

STANDING ORDERS
OF THE
LOTHIAN VALUATION JOINT BOARD
PRELIMINARY

DEFINITIONS

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

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

“Act of 1985” means the Local Government (Access to Information) Act 1985;

“Order” means The Valuation Joint Boards (Scotland) Order 1995, made under Section 27(7) to (9) of the Local Government Etc (Scotland) Act 1994. A copy of the Order is attached to these Standing Orders.

“Board” means the Lothian Valuation Joint Board established under the Order;

“Constituent Authority” means any of the Councils of East Lothian, The City of Edinburgh, Midlothian and West Lothian;

“Sub-Committee” means the appointment of Sub-Committees in terms of Paragraph 6 of Schedule 2 of the Order;

“Convener” means the Convener of the Board appointed under Paragraph 3 of Schedule 2 of the Order;

“Vice-Convener” means the Vice-Convener of the Board appointed under Paragraph 3 of Schedule 2 of the Order;

“Member” means a person appointed by any of the Constituent Authorities from their own number to be a member of the Board in terms of Paragraph 1 of Schedule 2 of the Order and, except where the context otherwise requires, includes a Substitute Member as defined below;

“Substitute Member” means a person appointed by any of the Constituent Authorities from their own number to be a substitute member of the Board in terms of Paragraph 1 of Schedule 2 of the Order;

“Local Member” means a member elected to serve as a Councillor for an electoral ward of a Constituent Authority;

“Chair” means a person appointed by the Board to chair a Sub-Committee, or the person chairing a meeting of the Board in the absence of the Convener and Vice-Convener;

“Chief Executive” means the Chief Executive and Clerk of the Board appointed in terms of Paragraph 4 of Schedule 2 of the Order;

“Clerk” means the Chief Executive and Clerk of the Board appointed in terms of Paragraph 4 of Schedule 2 of the Order;

“Assessor” means the official appointed in terms of Section 27(2) of the Local Government Etc (Scotland) Act 1994;

“Solicitor” means a person appointed by the Board to be Solicitor to the Board in terms of Paragraph 4 of Schedule 2 of the Order;

“Treasurer” means a person appointed by the Board to be Treasurer to the Board in terms of Paragraph 4 of Schedule 2 of the Order;

APPLYING THE INTERPRETATION ACT

2. The Interpretation Act 1978 applies to these Standing Orders in the same way as it applies to an Act of Parliament.

START

3. These Standing Orders apply from 7 December 2009. The Board may make changes from time to time under Standing Order 39.

BOARD MEETINGS

FIRST MEETING AFTER APPOINTMENT OF MEMBERS

4. In a year in which an ordinary election of Councillors for the local government election area of each Constituent Authority is held, the Board will hold a meeting as soon as practicable after each Constituent Authority has appointed its members and substitute members. At this meeting or at any adjournment of it, the Board will elect the Convener and the Vice-Convener.

ORDINARY MEETINGS

5. The dates, times and places for ordinary meetings of the Board will be decided by the Board. The Board will normally meet in Edinburgh and will not normally meet less than four times a year.

SPECIAL MEETINGS

6. A Special Meeting of the Board may be called at any time:
 - by the Convener; or
 - if at least five members demand a meeting. It will be held within 14 days from when the Clerk receives a written request.

NOTICE OF MEETINGS

7. (1) At least 3 clear working days before a meeting of the Board, or if in the opinion of the Clerk, a meeting needs to be called at shorter notice in circumstances of extreme urgency, then at the time it is called, the following must occur:
 - the Clerk must publish the time and place of the intended meeting at the Board's offices. If the meeting is called by members, the notice must be signed by those members and must set out the business they want to deal with there;
 - a summons to attend the meeting must be sent to every member at his or her usual place of residence. The summons must set out the business that will be dealt with, and it must be signed by the Clerk.
- (2) Any summons issued under paragraph (1) must give a note of the business and the proposed order for dealing with business at the meeting. No other business may be dealt with unless it is brought before the Board as a matter of urgency under Standing Order 28 or under the following paragraph. However, if a meeting is called because of a request from members, only business listed in the request may be dealt with.

- (3) If 3 clear working days' notice is not given for an item, it may be considered at the meeting if the Convener rules that there are special reasons why it is a matter of urgency. The Convener must give those reasons. The item must be made known at the start of the meeting when the order of business is decided. If the Convener rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Board, unless it is dealt with before then.
- (4) Signed reports from the Assessor or other officials intended for a meeting of the Board or a Sub-Committee must be lodged with the Clerk at least two days before the issue of the summons.
- (5) If a summons is not served on any member the meeting will still be valid.

