

CENTRAL SCOTLAND VALUATION JOINT BOARD

STANDING ORDERS RELATING TO MEETINGS

SCHEME OF DELEGATION TO SUB-COMMITTEES

SCHEME OF DELEGATION TO OFFICERS

FINANCIAL REGULATIONS

STANDING ORDERS RELATING TO CONTRACTS

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PART I

STANDING ORDERS RELATING TO MEETINGS

SECTION I - PRELIMINARY MATTERS

1. APPLICATION OF INTERPRETATION ACT 1978

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

2. DEFINITIONS

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

“The 1973 Act” means the Local Government (Scotland) Act, 1973.

“The 1975 Act” means the Local Government (Scotland) Act, 1975.

“The 1985 Act” means the Local Government (Access to Information) Act, 1985.

“The 1994 Act” means the Local Government Etc. (Scotland) Act, 1994.

“The Order” means The Valuation Joint Boards (Scotland) Order, 1995.

“The Board” means Central Scotland Valuation Joint Board constituted by virtue of and incorporated under the Order.

“The Board Convener” means the Convener of the Board duly appointed in accordance with the Order.

“The Board Vice-Convener” means the Vice-Convener of the Board duly appointed in accordance with the Order.

“Councillor” means a member of the Board 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 to his/her constituted authority in accordance with Section 33A of the 1973 Act.

“The National Code of Local Government Conduct” means the code of recommended practice issued by the Secretary of State for Scotland under Section 31 of the Local Government and Housing Act, 1989.

“Clerk” means the person attending a meeting to act as Clerk to the Board.

“Pecuniary interests” means those interests whether direct or indirect which satisfy the prescribed information detailed in the Schedule attached to the Local Authorities (Members’ Interests) Regulations 1992, as amended.

“General notice of pecuniary interests” means a notice required to be given by a Councillor to the Proper Officer in terms of and in accordance with the time limits contained within the Local Authorities (Members’ Interests) Regulations 1992, as amended.

3. COMMENCEMENT

- (1) These Standing Orders shall apply and have effect on and from subject to such further amendments as may be made by the Board from time to time in terms of Standing Order below.

4. SUSPENSION AND ALTERATION OF STANDING ORDERS

- (1) No Standing Order will be suspended at any meeting except upon a motion, moved and seconded and put to the meeting without amendment, provided that such motion will not be carried unless it secures the votes of at least two thirds of the Councillors being present and voting at the meeting and an absolute majority of the whole Council.
- (2) It will not be competent at any meeting of the Board to rescind or alter any of these Standing Orders except upon a Resolution to that effect on a notice given at a previous ordinary meeting of the Board provided that the Clerk will submit to any meeting of the Board a Report on any new Standing Order or alteration to any existing Standing Order which appears to be required in consequence of any decision regarding the conduct of business which has been taken by the Board and Standing Orders may be amended accordingly as the Board may determine.
- (3) This Standing Order and Standing Orders will not be capable of suspension.

SECTION II - CONSTITUTION, APPOINTMENT AND MEETINGS OF THE BOARD

5. (A) CONSTITUTION OF VALUATION JOINT BOARD

- (1) The Order constituted for the purposes of Section 19(2)(c) of the 1967 Act a valuation joint board consisting of 15 members appointed from the membership of the constituent authorities as follows:-
 - (a) 4 appointed by Stirling Council;
 - (b) 3 appointed by Clackmannanshire Council; and
 - (c) 8 appointed by Falkirk Council.
- (2) The Board shall be incorporated with a common seal and shall be known as the Central Scotland Valuation Joint Board.

(B) APPOINTMENT OF MEMBERS OF THE BOARD AND PERIOD OF OFFICE

- (1) For the purpose of making the necessary arrangements for the Board entering fully upon its duties on the appointed day, the first appointment of the Members of the Board shall be made by each constituent authority prior to 8 November 1995.
- (2) Subject to paragraph 5(C) below, each of the Members first appointed shall hold office from and after the date of appointment by whichever of the constituent authorities appointed him until the first meeting of that constituent authority after the next ordinary election following the date of his/her appointment.
- (3) 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) Any Member of the Board may be represented at any meeting of the Board by a substitute Member appointed in accordance with sub-paragraph (5) below.
- (5) A constituent authority may, subject to sub-paragraph (7) below appoint persons as substitute Members for any Member of the Board who is also a member of that authority.
- (6) A substitute Member shall have the same powers at a meeting of the Board as the Member whom he is representing would have had at that meeting.
- (7) A person may not be appointed as a substitute Member of the Board if he is a Member of the Board.

(C) CESSATION OF MEMBERSHIP OF THE BOARD

- (1) On any Member of the Board ceasing to be a member of the constituent authority which appointed him he shall cease to be a Member of the Board.
- (2) A Member of the Board may resign his membership at any time. Such resignation shall -
 - (a) be in writing;
 - (b) be intimated to the head of the paid service of the constituent authority by which he was appointed and to the Clerk to the Board; and
 - (c) take effect on the date on which the Clerk to the Board receives such intimation or on such later date as may be specified in that intimation.
- (3) A Member of the Board who resigns his membership shall cease to be a Member of the Board on the date on which his resignation takes effect.
- (4) A Member of the Board shall cease to be a member of the Board if and when the constituent authority by which he was appointed so decides.

- (5) If any person ceases to be a Member of the Board, the constituent authority which appointed him shall as soon as possible appoint a member in his place unless in the opinion of the constituent authority the appointment should be deferred until the next appointment of Members of the Board.

