

## PART I

### STANDING ORDERS RELATING TO MEETINGS

#### SECTION 1 - PRELIMINARY MATTERS

##### 1. APPLICATION OF INTERPRETATION ACT 1978

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

##### 2. DEFINITIONS

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

<b>Term</b>	<b>Meaning</b>
The 1973 Act	The Local Government (Scotland) Act 1973.
The Board	Central Scotland 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 person attending a meeting to act as Clerk, or any of its committees.
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 Order prescribed a Valuation Joint Board comprising of 15 members appointed from the membership of the constituent authorities as follows:-

- (i) 3 appointed by Clackmannanshire Council;
- (ii) 8 appointed by Falkirk Council; and
- (iii) 4 appointed by Stirling Council.

4.2 The Board shall be incorporated with a common seal and shall be known as the Central Scotland Valuation Joint Board.

### **APPOINTMENT OF MEMBERS OF THE BOARD AND PERIOD OF OFFICE**

4.3 Members of the Board shall be appointed by each constituent authority at the first meeting of that authority after each election of Councillors

4.4 Members of the Board shall hold office for the period from the date of their appointment until the first meeting of the constituent authority appointing them after each ordinary election of Board Members.

4.5 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.

4.6 Any member of the Board may be represented at any meeting of the Board by substitute Member appointed in accordance with Standing Order 4.7 below.

4.7 A constituent authority may, subject to Standing Order 4.9 appoint one of its members to be a substitute member for any member of the Board who is also a member of that authority.

4.8 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.

4.9 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**

- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 A member of the Board shall cease to be a member of the Board in accordance with Standing Order 12.
- 4.14 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**

- 4.15 The Board shall appoint from its membership a Convener and a Depute Convener, but it shall not be competent for the Convener to be a member of a constituent authority of which the Depute Convener is a member.
- 4.16 The Convener and the Depute Convener shall each hold office, if they continue to be a member of the Board, from the date of their appointment until the next appointment of members of the Board.
- 4.17 Subject to Standing Order 4.18, the Convener, or in their absence, the Depute Convener, shall preside at all meetings of the Board.
- 4.18 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.

**5. OFFICERS OF THE BOARD**

5.1 The Board shall appoint a Clerk and a Treasurer.

5.2 The Clerk and the Treasurer shall hold and vacate office as such in accordance with the terms of the instruments by which they are respectively appointed and, notwithstanding the terms of the instrument of appointment, the Board may terminate their appointment at any time.

5.3 The Board may appoint such other staff as may be required for the discharge of the functions of the Board under this Scheme.

## **SECTION 3 - MEETINGS OF THE BOARD**

### **6. MEETINGS**

- 6.1 All Board meetings will take place in accordance with legal requirements. There are 2 forms of meeting:-
- (i) Ordinary Meetings
  - (ii) Special Meetings

### **7. ORDINARY MEETINGS**

- 7.1 Meetings will normally be held in Hillside House, Stirling 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 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**

9.1 Public Notification: The Clerk will notify the public of a meeting by publishing a Notice at the offices of the constituent authorities at least five 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) if it is likely that the public is to be excluded during the whole or part of the meeting, notification of that fact.

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 five 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 five 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 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.

- 10.2 Each agenda item will be accompanied by a report, unless special circumstances exist for non-availability of any report.
- 10.3 Copies of the agenda and accompanying reports will be open for inspection by members of the public at the constituent Authorities' Headquarters at least five 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.
- 10.4 The agenda will be divided into the following parts:-
- PART I Unrestricted Items: permitting full public inspection.
- PART II Exempt Items: see Standing Order 10.5.
- PART III Confidential Items: see Standing Order 10.5.
- 10.5 What is meant by "exempt information" is set out in section 50J and Schedule 7A to the 1973 Act. The following categories of information are defined as being "exempt":-
- (i) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under, the Board;
  - (ii) Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority;
  - (iii) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Board;
  - (iv) Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Board;

- (v) Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement of that child made under the Children (Scotland) Act 1995;
- (vi) Information relating to the financial or business affairs of any particular person (other than the Board);
- (vii) Information relating to anything done or to be done in respect of any particular person for the purposes of any matter referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons);
- (viii) The amount of any expenditure proposed to be incurred by the Board under any particular contract for the acquisition of property or the supply of goods or services;
- (ix) Any terms proposed, or to be proposed by or to the Board, in the course of negotiations for a contract for the acquisition or disposal of any property or the supply of goods or services;
- (x) The identity of the Board (as well as any other person, by virtue of item (vi) above) as the person offering any particular tender for a contract for the supply of goods or services;
- (xi) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Board;
- (xii) Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
  - (a) any legal proceedings by or against the Board, or
  - (b) the determination of any matter affecting the Board, (whether, in either case, proceedings have been commenced or are in contemplation);
- (xiii) Information which, if disclosed to the public, would reveal that the Board proposes:-
  - (a) to give under any enactment a notice under, or by virtue of, which requirements are imposed on a person, or
  - (b) to make an order or direction under any enactment;

- (xiv) Any action taken, or to be taken in connection, with the prevention, investigation or prosecution of crime;
- (xv) The identity of a protected informant.