CHAIR

8. (1) The Convener will chair any Board meeting when he or she is present.
- (2) If the Convener is absent from a Board meeting the Vice-Convener will chair it. If the Convener and Vice-Convener are absent, another member (chosen by the members present) will chair the meeting. The Vice-Convener or Chair will have the same powers and duties as the Convener in relation to the meeting and its business.

ATTENDANCE

9. The Clerk will record the names of the members present at each Board meeting.

FAILING TO ATTEND MEETINGS

10. Subject to the terms of Section 35 of the Act of 1973, (read as if "the Board" is substituted for "a local authority" or "the authority"), if a member does not attend any meetings, for 6 months, of the Board or any Sub-Committee the Clerk must tell the Board (unless the member has been granted leave of absence by the Board).

The Board will consider whether the absence was caused by some reason approved by them. If they are not satisfied about the cause of the failure, the member will stop being a member of the Board.

QUORUM

11. The 'quorum' of the Board will be five members provided that the members present shall not all be members appointed by the same constituent authority.

If at any time during a Board meeting a question arises on whether there is a quorum, the Convener will leave an interval of one minute and then instruct a count of the members who are present. If a quorum is not present, the meeting will be adjourned until the time or day and hour that the Convener decides at the time or afterwards.

LESS THAN A QUORUM ENTITLED TO VOTE

12. If less than a quorum of the Board is entitled to vote on an item because of declarations of interest, that item cannot be dealt with at the meeting.

SUBSTITUTE MEMBERS

13. A Constituent Authority may appoint a substitute member to act in place of one of its substantive members and the Clerk should be advised of any such substitution before the start of the meeting. A substitute member shall have the same powers at a meeting of the Board as the substantive member would have had.

REFERENCE TO AN OFFICIAL

14. Any reference to a particular official of the Board in these Standing Orders includes any member of staff under the official's direction.

ACCESS FOR THE PUBLIC AND PRESS

15.
 - (1) Except where this Standing Order says otherwise, every meeting of the Board and its Sub-Committees will be open to the public (including the press).
 - (2) The Board may keep any members of the public out of a meeting or **cause** them to leave, if they are hindering or are likely to hinder the work of the Board. If a member of the public interrupts any meeting, the Convener may warn that person. If they continue the interruption, the Convener may order the person to be removed from the Board meeting room. If there is general disturbance in any part of the meeting room that is open to the public, the Convener may order that part to be cleared.
 - (3) The public will be kept out of a Board meeting when an item of business is being considered if it is likely that they would hear confidential information. Nothing in this Standing Order authorises or requires confidential information to be disclosed in breach of the obligation of confidence as defined in the Act of 1985.

- (4) The Board may decide to keep the public out of a meeting when an item of business is being considered if it is likely that they would hear information that is defined as 'exempt' in the Act of 1985.
- (5) This Standing Order does not require the Board to allow the taking of photographs or access for radio or television broadcasting or the tape recording of meetings. Such access is at the discretion of the Convener.

ORDER OF BUSINESS

16. The business of the Board at ordinary meetings will take place in the following order:

- (1) Order of business
- (2) Declaration of Interests
- (3) Deputations
- (4) Questions
- (5) Minutes of previous meeting and of any special meeting held since then
- (6) Motions of which notice has been given (Standing Order 29)
- (7) Special business (relating to annual estimates or budget)
- (8) Ordinary business
- (9) Motions given in at the start of the meeting, as long as the Convener rules they are a matter of urgency (Standing Order 28)
- (10) Setting the date and place of the next meeting.

Any item in the agenda may be taken out of its order if:

- the Convener decides this; or
- a member suggests it and those at the meeting agree.

CONVENER – POWERS AND DUTIES

17. On all points of order the Convener's decision is final. If asked, the Convener must explain the reasons for decisions. When the Convener speaks, any member who is addressing the meeting must stop. The Convener must keep order and make sure that members have a fair hearing. The Convener will decide all matters of order, competence and relevance arising at Board meetings.

If two or more members want to speak the Convener will decide who will be first. If there is disorder at any Board meeting the Convener may adjourn the meeting to any other time or day that the Convener may fix at the time or afterwards. In these circumstances, by simply leaving, the Convener will adjourn the meeting. The Convener may make a statement at the start of the meeting on any matter that affects the Board's interests. The spokespersons for the other Constituent Authorities have the right to comment on that.

