

**DUNBARTONSHIRE AND ARGYLL & BUTE
VALUATION JOINT BOARD**

STANDING ORDERS
(as amended September 2019)

DUNBARTONSHIRE AND ARGYLL & BUTE VALUATION JOINT BOARD

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DUNBARTONSHIRE AND ARGYLL & BUTE VALUATION JOINT BOARD

STANDING ORDERS

1.0 CONSTITUTION AND APPOINTMENT OF MEMBERS

- 1.1 The Board shall have a total of 16 members. Argyll and Bute Council and West Dunbartonshire Council shall each appoint 5 members. East Dunbartonshire Council shall appoint 6 members.
- 1.2 The constituent authorities of the Board may at any time by unanimous agreement alter the total number of members of the Board or the number of members to be appointed by any constituent authority, provided that the numbers of members to be appointed by the constituent authorities shall remain, as near as possible, in the same proportion as that specified in Standing Order 1.1.
- 1.3 The Members of the Board shall be appointed at the first Meeting of each constituent authority after each ordinary election, or as soon as possible thereafter.
- 1.4 A constituent authority may appoint persons as substitute members to attend Meetings of the Board, or any of its Sub-Committees, in the absence of any members appointed to the Board by that authority.
- 1.5 Any person appointed as a member, or a substitute member, of the Board must be a Councillor for the area of the constituent authority making the appointment.
- 1.6 The Board may appoint from its membership such Sub-Committees as it may from time to time consider appropriate or desirable and may refer to any such Sub-Committee such matters as the Board may from time to time specify.

2.0 DURATION AND TERMINATION OF MEMBERSHIP

- 2.1 Subject to Standing Orders 2.2 to 2.4, any person appointed by a constituent authority as a member of the Board shall hold office until the first Meeting of that authority held after the next ordinary election following the date of his/her appointment.
- 2.2 If, prior to the next ordinary election following the date of his/her appointment, a member of the Board ceases to be a Councillor for the area of the constituent authority which appointed him/her, he/she shall immediately cease to be a member of the Board.
- 2.3 A member of the Board may resign his/her membership at any time by written intimation to that effect to the Clerk to the Board and the constituent authority which appointed him/her.

- 2.4 A constituent authority may at any time terminate the membership of any person appointed by it as a member of the Board.

3.0 CONVENERS AND DEPUTE CONVENERS

- 3.1 The Board shall appoint from its membership a Convener and Depute Convener, but the Convener and Depute Convener shall not, at any time, be members of the same constituent authority.
- 3.2 The Convener and Depute Convener of the Board shall each hold office until the date of the next ordinary election following the date of his/her appointment, or the date of his/her ceasing to be a member of the Board, whichever is earlier.
- 3.3 The Convener, or in his absence the Depute Convener, shall preside at all Meetings of the Board. Where both the Convener and the Depute Convener are absent from any Meeting the members present shall appoint a Convener for that Meeting.
- 3.4 In the event of an equality of votes at a Meeting, the Convener of that Meeting shall, subject to Standing Order 3.5, have a casting vote as well as a deliberative vote.
- 3.5 Where there is an equality of votes at a Meeting and the matter which is the subject of the vote relates to the appointment of a member of the Board to any particular office or Sub-Committee of the Board, the decision shall be by lot.

4.0 MEETINGS

- 4.1 The Board shall hold such Meetings as it shall consider necessary for the disposal of its business at such place or places as it may from time to time fix.
- 4.2 The Clerk to the Board shall send copies of the Minutes of all its Meetings to each of its constituent authorities for their information.
- 4.3 The quorum of the Board shall be 4 members provided that, except as hereinafter specified, there shall be at least one member present from each constituent authority. A Meeting of the Board shall be adjourned if any constituent authority is not represented, and if any constituent authority remains unrepresented at the reconvened Meeting, that Meeting may proceed without further adjournment.
- 4.4 If, during or at the scheduled time of commencement of any Meeting of the Board, or of any Sub-Committee, the Convener shall find that there are fewer than a quorum of members present, he/she shall,

after a lapse of 10 minutes, cause the roll to be called and, if a quorum be not then present, the meeting shall be terminated or not take place as appropriate.

