



Review of Standing Orders, Financial Regulations and Scheme of Delegation

7 December 2009

Purpose of report


- 1 To revise the Lothian Valuation Joint Board's Standing Orders, Financial Regulations and Scheme of Delegation.

Main Report

- 2 The Board's Standing Orders, Financial Regulations and Scheme of Delegation were updated in 2003. Accordingly, the Board should review its Standing Orders etc to reflect developments in areas such as the Prudential Code, risk management, asset management and e-procurement.
- 3 Accordingly, the attached revised documents, which reflect developments since 2003, are submitted for approval of the Board.

Recommendation

- 4 That the Board approve the revised Standing Orders, Financial Regulations and Scheme of Delegation as appended to this report.


Tom Aitchison
Chief Executive and Clerk

Appendix 1	Revised Standing Orders, Financial Regulations and Scheme of Delegation
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Background Papers	Lothian Valuation Joint Board – Existing Standing Orders, Financial Regulations and Scheme of Delegation



Standing Orders
Financial Regulations
and
Scheme of Delegation

December 2009

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 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.

CONTRACTS

GENERAL PROCEDURES

47. (1) In these Standing Orders the word "contractor" means a works contractor, a supplier of goods and services (including consultancy services).
- (2) All procedures for approval of contractors, inviting and receiving tenders and all other arrangements affecting contracts shall:
- comply with relevant legal requirements, EC Procurement Directives and associated Statutory Instruments and Regulations; and
 - seek to ensure that tenders are genuinely competitive and that best value is delivered for the Board.

CONTRACT DOCUMENTS

48. (1) The Assessor will prepare the contract documents setting out the scope, quality and quantity of the works or the goods and services. The Solicitor to the Board may be consulted on Conditions of Contract to be issued when inviting tenders.
- (2) The contract documents will state that the Board is not bound to accept the lowest or any tender.
- (2) Tenders received after the closing date and time will not be considered under any circumstances.

ELECTRONIC PROCUREMENT

49. The Assessor may direct that any suitable procurement procedure be carried out by electronic means of communication. Where such direction has been made the contract documents may be issued, tenders may be submitted and received, and information throughout the procurement process may be exchanged by electronic means. Such procedures may permit amendments to Standing Orders for the sole purpose of facilitating the procurement of a particular contract by means of electronic communication.

EVALUATION OF TENDERS

50. (1) Tenders shall be evaluated by the Assessor on the basis of most economically advantageous bid or where permitted lowest cost.
- (2) The proposed method of evaluation shall be specified in the tender documents. Where the proposed method is "most economically advantageous", the criteria for the evaluation of tenders shall also be specified in the OJEU notice or the tender documents.
- (3) The evaluation process shall be fully documented by the Assessor.

- (4) Where these Standing Orders require that a contract must be approved by the Board, the criteria for the evaluation of tenders shall be included in the Assessor's report to the Board.

UNSATISFACTORY PERFORMANCE BY A CONTRACTOR

51. (1) If the Assessor considers that a contractor's engagement should be ended because of unsatisfactory performance, failing to keep to tendering procedures or contract conditions or failing to start work, he or she must report to the Board. This does not prevent the Assessor terminating a contractor's engagement immediately, in accordance with a right set out in a particular contract.
- (2) If the Board thinks there is a case to be answered, it will offer the contractor the opportunity to state its case.
- (3) The Board will decide what action to take against the contractor.

CONTRACT SECURITY

52. (1) If the estimated cost of a contract is more than £1.5million, the contractor will normally require to provide appropriate contract security to the Board. The Assessor shall consider what contract security may be appropriate, which may take the form of a performance bond and/or a parent company guarantee.
- (2) The Board and/or the Assessor may require any contract security considered appropriate on other contracts.

PARTNERSHIP AND OTHER COMPLEX CONTRACTS

53. It is recognised that some contracts are complex in nature, for example public private partnership transactions. Whether these relate to works contracts or goods and services contracts, the Assessor shall ensure that he or she obtains suitable advice in respect of procurement, legal, financial and personnel implications.

COLLABORATION AGREEMENTS

54. When the Board is participating in a collaborative Best Value procurement arrangement with other UK public sector bodies, the Board agrees that the lead authority's procurement regulations can be followed as an acceptable governance arrangement.

EU PROCUREMENT

55. (1) The procedure for the award of any contract depends upon the estimated value of the contract. The relevant values and the associated tendering procedure that will be applied by the Assessor must be in accordance with the EU Procurement Directives. These values will be the threshold values for the supply of goods, services or works contracts intimated from time to time by the EU Commission.