10.6 What is meant by “confidential information” is set out in section 50A(3) of the 1973 Act. The following categories of information are defined as being “confidential”:-

- (i) Information furnished to the Board by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public, and
- (ii) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

10.7 Every report which includes confidential or exempt information will be marked, respectively:-

- (i) “Not for publication by virtue of the confidential nature of the information as defined in section 50A(3) of the Local Government (Scotland) Act 1973”,  
  
or
- (ii) “Not for publication by virtue of the exempt nature of the information as defined in paragraph ..... of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973”.

## **11. PUBLIC 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.

## **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 4 and 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.

## **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 in the following order, subject to its division into Parts I, II and III as referred to in Standing Order 9.4:-

- (i) The sederunt;
- (ii) Declarations of interest;
- (iii) The minutes of the last ordinary meeting and of any special meeting of the Board since held;
- (iv) Questions submitted in accordance with Standing Order 31;
- (v) Recommendations from committees;
- (vi) New business;
- (vii) Urgent items added to the agenda under Standing Order 10.3;
- (viii) Motions of which notice has previously been given in accordance with Standing Order 29;

14.2 The order of business in items (i) (ii) and (iii) of Standing Order 14.1 may not be changed. The order of any other business may be varied:-

- (i) by the Convener at their discretion either at or before the meeting; or
- (ii) by a motion put forward, seconded, and carried without discussion, by a majority of members at the meeting. No written notice of motion is required.

#### **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 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.

## **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. POINTS OF ORDER**

18.1 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.

## **19. PERSONAL EXPLANATIONS**

19.1 If a member considers that they have been:

- (i) abused, or
- (ii) unfairly accused of a misdemeanour, or,
- (iii) having previously spoken on an item of business, that some part of their speech has been misinterpreted or misunderstood in the debate, or
- (iv) some statement or act has been wrongly attributed to them,

They may, with the consent of the Convener and subject to the terms of Standing Order 21.6, give a personal explanation but, in doing so, shall not interrupt any member then speaking but shall rise only when the previous speaker has concluded their speech.

19.2 Where any member seeks to speak in explanation under the preceding Standing Order, they must confine their remarks wholly and strictly to the point and must not refer to other matters nor endeavour to elaborate a former speech by new arguments or reply to other members.

## **20. MOTIONS AND AMENDMENTS**

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

20.2 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.

20.3 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.

20.4 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.

20.5 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.

- 20.6 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.
- 20.7 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.
- 20.8 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.
- 20.9 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.
- 20.10 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.

## **21. SPEECHES**

- 21.1 Each member will introduce their speech by indicating whether they are speaking in support of the motion, the amendment or introducing.
- 21.2 Except with the consent of the Convener, a speech must not exceed eight minutes, when a member is moving an original motion or an amendment and four minutes in any other case.
- 21.3 A member must direct their speech to the question under discussion, a personal explanation or a point of order.

- 21.4 A member may only speak once during the debate on any motion or amendment, to either move a motion or an amendment or second or speak to a motion or an amendment moved by another member. A member who moves or seconds a motion or amendment may do so formally, reserving their entitlement to speak on the matter to a later stage in the debate provided that where moving a motion or amendment consists of the recommendations in the report.
- 21.5 The exceptions are:-
- (i) to ask questions;
  - (ii) to exercise a right of reply;
  - (iii) on a point of order; and
  - (iv) by way of personal explanation.
- 21.6 The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. No member shall speak after the mover of the motion has exercised their right of reply. The mover of an amendment has no right of reply to the debate on that amendment.

## **22. VOTING**

- 22.1 Unless dispensed with by the Convener, the clerk will read out to the meeting the terms of the motion and the amendment. Thereafter where the vote is being taken in public, the clerk will call over the names of all the members and will record in the minutes of the meeting the names of those:-
- (i) voting for or against the motion or amendment; or
  - (ii) abstaining from voting; or
  - (iii) absent from the meeting when the vote was taken.
- 22.2 For items where the public has been excluded, voting will be by show of hands except in the following circumstances:-
- (i) if not less than one-quarter of the Board present and voting so request, the vote will be taken by roll call in the manner set out in Standing Order 22.1.
  - (ii) on a motion put forward, seconded, and carried without discussion by a majority of members at the meeting, voting will be by ballot which will be undertaken by the clerk to ensure the secrecy of the vote. No written notice of motion is required.