ADJOURNING MEETINGS

18. (1) The Board may adjourn any meeting to any other time or day that the Convener may fix at the time or afterwards.
- (2) The Board may adjourn any meeting for a reasonable interval. This adjournment will be made if:
- the Convener says so; or
 - a member proposes it, another seconds it and the members vote in favour of it. There will be no amendments or discussion.

ORDER OF DEBATE

19. A member who wants to speak will, when called on, address the Convener. The member shall speak directly on the motion or amendment that is being proposed, seconded or discussed, or on a question of order. No member can speak more than once on any subject that is being discussed, except for a point of order or (with the permission of the Convener) to give an explanation. However, the person proposing a motion has a right of reply. A member who is speaking when a question of order is raised will stop speaking until the Convener has dealt with the question of order.

MOTION "THAT THE QUESTION BE NOW PUT"

20. Any member who has not spoken on the question before the meeting may propose "that the question be now put". If this is seconded and the Convener thinks the question has been discussed enough, the Convener will order a vote on the motion (without amendment or discussion) by a show of hands. If the motion is carried, the proposer of the original motion will have a right to reply, and the question itself will then be put to the meeting. If the motion "that the question be now put" is not carried, a similar motion may be made after every two further members have spoken.

LENGTH OF SPEECHES

21. Except with the Board's permission the proposer and the seconder of a motion or an amendment must not speak for more than five minutes, and all other speakers for not more than three minutes. The proposer of the original motion may speak for up to five minutes in reply, and the reply must not introduce any new matter into the debate. After that the discussion will finish and the question will then be put by the Convener.

OBSTRUCTIVE OR OFFENSIVE CONDUCT

22. If any member at any meeting disregards the authority of the Convener, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the member for the rest of the meeting. The motion will be put without discussion. If it is carried, the Convener will order the member to leave the meeting.

REVOKING A RESOLUTION

23. A decision of the Board cannot be changed within 12 months unless:
 - the Convener rules that there has been a material change of circumstances; and
 - notice has been given of the proposed change in the summons for the meeting.

MINUTES OF MEETINGS

24. The Clerk will minute all Board meetings. The minutes will record the names of the members who attended the meeting. They will then be printed and, as far as possible, circulated among members at least three working days before the next ordinary meeting of the Board. There they will be presented and corrected if necessary. If they are held to be a true record of the proceedings of the meeting they relate to, the person chairing the next meeting will sign them.

VALIDATING THE PROCEEDINGS

25. The proceedings at a meeting may be challenged on the ground that the meeting has not been called properly. Such proceedings will be validated by confirming the minutes of the meeting at the next meeting.

QUESTIONS

26. (1) At any ordinary Board meeting, a member may put a question to the Convener about any relevant and competent business not already on the summons for the meeting. However, the question must have been given in writing to the Clerk by 12 noon on the seventh working day before the meeting.

A member may put a question to the Convener at a Board meeting about any matter that is on the summons for that meeting. He or she must give the question verbally or in writing to the Clerk by 10 am on the day before the meeting.

The Convener will decide whether it will be answered verbally or in writing at the Board meeting. These questions and any written answers to them must be copied and numbered in the order they were received. They must then be made available to the members and to the press and members of the public at the beginning of the meeting. If the Convener rules a question out of order, the question will not be answered.

- (2) Arising from each verbal or written answer, the Member who put the written question may put one or more supplementary questions. These will be answered verbally by the Convener.
- (3) A member who wants to put a supplementary question must say so as soon as the item "Questions" on the agenda is reached. The member must give the number of the written question that the supplementary question relates to.
- (4) Supplementary questions will be put in the same order as the written questions and answers on the paper made available to the Board. The total time allowed for asking a supplementary question and replying to it will not be more than three minutes. The total time allowed for all such questions and answers will not be more than 40 minutes.
- (5) The Convener may decide to disallow any supplementary question if:
 - the Convener rules there will not be enough time to deal with all supplementary questions that members have said they want to ask; or
 - the Convener rules the supplementary question is not relevant to the subject of any written questions answered at the meeting; or
 - the Convener gives another reason.
- (6) No discussion will be allowed on any verbal, written or supplementary questions or their answers.
- (7) In this Standing Order, the term "written question" includes a series of written questions asked by the same member if:
 - all the questions deal with one subject; or
 - the Convener rules the questions are so closely related that they can be regarded as one subject.

MOTIONS MUST BE IN WRITING AND SIGNED

27. Every motion and amendment must be put in writing. It must be signed by the person proposing it and handed to the Clerk.