(D) CONVENER AND VICE-CONVENER

- (1) The Board shall appoint from its membership a Convener and one or more Vice-Conveners, but it shall not be competent for -
- (a) the Convener to be a member of a constituent authority of which any Vice-Convener is a member; or
 - (b) a Vice-Convener to be a member of the constituent authority of which any other Vice-Convener is a member.
- (2) The Convener and any Vice-Convener shall each hold office until whichever is the earlier of (a) the date of the ordinary election next following the date of his/her appointment; and (b) the date of his/her ceasing to be a Member of the Board.
- (3) Subject to sub-paragraph (4) below, the Convener, or in his absence, a Vice-Convener, shall preside at all meetings of the Board.
- (4) If all of the persons appointed under sub-paragraph (1) above are absent from any meeting of the Board, all Members present shall appoint a substitute convener to preside at that meeting.

6. ORDINARY MEETINGS

All meetings of the Board shall be held at such place or places as the Board may direct and will take place at such hours and on such days as the Board may determine.

7. SPECIAL MEETINGS

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

- (i) by the Convener or
- (ii) on the requisition in writing specifying the business proposed to be transacted and signed by at least one-fourth of the whole number of Members of the Board (not less than three), which meeting will be held within fourteen days of receipt of the requisition by the Clerk.

8. NOTICE OF MEETING

(1) Public Notification

Public notification of meetings shall be given by the Clerk, in accordance with the provisions of the 1973 Act, as amended, by posting a notice at the constituent authorities' Offices at least seven clear working days before the meeting or, if the meeting is convened at shorter notice, then at the time the meeting is actually convened.

The Notice of Meeting shall comprise:-

- (a) notification of the date, time and place of the meeting, and
- (b) notification of the list of items of business to be transacted on an agenda.

(2) Notice to Board Members

Notice of meetings shall be given by the Clerk to all Board Members, in accordance with the provisions of the 1973 Act as amended by posting or delivering to them at their usual place of residence, or at such other address as may be notified to the Clerk in writing, at least seven clear working days before the meeting, the following:-

- (a) notification of the date, time and place of the meeting;
- (b) notification of the list of items of business to be transacted on an Agenda;
- (c) copies of Reports associated with every Agenda item.

(3) Notice to the Press and Public

Notice of meetings shall be given by the Clerk to the press and to the public, in accordance with the provisions of the 1973 Act, as amended, by having posted or delivered copies of the items specified in Standing Order above to the head office of local newspapers and to public outlets owned by the Board, at least seven clear working days before the meeting. Provided always that no Report containing Part II or Part III information as defined in Standing Order below shall be made available for public inspection.

9. THE AGENDA

- (1) Each Agenda item shall be accompanied by a Report, signed by the Assessor or an Officer of the Board, in the standard style determined by the Clerk and copies of the Agenda and accompanying Reports shall be open to inspection by members of the public at the offices of the constituent authorities at least seven clear working days before the meeting, except where (1) the meeting is convened at shorter notice, in which case the Agenda and Reports shall be available for public inspection from the time the meeting is convened or (2) any Report contains exempt information to which the provisions of Section 50A(4) of the 1973 Act apply.

No business other than that specified on the Agenda shall be transacted except business certified by the Convener as a matter of urgency, in which event there shall be laid on the table a Report which complies with the provisions of these Standing Orders.

- (2) The Agenda shall be divided into the following parts:-

PART I Unrestricted Items: to which the provisions of Section 50A(1) of the 1973 Act shall apply permitting full public inspection.

PART II Exempt Items: to which the provisions of Section 50A(4) of the 1973 Act shall apply; which will state which category of exempt information is contained within the Report in terms of Schedule 7A of the 1973 Act, thereby permitting exclusion of the public during consideration of the item following a resolution of the meeting to that effect.

PART III Confidential Items: to which the provisions of Section 50A(2) of the 1973 Act shall apply which require the exclusion of the public during consideration of the item.

- (3) All Reports from Officers intended for inclusion on an Agenda for a meeting of the Council shall be received by the Clerk as early as possible and in any event no later than noon on the day before the day on which the notice of meeting falls to be issued.

10. NON-ATTENDANCE OF MEMBERS

- (1) Should a Member of the Board be unable to attend a meeting for whatever reason, he/she may tender his/her apologies either by intimating them to the Clerk in advance of the meeting or by another Board Member doing so prior to the commencement of business, and these apologies only shall be incorporated in the minute of the meeting.

- (2) Subject to the provisions of the 1973 Act, if a Board Member fails throughout a period of six consecutive months to attend any meeting of the Board (or any Sub-Committee thereof), the Clerk will, unless such Board Member has been granted leave of absence by the Board, inform the Board, who will consider whether the failure to attend was due to some reason approved by them, and failing their being satisfied as to the cause of such failure, the Board Member will cease to be a member of the Board.

11. PERSON PRESIDING AT MEETINGS OF THE BOARD

The Convener shall preside at all meetings of the Board. In his/her absence, the Depute Convener shall preside at the Board meeting and, in the absence of both, the Proper Officer shall preside over the meeting until the Board appoints a Convener from amongst its numbers.