- 22.3 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.
- 22.4 The clerk will then announce the result of the vote on the basis of a simple majority of those voting.
- 22.5 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.
- 22.6 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.

### **23. VOTING ON APPOINTMENTS OF MEMBERS**

- 23.1 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.
- 23.2 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.
- 23.3 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.

## **24. THIRD PARTY INTERESTS**

- 24.1 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.
- 24.2 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.

## **25. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

- 25.1 The following motions and amendments may be moved without notice to:-
- (i) in the absence of the Convener and Depute Convener appoint a Chair of the meeting;
  - (ii) question the accuracy of the minute;
  - (iii) move that an item of business on the agenda takes precedence;
  - (iv) give leave to withdraw a motion;
  - (v) move that “the question be now put”;
  - (vi) move that “the debate be now adjourned”;
  - (vii) move that “the Board proceed to the next business”;
  - (viii) move that “the Board do now adjourn”;
  - (ix) move that “the vote be taken by ballot”;
  - (x) move that “the time for the meeting be extended”;
  - (xi) exclude or re-admit the press and public under section 50A(4) of the 1973 Act;
  - (xii) move that a member is not further heard or is required to leave the meeting in terms of Standing Orders 26 or 27;
  - (xiii) give consent of the Board where consent is required by these Standing Orders; and
  - (xiv) grant urgent action powers.

## **26. MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS**

26.1 When a motion is under debate no other motion may be moved except:-

- (i) to amend the motion;
- (ii) motions that a member:-
  - (a) “be not further heard”;
  - (b) “must leave the meeting”;
- (iii) motions to exclude the press and public; and
- (iv) closure motions under the following paragraph:-

26.2 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:-

- (i) on a motion to “proceed to the next business”:-

Unless, in the Convener’s opinion, the matter before the meeting has not been discussed sufficiently, the Convener will first give the mover of the original motion a right of reply and 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.

- (ii) on a motion that “the question be now put”:-

Unless, in the Convener’s opinion, the matter has been discussed insufficiently, the Convener will first put to the vote the motion that the question be now put and if it is carried, then give the mover of the original motion a right of reply before putting the original motion to the vote.

- (iii) on a motion to adjourn the meeting or debate:-

If the Convener is of the opinion that the matter has not been discussed sufficiently and cannot reasonably be discussed sufficiently 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, and/or any remaining business, will then stand over as uncompleted business until the next ordinary meeting of the Board.

26.3 If a closure motion is not carried, a similar motion may be made after every three additional members have spoken.

## **27. MISCONDUCT**

27.1 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.

27.2 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.

## **28. PROTESTS OR EXPRESSIONS OF DISSENT**

28.1 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.

## **29. MOTIONS - GENERAL**

29.1 Every notice of motion must be in writing, signed by the member giving the notice. Every motion must be relevant to some matter in relation to which the Board has powers or duties or which affects the area of the Board.

- 29.2 Notices of motion must be delivered to the Clerk at their office not later than 12 noon at least nine clear days before the date of the next meeting of the Board. Motions of which notice has been received after that time will neither appear on the agenda nor be moved at the meeting unless the Convener decides, in terms of section 50B(4)(b) of the 1973 Act, that the matter is one of urgency.
- 29.3 The motion may be delivered by hand, post or e-mail. Motions delivered by email will be treated as being signed if they are sent from a member's email ending "@Clacks/Falkirk/Stirling.gov.uk".
- 29.4 The Clerk has 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 will give written reasons to the member submitting the motion within five clear days following delivery of the notice of motion in terms of Standing Order 29.2 above.
- 29.5 If the Clerk has any doubts about any motion for reasons of propriety, they may refer it to the Convener.
- 29.6 If the Convener considers the motion to be vexatious, irrelevant or otherwise improper, the Clerk will return it to the member who submitted it by noon of the third clear day after submission and will explain to the member in writing why it will not be included on the agenda. The motion will only be included on the agenda if it is resubmitted by noon on the third clear day before the date of the next meeting of the Board and is signed by at least one quarter of the members of the Board.
- 29.7 All motions considered valid by the Clerk, and of which notice has been duly given, will be included in the agenda for the next meeting in the order in which they were received by the Clerk.
- 29.8 If more than one such motion, in the opinion of the Clerk, having consulted with the Convener, deals with the same subject matter, only the motion first lodged will be considered.
- 29.9 If a motion, notice of which is specified in the agenda, is not moved either by the member who has given the notice or by some other member on their behalf when it arises on the agenda, it will, unless postponed by leave of the meeting, be considered as dropped and may not be moved without fresh notice.
- 29.10 At the meeting, the Convener will, if need be, give a ruling as to whether the motion is relevant and/or competent.