MOTIONS INTENDED FOR CONSIDERATION AT THE END OF A MEETING

28. If there is a motion that does not relate to the business of the meeting, and the meeting has not been given notice of the motion, it may be considered at the end of the meeting. However, this can only happen if the Convener rules there are special reasons why it is a matter of urgency. The Convener must give these reasons. Before the start of the meeting, the motion must be given to the Clerk who will read it to the meeting when the order of business is decided. If the Convener rules the matter is not urgent, it will be included as an item of business for the next ordinary meeting of the Board (unless it is dealt with before then).

MOTIONS INTENDED FOR CONSIDERATION AT THE NEXT MEETING

29. (1) Notice of motions intended for consideration at a Board meeting must be given in writing. The notice must be signed by the member or members giving notice and delivered to the Clerk by 5 p.m. on the seventh working day before the next ordinary meeting of the Board. (This does not apply if it is a matter of urgency dealt with under Standing Order 28.) All such motions will be included in the summons for the next meeting in the order in which they are received.
- (2) If the Convener rules that more than one such motion deals with the same subject, only the motion that was proposed first will be considered.

MOTIONS - PROCEDURES

30. (1) All motions and amendments will be proposed and seconded and then given in writing to the Clerk as soon as they are moved. This does not apply to motions simply seeking to approve or disapprove of any matter, purely negative amendments, amendments proposing further consideration and reports, and motions and amendments that are fully set out in a minute of a meeting.
- (2) Every amendment must be relevant to the motion in question.
- (3) A motion or amendment may be withdrawn by the proposer with the permission of the seconder.
- (4) A motion to approve a report or a minute of a Sub-Committee will be considered as an original motion. Any motion that involves altering or rejecting such a report or minute or any part of it will be dealt with as an amendment.
- (5) The Chair of a Sub-Committee will have the right to move the approval of the report or minute of that Sub-Committee.

- (6) Motions or amendments that are not seconded will not be discussed or put in the minutes. However the proposer can require his or her dissent to be minuted. This does not apply if the vote is taken by roll call.
- (7) The mover of the motion or amendment may agree to add to it all or part of an amendment moved and seconded by other members, provided that:
 - his/her seconder consents;
 - the mover and seconder of the added amendment consents; and
 - the agreement takes place before the mover of the motion has replied.

METHOD OF VOTING

31. (1) In a meeting of the Board or any Sub-Committee the vote on any matter will be taken by a show of hands. However, any member may object and may ask for the vote to be taken by calling the roll. If at least 2 members agree, then the vote will be taken by roll call.
- (2) If a vote has been taken and someone immediately challenges the accuracy of the count the Convener will decide whether to have a recount. If there is a recount, the Convener will decide whether to take it by show of hands or by roll call.
- (3) Unless the law or these Standing Orders say otherwise, all questions before the Board will be decided by a majority of the members voting.
- (4) If there are equal numbers of votes, the Convener will have a casting vote, except where the vote relates to appointing a Member to any particular office or Sub-Committee. In this case, the decision will be by lot.

TAKING A VOTE

32. After the Clerk has started to take the vote, no member will be allowed to offer an opinion, ask a question or interrupt the proceedings until the result of the vote has been announced.

HOW MOTIONS MUST BE PUT

33. When a motion and two or more amendments are before the meeting, the Convener will decide the order and manner for putting the motion and amendments to the meeting.

ELECTING, SELECTING, OR APPOINTING MEMBERS TO OFFICE

34. (1) When nominating or appointing a member to any office where the number of candidates is more than the number of vacancies, the person to be selected will be decided by ballot. In each case, members can vote for as many candidates as there are vacancies. But in any ballot, they may only vote once for any one candidate.

- (2) If only one vacancy has to be filled and one candidate has an absolute majority of the votes cast, that candidate shall be declared elected, selected or appointed as the case may be. If this is not the case, the name of the candidate with the fewest votes will be taken off the list of candidates. This process of elimination will continue until the number of remaining candidates equals the number of vacancies (or one candidate has a majority and there is only one vacancy). That candidate or those candidates will be declared nominated or appointed as the case may be.
- (3) If there is a ballot of more than two candidates and there is an equal number of votes for the candidates with fewest votes, there will be an extra vote by ballot of those candidates. The name of the candidate with fewest votes will be taken off the list. If there is an equal number of votes in one of these extra votes by ballot or in any vote between two candidates, which candidate will be taken off the list will be decided by lot.