The Convener shall have the following duties:-

- (i) To preserve order and to secure that every Board Member shall obtain a fair hearing. If in his/her opinion a speech is irrelevant (s)he shall have power to call upon such Board member to resume his/her seat. (S)He may, and if requested by any Board Member, shall ask the mover of a motion or of an amendment to state its terms and (s)he shall thereupon decide as to its competency. The Convener's decision on all matters of order, procedure, competency and relevancy shall be final. (S)He shall be entitled in the event of disorder to adjourn the meeting to a time (s)he may then fix, and his/her quitting the Chair shall be the signal that the meeting is so adjourned. When (s)he speaks, the Board Member who is addressing the meeting shall immediately resume his/her seat and deference shall at all times be paid to the authority of the Convener.
- (ii) To certify that an item of business which does not appear on the Agenda shall be considered at the meeting as a matter of urgency and to state the special circumstances which lead him/her to the opinion that the matter is urgent.
- (iii) To decide whether permission should be granted for the taking of photographs of the proceedings, or for the filming or recording of the proceedings whether for television, radio or radio transmission, or any other means.

12. QUORUM

- (1) At all meetings of the Board, subject to the provisions of Paragraph 4 of Schedule 7 to the 1973 Act, the quorum shall be four Members, provided that the Members present shall not all be Members appointed by the same constituent authority. If, within fifteen minutes after the time appointed for the meeting, a quorum is not present, the meeting will stand adjourned, and the minute of the meeting will disclose this fact. If, at any time after a meeting has commenced, a question arises as to the presence of a quorum, the Convener shall suspend the proceedings. If, after the lapse of five minutes, the Convener finds that no quorum is present, (s)he will adjourn the meeting to such other date and time as may be fixed, and any business not considered at the first meeting will be postponed to and considered at the next meeting.

13. PUBLIC ACCESS TO MEETINGS

- (1) Subject to Paragraphs (2) and (3) below, every meeting of the Board shall be open to the public. The provisions of this Paragraph shall be without prejudice to the Board's powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting, and the Board may exclude or eject from a meeting a member or members of the public whose presence or conduct is impeding or is likely to impede the work or proceedings of the Board. Without prejudice to the foregoing generality, if a member of the public interrupts the proceedings at any meeting, the Convener may warn him/her. If the member of the public continues the interruption, the Convener may order his/her removal from the place in which the meeting is being held. 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.

- (2) The Board may by resolution at any meeting exclude the public therefrom during consideration of any item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present, there would be a disclosure to them of exempt information as defined in Schedule 7A to the 1973 Act.
- (3) The public shall be excluded from a meeting of the Board during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during consideration of that item, confidential information within the meaning of Section 50A(2) of the 1973 Act would be disclosed to them in breach of the obligation of confidence.

14. CONDUCT OF MEMBERS

- (1) A Board Member shall stand when speaking and shall address the Convener. If two or more Board Members rise together, the Convener shall give preference to the Board Member whom (s)he first observed to rise.
- (2) No Board Member shall be allowed to speak save to a distinct and competent motion before the meeting or an amendment thereon and no Board Member shall be permitted to speak more than once on any subject before the meeting, except by leave of the Convener to ask a question or give an explanation, except the mover of an original motion who shall have a right of reply but who, in so doing, shall not introduce any new issue.
- (3) In the event of any Board Member at a meeting of the Board disregarding the authority of the Convener or being guilty of obstructive conduct, the Board, on the motion of any Board Member, and with the support of a majority of the Board Members present, shall suspend such Board Member for the remainder of the sitting. The motion to suspend shall be put without discussion and, if carried, the Officers of the Board shall act on such orders as they may receive from the Convener in pursuance of such resolution.
- (4) All Board Members in transacting business at any meeting of the Board shall have regard to the National Code of Local Government Conduct (Appendix A hereto) which represents the standard against which Board Members will be judged both by the public and by fellow Board Members.

15. DECLARATIONS OF INTEREST AND EXCLUSION OF MEMBERS FROM MEETINGS

- (1) Any Board Member who, in terms of Sections 38 and 39 of the 1973 Act, has any pecuniary interest direct or indirect in any contract, proposed contract or other matter as defined in Section 59 of the said Act, and who has registered such an interest in the register kept by the Proper Officer in accordance with the provisions of the Local Authorities (Members' Interests) Regulations 1992, and is present at a meeting of the Board at which such contract or other matter is the subject of consideration, shall as soon as possible after the beginning of the meeting disclose that fact and leave the room where the meeting is being conducted while such contract, proposed contract or other matter in which the Board Member has such an interest is under consideration.
- (2) Any Board Member who has disclosed in the register of pecuniary and business interests of Board Members, kept by the Proper Officer in accordance with the 1992 Regulations, any interest which could reasonably be considered to lead to a conflict between the Board Member's duty to the Board and the Board Member's pecuniary or business interest in relation to any contract, proposed contract or other matter, and who is present at a meeting of the Board at which such contract, proposed contract or other matter is the subject of consideration shall as soon as possible after the beginning of the meeting disclose the fact, and it shall be for the Board to determine on a simple vote whether the Board Member shall be excluded from such meeting while such contract, proposed contract or other matter is under consideration.

- (3) Any Board Member who has a private or personal non-pecuniary interest in a matter arising at a meeting of the Board shall have regard to the provisions of the National Code of Local Government Conduct before determining whether or not (s)he should participate in any discussion on the matter. In advance of any meeting, the advice of the Proper Officer should be sought on the terms of the Code and how it may affect the conduct of any Board Member in any particular circumstances.

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

16. ORDER OF BUSINESS

The business of the Board at ordinary meetings shall proceed in the following order and subject to its division into Parts I, II and III as referred to in Standing Order above, except that any item of business on the Agenda may be taken out of its order by the direction of the Convener:-

- (1) The sederunt shall be taken by way of calling the roll and any apologies intimated and noted.
- (2) The minutes of the last ordinary meeting and of any special meeting of the Board since held shall be held as read, corrected if need be and approved.
- (3) Questions submitted in accordance with Standing Order below.
- (4) Reports from Sub-Committees.
- (5) New business.
- (6) Motions of which notice has previously been given in accordance with Standing Order 22 below shall be considered in the order in which such notices were received by the Clerk.
- (7) Business required by statute to be disposed of at the meeting, including authority for execution of deeds.