5.0 CALLING OF MEETINGS

5.1 Except in the case of urgency all Meetings of the Board shall be called by circular containing the Agenda of the Meeting issued by the Clerk to the Board not less than 3 clear working days before the date of the Meeting.

6.0 ORDER OF MEETING

6.1 The order of business of the Board at all ordinary Meetings shall proceed (unless otherwise directed by the Convener who may, at his/her discretion, alter the order of business at any stage) in the following order:-

- (a) Apologies
- (b) Declarations of Interest
- (c) Approval and/or amendment of Minutes of Sub-Committees and Board Meetings unless reported for information only.
- (d) Business, expressly required by statute to be done at the Meeting.
- (e) Business (if any) remaining from the last Meeting.
- (f) Reports submitted for consideration
- (g) Any correspondence, communications or other business specially brought forward by direction of the Convener.
- (h) Motions, of which requisite notice in writing has been given in the order in which they have been lodged.
- (i) Questions of which notice in writing has been given.

6.2 At all ordinary, special and statutory Meetings of the Board, no business other than that on the Agenda shall be discussed or adopted in terms of Section 50B of the Local Government (Scotland) Act 1973 (hereinafter referred to as the 1973 Act) except where, by reason of special circumstances which shall be specified in the Minutes, the Convener is of the opinion that the item should be considered at the Meeting as a matter of urgency. Any request for urgent business must be intimated to the Convener and the Assessor no later than 2 hours before the scheduled start of the meeting. The Convener will advise

the Board of the terms of the request at this stage. If accepted the Convener will determine where in the order of business the item will be heard.

- 6.3 No member shall be entitled to propose a motion other than one arising directly out of a matter regularly before the Meeting, unless notice of such motion has been given at a previous ordinary Meeting or has been received by the Assessor and/or Clerk in writing at least seven clear days before the date of such Meeting. Such notice of motion shall be entered in a book and kept in his/her office, which book shall be open to inspection by every member of the Board. In the absence of a member who has given notice of a motion, any member may move the motion.

7.0 QUESTIONS

- 7.1 Except when in debate, any member may put a question to the Convener of the Board or any Convener of a Sub-Committee at any Meeting of the Board concerning any relevant and competent business arising upon the Agenda. Any member may also put a question to the Convener of the Board or any Convener of a Sub-Committee at any Meeting of the Board concerning any relevant and competent business not arising upon the Agenda, provided he/she shall have given notice in writing to the Assessor and/or the Clerk which notice must be received by the Assessor and/or the Clerk at least seven clear days prior to the date of such Meeting. No discussion shall be allowed on the questions so put. Questions must relate to the item of business or documents referred to in the associated report as backgrounds papers, or associated material in the public domain. Questions should not relate to other documents that Members or officers may not have sight of.
- 7.2 When a question of order is raised at a Board or Sub-Committee Meeting, no member other than the member who raised the question of order shall speak to that question, except with the permission of the Convener. The decision of the Convener on a question of order shall be final. After a question of order is decided, the member who was addressing the Meeting at the time when it was raised shall be entitled to proceed with the discussion giving effect to the Convener's ruling.

8.0 ADMISSION OF PRESS AND PUBLIC

- 8.1 Subject to the extent of the accommodation available and subject to the terms of Sections 50A and 50E of the 1973 Act, Meetings of the Board and Meetings of any Sub-Committee of the Board shall be open to the public. The Clerk shall be responsible for giving public notice of the time and place of each Meeting of the Board by posting it within the Board's offices not less than three working days before the

date of each Meeting and in the case of Meetings of Sub-Committees held at premises other than the offices of the Board, such public notice may be posted at the premises where the Meeting is to be held.