### **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. QUESTIONS**

- 31.1 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.
- 31.2 Standing Order 31.1 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 their reply to the next ordinary meeting should the information requested not be available.
- 31.3 The Convener 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.

- 31.4 If the Convener is of the opinion that a question is out of order the question will not be answered.
- 31.5 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.
- 31.6 Written questions and any written answers will be recorded in the minute.
- 31.7 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.
- 31.8 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 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 Delegation to Officers and any delegation in terms of Standing Order 42.

## **32. DEPUTATIONS**

- 32.1 The Board can hear deputations on any matter that is included within its remit.
- 32.2 Every application for admission to the meeting as a deputation must be submitted in writing to the Clerk setting out the matters on which the deputation wishes to be heard.
- 32.3 Where the application relates to a matter included on the agenda for a meeting, it must be submitted not later than noon on the second last clear day before the meeting.
- 32.4 Where the application relates to a matter that will not otherwise appear on the agenda, it must be submitted at least 10 clear days before the meeting.

- 32.5 In all cases the Board shall decide whether to hear the deputation (voting on it if necessary) and no discussion of the merits of the case will take place before that decision has been taken.
- 32.6 Each deputation will not exceed five persons and will have ten 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.
- 32.7 Any member can put a question to the deputation that is relevant to the subject matter. The total time for such questions will not usually exceed 10 minutes. The merits of the case must not be discussed by members until the deputation has withdrawn.

### **33. CLOSE OF BUSINESS**

- 33.1 Meetings of Board will generally start at 9.30a.m. (unless the Convener specifies an earlier or later time) and will last for no longer than three hours unless there is general agreement to continue, failing which a motion to continue the meeting has been moved, seconded and voted upon without discussion.
- 33.2 Nothing in this Standing Order will prejudice the power of the Convener, at their discretion, to adjourn temporarily any meeting for a brief period. The time elapsed during any such adjournment will be disregarded for the purpose of calculating the period of three hours referred to in Standing Order 33.1.

### **34. REVOCATION OF PREVIOUS DECISION**

- 34.1 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
  - (iv) in each of the cases (i) to (iii) above, notice has been given of the proposed change in the Notice for the meeting.

## **35. STANDING ORDERS**

- 35.1 The ruling of the Convener concerning the interpretation or application of these Standing Orders shall not be challenged at any meeting of the Board.
- 35.2 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.
- 35.3 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.
- 35.4 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.
- 35.5 Standing Orders 34 and 35 are not capable of suspension.

## **SECTION 5 - MISCELLANEOUS MATTERS**

### **36. EXECUTION OF DEEDS AND COMMON SEAL**

- 36.1 Except where statute expressly requires otherwise, deeds requiring to be sealed by the Board will be sealed with the Common Seal of the Board and signed on its behalf by the Clerk.
- 36.2 The Common Seal of the Board will be kept by the Clerk who will be responsible for its safe custody and use.
- 36.3 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.
- 36.4 The Clerk will have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Board.

### **37. DELEGATION TO OFFICERS**

- 37.1 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.
- 37.2 Standing Order 37.1 shall apply to any alteration to the Scheme of Delegation as it applies to these Standing Orders.

### **38. CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS**

- 38.1 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.
- 38.2 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).

### **39. APPOINTMENTS MADE BY MEMBERS**

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

## **SECTION 6 - SCHEME OF DELEGATION TO COMMITTEES**

### **40. INTRODUCTION**

- 40.1 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.
- 40.2 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.
- 40.3 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.

### **41. EXTENT OF DELEGATION**

- 41.1 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.
- 41.2 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.
- 41.3 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.

## 42. APPOINTMENT OF COMMITTEES

- 42.1 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.
- 42.2 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.
- 42.3 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.
- 42.4 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.
- 42.5 A person may not be appointed as a substitute member of a Committee if they are a member of that Committee.
- 42.6 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.
- 42.7 Committees shall meet at such a place and time as they determine..
- 42.8 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.
- 42.9 All minutes of the proceedings of Committees will be drawn up by the Clerk.
- 42.10 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.

**43. APPEALS COMMITTEE (3 members)**

**Terms of Reference and Powers of the Appeals Committee**

- 43.1 The functions delegated to this committee are the consideration of appeals in terms of Disciplinary or Capability Procedures. In addition, the committee will exercise an appellate role
- 43.2 The membership shall be three, comprising one member each from Falkirk, Clackmannanshire and Stirling Councils.

**44. APPOINTMENTS COMMITTEE (5 members)**

**Terms of Reference of the Appointments Committee**

- 44.1 The function delegated to this committee is to recruit, select and appoint the Assessor and Assistant Assessor.
- 44.2 The membership shall be five, comprising three members from Falkirk Council and one each from Clackmannanshire and Stirling Council.