Letters, Reports, applications and other business shall, subject to the provisions contained in the preamble to this Paragraph, be considered in the order in which they appear on the Notice of Meeting.

17. MINUTES

The Clerk shall compile and keep the minutes of the meeting of the Board (and all Sub-Committees thereof). The Convener or other Convener of the Board Meeting shall sign the minute of the previous Ordinary Board Meeting and of any Special Board Meeting on their approval.

18. RULES OF DEBATE - MOTIONS AND AMENDMENTS

- (1) Every motion and amendment shall be moved, seconded and reduced to writing and read by the Clerk to the meeting before it is further discussed or put to the meeting.
- (2) Motions or amendments made but not seconded shall not be discussed or inserted in the minutes. When a motion or amendment has been moved but not seconded, the mover may require his/her 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.
- (3) Except when the vote is taken by roll call, any member who finds him/herself in a minority of one will, if so requested, have his/her dissent recorded in the minute.
- (4) A motion or amendment once made and seconded shall not be withdrawn or amended without the unanimous consent of the meeting.
- (5) Every amendment shall be relevant to the motion on which it is moved, and the Convener shall have power to rule out of order any amendment which (s)he may consider irrelevant or which in his/her opinion is substantially the same as the motion or another amendment.
- (6) A motion for the approval or amendment or rejection of a Report shall be considered as an original motion and any motion to the contrary shall be dealt with as an amendment.

- (7) Whenever an amendment upon an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been voted upon and disposed of provided that notice of further amendments shall have been given before the original vote is taken.
- (8) The Clerk shall read out to the meeting the terms of the motion and the amendment, and shall thereafter call firstly for votes for the amendment and subsequently for votes for the motion. The Clerk shall then announce the result of the vote on the basis of a simple majority of those voting.
- (9) If an amendment is rejected, other amendments of which previous notice has been given may be moved on the original motion and, if any such amendment be moved and seconded, voting shall proceed as stated in Standing Order above.
- (10) If an amendment be carried, it shall become the question upon which any further amendment, of which previous notice has been given, may be moved and, if any such further amendment be moved and seconded, voting shall proceed as stated in Standing Order 18(8) above.
- (11) A Board Member shall, when speaking to any issue, address the Convener. If two or more Board Members at the same time indicate to the Convener that they wish to speak the Convener shall give precedence to the Board Member whom (s)he first observed as wishing to speak, subject to Standing Order above.
- (12) No Board Member shall be allowed to speak save to a distinct and competent motion before the meeting or any amendment thereon, and no Board Member shall be permitted to speak more than once on any subject before the meeting (save by leave of the Convener to ask a question or give an explanation) except the mover of the original motion who shall have a right of reply but who, in so doing, shall not introduce any new matter, subject to Standing Order above.
- (13) After the Clerk has announced the issue on which a vote is to be taken and has started to take the vote, no Board Member shall be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings, until the result of the vote is declared.
- (14) A Board Member will direct his or her speech strictly to the motion under discussion or to a question of order, or to a personal explanation.
- (15) A Board Member who has spoken on any original motion will not speak again while it is the subject of debate, except:-
 - (i) if the motion has been amended since he or she last spoke and is the subject of a further amendment; or
 - (ii) in the exercise of a right of reply; either at the close of the debate as the mover of an original motion; or as the mover of a motion as amended on any further amendment at the close of the debate on that further amendment. The reply will be strictly confined to matters raised by previous speakers and will not introduce any new matter into the debate; or
 - (iii) on a point of order or to make a personal explanation.
- (16) A Board Member moving or seconding a motion or amendment or the mover of a motion in reply will not speak for more than ten minutes except with the consent of the Convener. Other Board Members taking part in the discussion on the motion or amendment will not speak for more than five minutes unless with the consent of the Convener.
- (17) After the mover of an original motion or a motion as amended has spoken in reply no other Board Member may speak to the question which will then be put by the Convener.
- (18) In the event of persistent misconduct of a Board Member by disregarding the ruling of the Convener, or behaving improperly or offensively, or wilfully obstructing the business of the Board, the Convener may take any of the following courses either separately or in sequence:-

- (a) direct the Board Member to refrain from speaking during the remainder of the debate on the matter under discussion.
- (b) move that the Board 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 Board Member named shall not speak further at that meeting.
- (c) move that the Board Member should leave the meeting, which motion will not require to be seconded, will be put to a simple vote without discussion and if carried the Board Member named will immediately leave the meeting.
- (d) adjourn the meeting for such period as seems expedient to the Convener.