9.0 POWERS AND DUTIES OF CONVENER

9.1 The Convener shall, amongst other things,

- (a) Preserve order and ensure that every member of the Board shall have a fair hearing.
- (b) Decide all matters of order, competency and relevancy.
- (c) Determine the order in which speakers can be heard;
- (d) Decide whether to have a recess at any point in the meeting.
- (e) Ensure that due and sufficient opportunity is given to members of the Board who wish to speak to express their views on any subject under discussion.
- (f) Require that any motion or amendment shall be stated and/or reduced to writing providing that the Convener shall allow sufficient time for this to be done.
- (g) Maintain order and where any member of the public causes disorderly conduct or other misbehaviour, order the exclusion of any such person.
- (h) Determine all matters of procedure for which no provision is made within these Standing Orders.

9.2 The decision of the Convener on all matters within his/her jurisdiction shall be final and shall not be open to question or discussion.

9.3 Deference shall at all times be paid to the authority of the Convener. He/she shall be heard without interruption.

10.0 ADJOURNMENT

10.1 At any time, including in the event of disorder arising at any Meeting of the Board, the Convener may adjourn the Meeting to a time he/she may then fix, or in his/her absence the Depute Convener of the Board may afterwards fix, and the quitting of the Chair by the Convener, or in his/her absence the Depute Convener of the Board, shall be the signal that the Meeting is adjourned.

- 10.2 The Board may, at any of their Meetings, adjourn the same to such time as they may then fix, failing which as the Convener, or in his/her absence the Depute Convener of the Board, may thereafter fix.
- 10.3 A motion for adjournment of the Meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without discussion and shall forthwith be put to the Meeting.
- 10.4 When an adjourned Meeting is resumed, the proceedings shall (subject to the discretion conferred on the Convener under Standing Order 6.1) be commenced at the point at which they were broken off at the adjournment.

11.0 ORDER OF DEBATE

- 11.1 There should be no debate unless there is an amendment.
- 11.2 The mover of a motion or amendment shall not speak for more than ten minutes, except with the consent of the Board. Each succeeding speaker shall not speak for more than five minutes and shall speak once only in the same discussion. When the mover of a motion or amendment has spoken for nine minutes, or any subsequent speaker for four minutes, the Convener shall draw his/her attention to the fact and the member concerned shall be obliged to finalise speaking when the allotted time is reached otherwise the Convener shall direct the member to cease speaking.
- 11.3 Every member of the Board who speaks at any Meeting of the Board shall address the Convener and shall direct his/her speech:-
- (a) To the matter before the Meeting by proposing, seconding or supporting the motion or any amendment relative thereto, or
 - (b) To a point of order.
- 11.4 No member, with the exception of the mover of the motion or amendment, shall speak supporting the motion or any amendment until the same shall have been seconded.
- 11.5 Subject to the right of the mover of a motion, and of the mover of an amendment, to reply no member shall speak more than once on the same question at any Meeting of the Board, except:
- on a question of order, or,
 - with the permission of the Convener, or

- in explanation or to clear up a misunderstanding in regard to some material part of his/her speech,

in which case he/she shall introduce no new matter.

- 11.6 A member when seconding a motion or amendment, if he/she then declares his/her intention to do so, may reserve his/her speech until a later period in the debate but must exercise this right prior to any right of reply as provided for in Standing Order 11.5.
- 11.7 The mover of an amendment and thereafter of an original motion shall have a right of reply for a period of not more than five minutes, but he/she shall introduce no new matter and, after he/she has commenced his/her reply, no other member shall speak on the question, except as provided in Standing Order 11.5. On these movers having replied, the discussion shall be held closed, and the question shall thereupon be put by the Convener.
- 11.8 No Members shall move or second more than one motion or amendment upon a particular issue, although a Member who has moved or seconded a motion or amendment shall not be precluded from moving or seconding a fresh amendment if the original motion or amendment is not seconded or is withdrawn in terms Standing Order 12.4.
- 11.9 It shall be competent for any member who has not already spoken in a debate, at any time during the debate, to move the closure of such debate. On such motion being seconded, the vote shall be taken, and if a majority of the members present vote for the motion, then the debate shall be closed and subject to the right of the mover of the motion and of the amendment(s) to reply, a vote immediately taken on the subject of the debate.
- 11.10 Any member may indicate his/her desire to ask a question or offer information after a speech by another member and it shall be in the option of the member to whom the question would be directed or information be offered to decline to accept the question or offer of information.
- 11.11 When a motion is under debate, no other motion or amendment shall be moved except in the following circumstances:-
- (a) To close the debate in terms of Standing Order 11.9.
 - (b) To suspend a member in terms of Standing Order 13.1, or
 - (c) To adjourn the debate in terms of Standing Order 10.3.

