined by the Clerk whose ruling will be final).

35. APPOINTMENTS MADE BY MEMBERS

- 35.1 The appointment of the Assessor, Clerk and Treasurer shall be undertaken by the Board.

SECTION 6 - SCHEME OF DELEGATION TO COMMITTEES

36. DELEGATION TO COMMITTEES

- 36.1** The Board's process of making decisions and actually carrying out its business is done in a variety of ways. In order to be as effective as possible in delivering services to members of the public or in responding to external parties engaged in dealings with it, the Board delegates these tasks to Committees or Officers. This is permitted in terms of the Law and allows for a speedier and more efficient delivery of Board business, as well as allowing those engaging with the Board to do so in the knowledge that the interaction will not be hampered by a lack of authority on the part of their relevant Board contacts.
- 36.2** Whilst there are some decisions reserved exclusively to the Board as a whole, where delegation does take place it is important to remember that every decision taken under delegated power, whether by a committee or an officer, is considered to be a decision of the Board.
- 36.3** This section of the Standing Orders describes how decision-making operates within the Board. The remaining sections detail some specific delegations that have been agreed by the Board.

37. EXTENT OF DELEGATION

- 37.1** The Board can only delegate to a Committee or an officer of the Board. Unless the Board states otherwise, Committees may delegate further to officers and it may be that such delegations are contained in reports on particular topics dealt with from time to time by the Board. As regards Officer delegation, broadly speaking matters are delegated in the first instance to Chief Officers.
- 37.2** Chief Officers may delegate any matter delegated to them with the expectation that day to day decisions should be delegated as close to the point of service delivery as possible. Any action or decision taken in these circumstances remains the responsibility of the Chief Officer. Chief Officers should keep a written record of this delegation.
- 37.3** Where a responsibility has been further delegated there is nothing to prevent the person who was originally given delegated powers under this Scheme of Delegation from dealing with the responsibility themselves or from withdrawing or amending the delegation.

SECTION 7 MISCELLANEOUS

38. MEMBERS

- 38.1 Each Member shall act honestly and in good faith and in the best interests of the Joint Board.
- 38.2 The names of Members present at all meetings of the Joint Board and its Committees shall be recorded.
- 38.3 When Members know in advance that they will not be able to attend a meeting for any reason they shall inform the Secretary. Each constituent authority shall make arrangements for a substitute to attend when appropriate. Before each meeting the Minute-taker shall ascertain from the Secretary which Members will be attending and if the meeting is likely to be inquorate.

39. FAMILY RELATIONSHIPS

- 39.1 Members shall disclose to the Clerk to the Joint Board or his nominee any family relationship in connection with the appointment, promotion, settlement of individual conditions of service or termination of employment, of a relation, by the Joint Board.

40. CANVASSING

- 40.1 Employees and/or officials acting on behalf of the Joint Board and applicants for employment may not canvass Members.

41. ACCESS TO DOCUMENTS

- 41.1 Members may have, on request, a copy of the signed Minutes of any Joint Board or Committee meeting.
- 41.2 The production to a Member of a document which has not been circulated shall be at the discretion of the Clerk to the Joint Board or his nominee. If the Clerk to the Joint Board or his nominee considers that a document should be withheld it shall be withheld until a decision is taken by the Board.

42. UNAUTHORISED INSTRUCTIONS

- 42.1 Individual Members may not give instructions to Joint Board staff or require any Joint Board Official to do or refrain from doing anything.

43 MEMBERS NOT ELIGIBLE FOR STAFF APPOINTMENTS

- 43.1 A person shall, so long as he is, and for twelve months after he ceases to be, a Member of the Joint Board, be disqualified for being appointed by the Joint Board to any paid office.

44. INTERESTS

- 44.1 Any Member who has a pecuniary interest in any contract, proposed contract or other matter before a meeting of the Joint Board or any of its Committees or Sub-Committees shall disclose his interest and, if appropriate:

45.1.1 refrain from taking part in any debate or discussion of the matter;

45.1.2 refrain from voting upon the matter;

45.1.3 withdraw from the meeting if required to do so by the Chairman.

45. NON-PECUNIARY INTERESTS

- 45.1 Non-pecuniary interests must be declared if they become relevant when a matter is considered.

- 45.2 Guidelines as to what constitutes a significant, clear and substantial private or personal non-pecuniary interest are laid down in the National Code of Local Government Conduct, and as an indicator of good practice should be adhered to by Members.

SECTION 8 APPOINTMENT OF COMMITTEES

46. APPOINTMENT OF COMMITTEES

- 46.1 The Board may appoint from its membership such Committees as it may from time to time consider necessary or desirable and may refer to such Committees such matters as the Board may from time to time specify. The Board will appoint a Convener.
- 46.2 Any member of a Committee of the Board may be represented at any meeting of that Committee by a substitute member appointed in accordance with Standing Order 42.3.
- 46.3 A constituent authority may, subject to Standing Order 42.5, appoint one of its members to be a substitute member for any member of a Committee who is also a member of that authority.
- 46.4 A substitute member shall have the same powers at a meeting of a Committee as the member whom he/she is representing would have had at that meeting.
- 46.5 A person may not be appointed as a substitute member of a Committee if they are a member of that Committee.
- 46.6 The Committees, deemed necessary for the carrying out of the functions of the Board, shall have such constitution terms of reference and delegated powers as may be prescribed by the Board by resolution.
- 46.7 Committees shall meet at such a place and time as they determine..
- 46.8 The quorum of a Committee will be one third of the membership, provided that in no case will any business be transacted unless at least three voting Members are present and who represent more than one constituent authority.
- 46.9 All minutes of the proceedings of Committees will be drawn up by the Clerk.
- 46.10 The minute of a meeting of a Committee will so far as practicable be:
- (i) submitted to the next meeting of the Board and the matters contained therein will be subject to the approval of the Board except as regards matters which have been delegated to the Committee; and

submitted to the next ensuing meeting of the Committee at which it will be held as read, corrected if need be, and where held to be a true record of the proceedings of the meeting to which it relates, will be signed by the person presiding at that next ensuing meeting.
 - (ii) Submitted to the next meeting of the Board for noting.