19. VOTING

- (1) Subject as hereinafter provided, voting shall normally be by a show of hands, but, if not less than one quarter of the Board present and voting so request, the name of each Board Member voting or declining to vote shall be recorded in the minute by the Clerk by calling the roll of Members. Further, if the Board so decide, voting shall be by ballot which shall be undertaken by the Clerk to ensure the secrecy of the vote. A decision to proceed by ballot shall require a majority of those present and voting before the ballot may be undertaken.
- (2) The Convener shall have a casting vote in addition to his/her deliberative vote in cases of equality, except in relation to the appointment of a Member of the Board to any particular office or Sub-Committee in which case the decision shall be by lot, which shall be conducted by the Clerk.
- (3) In the case of an election, selection or appointment of a Board Member to any office or position to be filled by the Board, where the number of candidates nominated exceeds the number of vacancies, the Board Member to be elected, selected or appointed shall be determined by a vote in which each Board Member shall vote for one candidate only, the vote being put to the meeting in the order in which nominations have been proposed and seconded.
- (4) Where any one candidate has an absolute majority, (s)he shall be declared as elected.
- (5) Where, after the first vote in accordance with Standing Order 19(3) above, there is an equality of votes for two or more candidates, the candidate to be elected shall be decided by lot, which shall be conducted by the Clerk.
- (6) For the purposes of clarification, where voting takes place on an Agenda item where third party interests are affected, or where appointments are being made in accordance with Standing Order 19(3) above, only those Board Members who have been present during the whole of the discussion shall be entitled to participate in the vote.

Absences for very brief periods during consideration of business shall be disregarded in these situations. In all other cases, Board Members shall be entitled to participate in a vote who have been in attendance during the whole or part of the discussion on the Agenda item giving rise to the vote.

20. PROCEDURAL MOTIONS

- (1) The following closure motions will be permitted during discussion of another motion. They will be moved, seconded and put to a simple vote without discussion. The Convener will proceed as follows:-
 - (a) "That the meeting proceed to the next business"

The Convener will permit the mover of the original motion to reply and will then put to the vote the motion to proceed to the next business; if that motion is carried, the original motion will lapse and the Board will proceed to the next business.

- (b) "That the question be now put"
If the Convener is of the opinion that the matter before the meeting has been insufficiently discussed, the Convener may refuse to accept the motion; if the motion is accepted it will be put to the vote. If the motion is carried the mover of the original motion will be entitled to exercise a right of reply and the Convener will then put the original motion to the vote.
 - (c) "That the debate be now adjourned"; and
 - (d) "That the meeting does now adjourn".
If the Convener is satisfied that the matter before the meeting has been sufficiently discussed, the Convener may refuse to accept either of these motions and instead put the motion "that the question be now put"; if the Convener is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the adjournment motion will be put to the vote without giving the mover of the original motion a right of reply on that occasion; if the adjournment motion is carried the original motion or remaining business will then stand over as uncompleted business until the next meeting of the Board.
- (2) If a closure motion is not carried, a similar motion may be made after every three additional Board Members have spoken.

21. POINTS OF ORDER

Any Board Member may speak to a point of order suddenly arising, subject to that Board Member stating to the meeting on what basis order is being or is about to be infringed. Any Board Member who is addressing the meeting when a point of order is raised shall resume his/her seat until the point of order has been decided by the Convener. The Convener shall be the sole judge of how the point of order should be dealt with and his/her decision shall be final.

22. NOTICES OF MOTION INTENDED FOR CONSIDERATION AT NEXT MEETING

- (1) Every notice of motion shall be in writing and shall be signed by the member giving the notice. Every motion shall be relevant to some matter in relation to which the authority has functions, or which affects the area of the Board, or part of it, or some or all of its inhabitants.
- (2) Every such notice shall be delivered to the Clerk at his/her office not later than 12 Noon at least nine clear working days before the date of the next meeting of the Board otherwise it shall not be specified on the Agenda for such meeting.
- (3) The Clerk shall have power to refuse to accept any notice of motion which, by reason of any enactment, or other rule of law, or any provision in these Standing Orders, could not be considered at the meeting for which it is given. In the event of such power being exercised, the Clerk shall give written reasons to the member submitting the motion within two working days following delivery of the notice of motion in terms of Standing Order above.
- (4) All motions considered valid by the Clerk and of which notice has been duly given shall be included in the Notice for that next meeting in the order in which they were received by the Clerk, who shall record both the date and time of receipt on the original notice.
- (5) If more than one such motion, in the opinion of the Clerk, and having consulted with the Convener, deals with the same subject matter, only the motion first lodged shall be considered.
- (6) If a motion, notice of which is specified in the Agenda, be not moved either by the Board Member who has given the notice or by some other Board Member on his/her behalf when it

arises on the Agenda, it shall, unless postponed by leave of the meeting, be considered as dropped and shall not be moved without fresh notice.

- (7) The Convener shall, at the meeting, have power to rule out of order any motion on the notice which (s)he considers irrelevant or incompetent. In such case no reference thereto shall be made in the minute.

23. QUESTIONS

- (1) Any Board Member may put a question relevant to the business of the Board to the Convener as to matters of fact relating to an Agenda item or to the Clerk as to a point of law or procedure provided that the member shall have given the question in writing to the Clerk not later than 12 noon on the working day prior to the day of the meeting.
- (2) Standing Order is without prejudice to the right of any member present at any meeting of the Board to obtain at such meeting and without prior notice such information as may then be available concerning any matter appearing on the Agenda, subject to the reservation that the person addressed may postpone his/her reply to the next ordinary meeting should the information requested not be available.
- (3) The Convener to whom any question is directed will decide whether the question is to be answered orally or in writing at the Board meeting. Questions and any written answers will be reproduced and numbered in the order in which they have been received and will be made available to the members of the Board at the commencement of the meeting.
- (4) If the Convener is of the opinion that a question is out of order the question will not be answered.
- (5) Arising from each answer given, two supplementary questions, for clarification of the answer given, may be put by the member who asked the original question and the supplementary questions will be answered orally by the Convener.
- (6) Written questions and any written answers will be recorded in the minute.
- (7) In this Standing Order, the expression "written question" includes a series of written questions asked by the same member all dealing with one subject or with subjects, which in the opinion of the Convener, are so closely related as to be regarded as one subject.
- (8) In addition to, and without prejudice to the above provisions of this Standing Order, any member may put, without notice, a question to the Convener at any ordinary meeting of the Board, on any matter contained in the Volume of Minutes of the Board; provided that any question requiring a detailed response or which cannot be answered immediately will be continued to the next ordinary meeting of the Board unless in the interval it has been disposed of otherwise, and provided also that it will not be competent for any member to move a motion on any such matter which may have been so raised which matter has been the subject of a decision made under delegated powers in terms of the Scheme of Reference and Delegation to Sub-Committees and officers.