12.0 MOTIONS AND AMENDMENTS

12.1 It shall be competent for any member of the Board at an ordinary Meeting of the Board to move:-

- (a) A motion arising out of the business regularly before the Meeting, or
- (b) A motion of which the requisite notice has been given and which appears on the programme of business.

12.2 A decision of the Board made within the last six months may only be altered, deleted or rescinded where:-

- i. After taking legal advice, not doing so would either lead to a material breach of any legislative provision, or any determination of a court having jurisdiction or any other legal obligation to a third party; or
- ii. The original Board decision cannot be implemented due to reasons out with the control of the Board.

12.3 Amendments made but not seconded shall not be discussed or recorded in the Minutes.

12.4 A motion or amendment once moved and seconded shall not be altered or withdrawn unless with the consent of the proposer and seconder and the majority of those present

13.0 SUSPENSION OF MEMBERS

13.1 In the event of any member of the Board disregarding the order or authority of the Convener at any Meeting, or being guilty of obstructive or offensive conduct at any Meeting, and the Convener calling the attention of the Meeting to the same, the Board may, on the motion of any member, duly seconded and supported by the vote of a majority of the members present and voting, suspend such member so offending for the remainder of the sitting. No debate shall be allowed on such a motion. The Convener may be entitled to call for such assistance as he/she deems necessary to enforce a decision to suspend taken in terms of this Standing Order.

14.0 VOTING

14.1 All business of the Board shall be decided by a majority vote of those members present and voting except in the case of a motion for the suspension of Standing Orders where a two thirds majority is

required, or in the case of a properly intimated motion for dismissal of the Assessor where a two-thirds majority is also required.

- 14.2 Where a motion and one amendment only are before the Meeting, the amendment will be taken against the motion with the amendment being voted on first. If there are more amendments than one, the amendment last proposed will be put against that immediately preceding and the amendment then carried against the next preceding and so on until there remains only one amendment, between which the original motion the vote will be taken.
- 14.3 Where a member has moved an amendment and fails to find a seconder that member shall be entitled to have his/her dissent recorded.
- 14.4 After the convener has announced the question on which the vote is to be taken, no member shall be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings, nor shall any member be entitled to have his/her vote recorded after he/she has once declined to vote.
- 14.5 The vote shall be taken by show of hands except where the Board agrees that voting will be by way of Roll Call or Secret Ballot or where on a matter involving potential illegality or breach of any code it is necessary that a Roll Call Vote be held.

15.0 SUSPENSION OF STANDING ORDERS

- 15.1 Any one or more of the Standing Orders in the case of emergency or upon a motion may be suspended at any Meeting so far as regards any business at such Meeting provided that two thirds of the members of the Board present and voting shall so decide. Any motion to suspend standing orders shall state the number or terms of the standing order (s) to be suspended.

16.0 CONTRACTS

- 16.1 These Standing Orders apply to all contracts for the supply of goods or materials or for the execution of works or for the provision of services (after referred to as Supplies, Works and Services). Where such contracts are regulated by any legislation or any Directive of the European Union and there is a conflict between the terms of that legislation or that Directive and the terms of these Standing Orders, the terms of the legislation or Directive shall prevail.
- 16.2 No Tender shall be invited or contract entered into unless the estimated expenditure has been previously approved by the Board.