RECEIVING DEPUTATIONS

35. (1) The Board or any Sub-Committee can hear depositions on any matter that is included in its power and duties or delegation.
- (2) Every application for a deputation must be from an office bearer of an organisation or group or a person presenting a petition. It must be submitted in writing or by e-mail, set out the subject and be signed by a representative of the organisation or group wishing to be heard and delivered to the Clerk no later than one working day before the meeting concerned. However, the Convener can choose to ignore this requirement.
- (3) When the Board or Sub-Committee considers whether to hear a deputation, it must not discuss the merits of the case itself. Unless the meeting agrees unanimously to hear or to refuse to hear the deputation, a vote will be taken without discussion on whether to hear the deputation.
- (4) A deputation will have 10 minutes to present its case. If the meeting decides to hear more than one deputation on the same subject, they will be heard together. The Convener will decide how much time to allow.
- (5) Any member can put a question to the deputation that is relevant to the subject but the merits of the case must not be discussed by members until the deputation has withdrawn.

CODE OF CONDUCT

36. Members of the Authority should comply with the Councillors' Code of Conduct issued under the Ethical Standards in Public Life etc (Scotland) Act 2000.

BOARD BUSINESS – RESPONSIBILITY OF THE SOLICITOR

37. The Solicitor shall have the power to affix the Common Seal to deeds or other documents where such deeds or other documents give effect to decisions of the Board.

ITEMS OF URGENCY

38. If a decision which would normally be made by the Board requires to be made urgently between meetings of the Board, the appropriate officer or the Assessor, in consultation with the Convener, whom failing the Vice-Convener, can take action subject to the matter being reported to the next meeting of the Board.

SUSPENDING OR ALTERING STANDING ORDERS

39. (1) Standing Orders can only be suspended at any meeting if three-quarters of the Members present agree.
- (2) None of the Standing Orders can be cancelled or altered unless a resolution to do so is passed after notice is given at a previous ordinary meeting of the Board.
- (3) If the Clerk thinks any decision of the Board on the conduct of its business has altered Standing Orders, the Clerk will report this to the Board for a decision.

SUB-COMMITTEES

DELEGATING TO SUB-COMMITTEES AND OFFICERS

- 40.** (1) Paragraph 6 of Schedule 2 of the Order allows the Board to appoint Sub-Committees.
- (2) The Board will appoint the Sub-Committees it considers necessary.
- (3) The Board will appoint the Convener of any Sub-Committee. If the Convener is absent, the members present will appoint someone from amongst themselves to chair the meeting.
- (4) The officers of the Board are authorised to use the delegated powers set out in the Scheme of Delegation attached to these Standing Orders.

EXCEPTIONS FROM DELEGATION

- 41.** Subject to the terms of any law, the following will not be delegated to any Sub-Committee:
- (1) Introducing new policies or changes in policies which may have a significant impact on the resources of the Board.
- (2) Any matter involving expense which does not keep to financial regulations.
- (3) Any capital project unless it is included in the approved capital programme.

ATTENDANCE OF BOARD MEMBERS AT SUB-COMMITTEES

- 42.** (1) When a motion is referred to a Sub-Committee, the proposer of the motion will be appointed as a member of the Sub-Committee for that motion and any later consideration by the Sub-Committee that directly relates to the motion.
- (2) A Board member cannot be present at a meeting of a Sub-Committee which he or she is not a member of when:
- the meeting is considering a matter where the decision may affect the interests of any person as an individual; and
 - the decision is made after a hearing by the Sub-Committee where the person has a right to be heard (in person or through a representative).

MINUTES OF SUB-COMMITTEE MEETINGS

43. The minutes of a meeting of a Sub-Committee will be:
- submitted for approval as a correct record and signed by the person chairing the next meeting of the Sub-Committee.
 - circulated to the next meeting of the Board for approval of any recommendations.

QUORUM

44. One third of the membership of a Sub-Committee with a minimum of 2 being present will be a quorum.

APPLICATION OF STANDING ORDERS TO SUB-COMMITTEES

45. These Standing Orders shall apply to Sub-Committees.

RIGHT OF A MINORITY TO HAVE DECISIONS REFERRED TO THE BOARD

46. (1) As soon as a decision is taken by a Sub-Committee not less than a quarter of the members present may ask for it to be passed to the Board as a recommendation (if it is a decision that would not normally go to the Board). This paragraph depends on the terms of any law and paragraph (2) below.
- (2) Under this Standing Order the following decisions cannot be sent to the Board:
- by a Sub-Committee acting with delegated powers on a matter where the decision may affect the interests or rights of any person as an individual; and
 - which is reached after a hearing by the Sub-Committee where the person has a right to be heard either in person or through a representative. However, this sub-paragraph does not apply to a deputation under Standing Order 35.