24. PRESENTATION OF PETITIONS AND HEARING OF DEPUTATIONS OR DELEGATIONS

- (1) No depositions shall be received by the Board unless an application for admission to the meeting setting forth the matters on which the deputation desire to be heard shall have been lodged with the Clerk at least nine clear working days before the meeting or, in any event, prior to the issue of the notice calling the meeting. Any such application shall be entered in the notice calling the meeting and such meeting may agree to decline to receive the deputation.
- (2) Except with the leave of the meeting, the members of any deputation shall not exceed three persons.

- (3) The Board may decide the number of members of the deputation to speak. The presentation shall be limited to not more than five minutes in total. After the speech(es) have been made, members of the Board may put to the deputation questions pertinent to subjects on which they wish to be heard. Subject to Standing Order members of the deputation may remain during determination of the issue.

25. RESCINDING/REVOCATION OF PREVIOUS DECISION/RESOLUTION

No decision of the Board may be reconsidered and, except where required by statute, no item of business the same or substantially the same as one previously determined by the Board may be discussed by the Board within six months of the date of the making of the previous decision or determination of the item, except:-

- (1) when two-thirds of the Members for the time being present and voting and an absolute majority of the whole Board agree otherwise;
- (2) where the Convener is satisfied that a material change of circumstances has occurred; and
- (3) that notice has been given in the summons that such decision may be revoked or altered, unless the revocation or alteration is inherent in the terms of a report submitted to the Board.

26. APPLICATION OF STANDING ORDERS

- (1) *The provisions of Standing Orders will apply to Committees.*
- (2) The provisions of Standing Orders will apply to Sub-Committees.

SECTION IV - CONSTITUTION, MEETINGS AND PROCEEDINGS OF SUB-COMMITTEES

27. APPOINTMENT OF SUB-COMMITTEES

- (1) The Board may appoint from its membership such Sub-Committees as it may from time to time consider necessary or desirable and may refer to such Sub-Committees such matters as the Board may from time to time specify.
- (2) Any member of a Sub-Committee of the Board may be represented at any meeting of that Sub-Committee by a substitute member appointed in accordance with sub-paragraph (3) below.
- (3) A constituent authority may, subject to sub-paragraph (5) below, appoint one of its members to be a substitute member for any member of a Sub-Committee who is also a member of that authority.
- (4) A substitute member shall have the same powers at a meeting of a Sub-Committee as the member whom he is representing would have had at that meeting.
- (5) A person may not be appointed as a substitute member of a Sub-Committee if he is a member of that Sub-Committee.
- (6) The above Sub-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.
- (7) Sub-Committees shall meet in accordance with the programme based on a cycle approved by the Board, such programme to be drawn up by the Clerk and intimated to all Board Members and Officers.
- (8) The Convener, whom failing the Depute Convener, shall preside until one of the Board Members as may be chosen by the meeting is appointed as Convener.
- (9) The quorum of Sub-Committees as disclosed in Standing Order 27 above is one-third of the whole number of Board Members appointed to the Sub-Committee, provided that in no case will any business be transacted unless at least three voting Members are present.
- (10) All minutes of the proceedings of Sub-Committees will be drawn up by the Clerk.
- (11) The minute of a meeting of a Sub-Committee will be submitted to the next ensuing ordinary meeting of the Board 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.
- (12) The minute of a meeting of a Sub-Committee will so far as practicable be:
 - (a) 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 Sub-Committee; and
 - (b) submitted to the next ensuing meeting of the Sub-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.
- (13) The Convener at any meeting may vary the order of business so as to give precedence to any business of special urgency.

SECTION V - MISCELLANEOUS MATTERS

28. DISCLOSURE OF INFORMATION

- (1) Information, whether contained in a document or otherwise, which is confidential information within the meaning of Section 50A(2) of the 1973 Act, shall not be disclosed to any person by any member or officer.
- (2) The full or any part of a document marked "Not for Publication by virtue of the appropriate Paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973" shall not be disclosed to any person unless or until the document has been made available to the public or the press under Section 2 of the 1985 Act.
- (3) Any information regarding proceedings of the Board or a Sub-Committee from which the public have been excluded shall not be disclosed to any person unless and until such disclosure has been authorised by the Board or Sub-Committee or the information has been made available to the public or the press under Section 2 of the 1985 Act.
- (4) Without prejudice to the National Code of Local Government Conduct and to Paragraphs (2) and (3) of this Standing Order, no Board Member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a Board Member where such disclosure would be to the advantage of the Board Member or of anyone known to him or her, or which would be to the disadvantage or discredit of the Board or anyone else.

29. APPOINTMENT OF STAFF (GENERAL)

- (1) In accordance with the provisions of Section 7 of the 1989 Act, all appointments of staff shall be made on merit, subject, however, to the provisions of those Acts specifically mentioned in Paragraph 7(2) of the 1989 Act.
- (2) The Board will have regard to any Regulations made by the Secretary of State imposing a duty to adopt Standing Orders with respect to staff as contained in Section 8 of the 1989 Act.