Part 16 of the Standing Orders will be read in conjunction with the Financial Regulations– ‘Procurement Financial Regulations’.

- 16.3 The provision Supplies, Works or Services shall be regulated by Standing Order 16.4, as qualified by Standing Order 16.11, except where there is an emergency involving danger to life or property or where the estimated expenditure is less than £50,000.00. In either of those cases the Assessor may authorise the expenditure immediately.

The Board may invite tenders in one of the methods specified in the Financial Regulations, to ensure appropriate competition and the delivery of Best Value.

16.4 Cancellation

Every contract shall contain a clause entitling the Board to terminate the contract and to recover from the contractor the amount of any loss resulting from such termination if the contractor or his/her representative (whether with or without the knowledge of the contractor) shall have practised collusion in tendering for the contract or any other contract with the Board or shall have employed any corrupt or illegal practices either in the obtaining or execution of the contract or any other contract with the Board.

16.5 Assignment

Except where otherwise provided in the contract a contractor shall not assign or sub-let a contract or any part thereof without the prior written consent of the Board.

16.6 Liquidated Damages

All contracts which are estimated to exceed £30,000.00 in value or amount, and which are for the provision of Supplies, Works or Services and which are to be implemented by the contractor by a specific date or a series of dates shall provide for liquidated damages.

16.7 Performance Bonds or Guarantees

Where a contract is estimated to exceed £250,000.00 in value or amount and is for provision of Supplies, Works or Services and is to be implemented by the contractor by a specific date or series of dates the Board shall require and take a Bond or Guarantee of sufficient security for the due performance of the contract.

16.8 Tendering Procedures

- (a) The Board shall not be obliged to accept the lowest or any other tender, and may where it has indicated its intention to do so in

the tender documentation, award on the basis of the Most Economically Advantageous Tender for the Board.

- (b) The detailed procedures specified in the Procurement Financial Regulations will apply to all Tenders received.
- (c) All Tenders in excess of £50,000.00 shall be subject to checking by the Assessor who shall thereafter prepare and submit to the Board a written report in respect of all Tenders received and containing a specific recommendation as to the acceptance or otherwise for each Tender and the reasons therefor.

16.9 Exceptions to Tender Requirements

Tenders shall not be required in the following situations:-

- (a) Where the detailed provisions of the Procurement Financial Regulations permit the award of a contract without a Tender.
- (b) Where the contract is certified by the Assessor to be required so urgently as not to permit the invitation of Tenders, subject to a full report being submitted to the next Meeting of the Board.

16.10 Payment of Accounts

No account will be presented for payment unless its accuracy is certified by the Assessor or person nominated by the Assessor concerned.

17.0 SUB-COMMITTEES

- 17.1 The foregoing Standing Orders shall, as far as these are applicable, be the Rules and Regulations for the proceedings of Sub-Committees and the term Convener shall be understood to include the Convener of any Sub-Committee but only in relation to such Sub-Committees.
- 17.2 The voting at a Sub-Committee shall be as required at a meeting of the Board, except in relation to the dismissal of the Assessor (Standing Order 14.1) which can only be determined by the full Joint Board.
- 17.3 Minutes of Meetings of Sub-Committees which have been adopted by the Board shall be submitted to the next Meeting of each appropriate Sub-Committee for signature by the Convener of that Meeting.
- 17.4 When any matter is remitted to a Sub-Committee with powers the resolution of such Sub-Committee with regard to it may be carried out without waiting for the approval of the Board but it shall be reported for information to the next Meeting of the Board.

18.0 DISABILITY OF MEMBERS – CONTRACTS ETC.

- 18.1 A member shall be excluded from a Meeting of the Board or of any Sub-Committee appointed by the Board while there is under consideration any contract, proposed contract or other matter in which such member has a pecuniary interest within the meaning of the 1973 Act.

19.0 ASSESSOR

- 19.1 Any reference to Assessor in the foregoing Standing Orders shall be deemed to include a reference to Depute Assessor.