30. APPOINTMENTS MADE BY MEMBERS

The appointment of the Assessor, Deputy Assessors, Clerk and Treasurer shall be undertaken by the Board.

31. INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

- (1) In addition to any duty under Section 68 of the 1973 Act, if it comes to the knowledge of any officer of the authority that (s)he has a disposable pecuniary interest in any contract which has been or is proposed to be entered into by the authority, or in some other matter which is to be considered by the Board and which (in either case) is not:-
 - (a) the contract of employment (if any) under which (s)he serves the Board; or
 - (b) the tenancy of a dwelling provided by the Board,(s)he shall, as soon as practicable, give notice in writing to the Clerk of the fact that (s)he has an interest therein.
- (2) For the purpose of this Standing Order, the definition within Section 39 of the 1973 Act of a disposable pecuniary interest as it applies to an officer of the Board shall also apply to Board Members.

- (3) The Clerk shall maintain a register of disclosures of pecuniary interest given by officers of the authority. The register shall be open for inspection by any Board Member.

32. EXECUTION OF DEEDS AND COMMON SEAL

- (1) Subject to the provisions of the 1973 Act, deeds requiring to be executed by the Board will be sealed with the Common Seal of the Board and signed on its behalf by two Members of the Board and the Clerk.
- (2) The Common Seal of the Board will be kept by the Clerk who will be responsible for its safe custody and use.
- (3) The Common Seal will be affixed to a deed or other document by the Clerk only on the authority of:-
 - (a) a resolution of the Board; or
 - (b) a decision by the Board, or by a duly authorised Sub-Committee to do anything where a document under the Common Seal is necessary to complete the action.
- (4) An entry of the sealing of every deed and other document to which the Common Seal has been affixed will be made by the Clerk in a register kept for this purpose and any member and the officer subscribing the deed or the document on behalf of the Board will also sign against the appropriate entry in the register.

33. REGISTER OF MEMBERS AND SUB-COMMITTEE MEMBERSHIP

The Proper Officer will maintain on behalf of the Board a current Register stating:-

- (a) the name and address of each member of the Board and the Council which (s)he represents;
- (b) the name and address of every member of each Committee or Sub-Committee for the time being;
- (c) the date of appointment to the Board or Sub-Committee; and
- (d) the date when any Board Member ceases to be so appointed.

34. DELEGATION TO SUB-COMMITTEES AND OFFICERS

The Board may make a Scheme of Delegation to Sub-Committees and 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.

Standing Order above shall apply to any alteration to the Scheme of Delegation as it applies to these Standing Orders.

35. CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS

- (1) The Board may make Contract Standing Orders and 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.
- (2) Contract Standing Orders and Financial Regulations made by the Board in terms of this Standing Order will apply to Sub-Committees, Members of the Board, Officers and certain Agents of the Board as appropriate.

- (3) The provisions of Standing Order above will apply to the alteration of any Contract Standing Order or Financial Regulation.

36. PROHIBITION OF SMOKING

No smoking shall be permitted during any meeting.

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SCHEME OF DELEGATION (OFFICERS)

(A) GENERAL PROVISIONS

1. DELEGATED AUTHORITY OF OFFICERS

- 1.1 There will stand delegated to Officers of the Board the matters specified in this Scheme in relation to each Officer.
- 1.2 Officers to whom matters are delegated will take such decisions and authorise such actions from time to time as appear to them to be necessary in the interests of the Board and the inhabitants of the Board's area and will ensure that they take such decisions and authorise such actions always in accordance with the following provisions of this Section.

2. POLICY

- 2.1 Officers will exercise the authority delegated to them having regard to and in accordance with the policy of the Board.

3. STANDING ORDERS

- 3.1 Officers will exercise the authority delegated to them in accordance with the Standing Orders of the Board.

4. CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS

- 4.1 Officers will exercise the authority delegated to them in accordance with the Contract Standing Orders and Financial Regulations of the Board.

5. CONSULTATIONS

- 5.1 Officers will in exercising the authority delegated to them ensure that they consult Local Members where it appears to the Officer that a proposed decision or action is likely to affect directly the constituency interests of a Local Member or Members provided always that this requirement shall not apply to proposed decisions or actions which are of general effect throughout the Board Area.
- 5.2 Officers will in exercising the authority delegated to them ensure that they consult the Clerk and/or Treasurer, as appropriate, in respect of all matters which the Officer considers to be sensitive or complex, or where legal, administrative or financial guidance is necessary, or otherwise where the Officer considers it appropriate to consult.
- 5.3 Officers will in exercising the authority delegated to them ensure that they consult the Convener and or Vice Convener in respect of all matters which the Officer considers to be sensitive or complex, or otherwise where consultation appears to him to be appropriate.

6. DELEGATION TO OFFICERS

- 6.1 Except as prohibited by law or otherwise prohibited by the Board, any Officer to whom delegated powers have been granted may authorise other Officers to exercise such powers in their absence.

7. REPORTS

- 7.1 Officers will submit such reports to Members of the Board on the decisions taken and actions authorised by them, or by other Officers authorised by them, in terms of the authority delegated to them, in the form and in accordance with the arrangements as are determined by the Clerk.

8. CONFLICT OF INTEREST

- 8.1 Where an applicant for a service provided by the Board is a Member of the Board, or an employee, the Officer within whose delegated authority it is to determine the application shall, before exercising that authority, give consideration to the need for further consultation with the Clerk who may if they consider it appropriate require the Officer to refer the application to the Board for determination.
- 8.2 Where an applicant for employment with the Board is related to a Member of the Board, or to an employee, the Officer within whose delegated authority it is to make the appointment to the post in question shall, before exercising that authority, give consideration to the need for further consultation with the Clerk who may if they consider it appropriate require the Officer to refer the appointment to the Board for decision.

(B) DELEGATIONS

9.0 CONTRACTS

- 9.1 Awarding of contracts to the lowest tenderer to the value of £250,000 as specified in Contract Standing Orders. The variation of contracts already awarded to a maximum limit of £10,000 or 10% of the contract value, whichever is the greater.

10. APPOINTMENTS

- 10.1 Appointment of employees within the approved establishment up to, but excluding, Depute Director level.

10.2 Temporary Posts

The Assessor is authorised to create temporary posts for not more than two years providing that there is adequate funding within the revenue estimates.

11. DISCIPLINE

- 11.1 Conduct of disciplinary proceedings in respect of employees within the terms of the Board's approved disciplinary procedure.

12. TRAINING

- 12.1 Authorising employees' attendance at training courses, conferences, seminars, etc. within the approved training budget.

13. CAPITAL PROGRAMME

- 13.1 Authorisation of minor adjustments to the capital programme to allow the transfer of expenditure from one approved head to another approved head of expenditure to a maximum of £250,000 or 10% whichever is lower. The allocation of funds to individual projects within general expenditure headings of Minor Works.

14. LISTS OF TENDERERS

- 14.1 The selection of tenderers from the Board's approved list to receive documents following payment of any appropriate fee.

15. CONSULTANTS

- 15.1 The appointment of consultants to provide specialist expertise.

16. ATTENDANCE AT CONFERENCES

- 16.1 To determine applications for the attendance of employees at conferences, seminars, or other business outwith the U.K.

17. GRANTS AND DONATIONS

- 17.1 To determine applications for grants or financial assistance within the remit of the Board to a maximum limit of £5,000 in accordance with policy directions to be given by the Board.

18. EARLY RETIREMENTS

18.1 To determine applications for early retirement within the approved regulations and policy direction of the Board.

19. CAR ALLOWANCES

19.1 To determine the payment of casual users and essential users allowances.

20. CAR LOANS AND LEASES

20.1 To determine applications for car loans and the provision of leased cars to individual employees.

21. REGRADING

21.1 To determine individual regradings of posts.

22. LEAVE OF ABSENCE

22.1 To determine applications for leave of absence for special purposes.

23. SECONDMENT

23.1 To determine the secondment of employees to external agencies or for training purposes.

24. PLANNED OVERTIME

24.1 To approve planned overtime within the existing scheme of the Board and subject to finance being available within the budget.

25. EX GRATIA PAYMENTS

25.1 To determine ex gratia payments to Officers above the overtime limit.

26. ADDITIONAL EMPLOYMENT

26.1 To determine applications for permission for additional employment associated with professional qualifications.

27. TELEPHONE ALLOWANCES

27.1 To determine the provision of telephone allowances to employees.

28. CHANGES IN POST NOMENCLATURE

28.1 To determine changes in titles of jobs.

29. MERIT INCREMENTS

29.1 To make awards under the merit increment scheme.

30. LEAVE TO ATTEND

30.1 To determine requests for more than 5 days paid leave, or any period of unpaid leave, for attendance by employees at sporting activities subject to policy direction of the Board.

31. ANNUAL LEAVE/SICK LEAVE

31.1 To determine requests for the transfer of annual leave across consecutive leave years in cases where an employee's entitlement is affected by the occurrence of sick leave.

32. EXCESSIVE WEAR AND TEAR

32.2 To determine applications for additional allowances under the car allowance scheme in respect of excessive wear and tear to vehicles.

33. STRUCTURES

33.1 (a) **Reviews**

To determine salaries in implementation of Review processes or to correct individual anomalies in the Assessor's Service salary structure as a consequence of review processes, together with the application of appropriate implementation dates.

(b) **Changes**

To amend structures within the limits of existing employee budgets and total establishments.

34. STARTING SALARIES

34.1 To place employees on appointment on a salary point within the grade or grades applicable to posts.

35. HOSPITALITY

35.1 To grant or refuse applications for hospitality within the policy of the Board up to a cost of £1,500.

36. RATING ASSESSMENTS

36.1 To determine rating assessments negotiated in respect of Board property.

37. PAYMENT OF PRESERVED BENEFITS UNDER THE LOCAL GOVERNMENT SUPERANNUATION SCHEME

37.1 To determine applications for premature payment of preserved benefits under the Local Government Superannuation Scheme.

(C) PARTICULAR DELEGATIONS TO THE CLERK

1. VALUATION APPEALS PANEL - FEES

- 1.1 The Clerk, in consultation with the Treasurer and the Assessor, is authorised to agree biannually with the Sheriff the remuneration to be paid to the Secretary and Assistant Secretaries of the Valuation Appeal Panel in terms of Section 4(4) of the Local Government (Scotland) Act 1975.

2. ACQUISITION AND DISPOSAL OF LAND AND PROPERTY

- 2.1 The Clerk, in consultation with the Convener and Vice Convener, is authorised to approve terms and conditions for acquisition (whether by purchase or lease) of land and property required for office accommodation requirements and for disposal of property which is surplus to the requirements of any of the Board's functions, subject to a maximum value up to £200,000 in any particular case.

3. LEASING OF PROPERTY

- 3.1 To accept offers for the lease of Board property for periods not exceeding one year.

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