- (2) The Assessor must take into account the aggregated value of any requirement for goods, services or works to determine if it exceeds the EU threshold. If the aggregated value over the contract term equals or exceeds the relevant threshold the EU Procurement Directives apply to the award of each contract.
- (3) All procurement under the EU Procurement Directives shall be carried out with one of the following procedures;
 - Open Procedure
 - Restricted Procedure
 - Negotiated Procedure
 - Competitive Dialogue
- (4) In relation to any contract award to which the EU Procurement Directives apply the minimum stand still period between the date of informing tenderers of the award decision and making the actual award of contract shall be in accordance with statutory requirements.

CONTRACTS FOR WORKS

QUOTATIONS AND COMPETITIVE TENDERS

56. (1) If the estimated cost of any one contract is no more than £50,000, the Assessor may seek quotations from suitably experienced contractors. Normally, more than one quotation will be sought.
- (2) Unless the Board decides otherwise, the procedure for placing a contract, where the estimated cost is more than £50,000 will be by competitive tendering.

CHOOSING TENDERERS

57. (1) Subject to Standing Order 56, the procedure for choosing tenderers shall be through an approved selection process as provided by:
- a Standing List of Contractors maintained by the Assessor and approved by the Board including lists held by the constituent Councils of the Board
 - "Constructionline" or other externally maintained list of contractors approved by the Board.

Where there is no appropriate list of contractors, the Assessor may choose from knowledge of specialist contractors.

- (2) Subject to sub paragraphs (3) and (4) below, if the estimated cost of carrying out work under any one contract is more than £1.5 million, the Assessor may choose no less than three contractors who will be invited to tender from one or more of the following sources:
- contractors responding to an advertisement placed on Lothian Valuation Joint Board's website or other web portal service
 - contractors responding to an advertisement placed in at least one newspaper and/or one suitable trade journal inviting contractors to apply to tender;
 - contractors responding to a notice placed in the Official Journal of the European Union (OJEU) inviting contractors to apply to tender.

Where there is an insufficient response to the public advertisement and the OJEU notice, the Assessor may choose from knowledge of contractors.

- (3) Where the estimated cost is above the EU threshold, the Assessor will follow the requirements of the EU Procurement Directives.
- (4) Exceptionally, the Assessor may use the "negotiated procedure" only in circumstances allowed under the EU Procurement Directives.

SENDING IN QUOTATIONS AND TENDERS

58. (1) If the estimated cost of any one contract is no more than £1.5 million, the Assessor may receive and open tenders.
- (2) Subject to sub paragraph (3) below, if the estimated cost of any one contract is more than £1.5 million, sealed tenders will be sent to the Chief Executive and Clerk to the Board. They will be opened in the presence of a member of the Board according to the rules set by the Board.
- (3) In the case of electronic tendering, the Assessor may receive and open all tenders according to any rules set by the Board.

ACCEPTING QUOTATIONS AND TENDERS

59. (1) If the amount of a quotation for any one contract is no more than £50,000 the Assessor can accept it.
- (2) If the amount of the tender for any one contract is no more than £1.5 million, the Assessor can choose the most economically advantageous tender or where appropriate lowest cost. If the Assessor does not want to choose the lowest cost or most economically advantageous tender, the Board will be asked to choose a tender.
- (3) If the amount of the tender for any one contract is more than £1.5 million, the Board will be asked to choose a tender.
- (4) The Solicitor to the Board will sign:
- all contracts of more than £500,000
 - contracts of or less than £500,000 which, in the opinion of the Assessor are complex or otherwise unusual

All other tenders will be accepted by the Assessor.

CONTRACTS FOR THE SUPPLY OF GOODS AND SERVICES

PROCUREMENT ARRANGEMENTS

60. The Assessor will be responsible for the procurement arrangements on behalf of the Board, which involve contracts for the supply of goods and services (including the appointment of consultants). All contracts for the supply of goods and services should be made in accordance with the principles laid out in the Board's Code of Best Purchasing Practice, which is aligned with the Scottish Public Procurement Toolkit.

TENDERING ARRANGEMENTS

61. (1) The Assessor can choose the purchasing method for any contract if the estimated cost is not more than the aggregated threshold at which the EU Procurement Directive apply. The Assessor must take into account an assessment of the internal costs and benefits to the Board of a range of available purchasing methods.
- (2) The procedure for placing a contract where the estimated cost is more than the EU threshold will be in accordance with EU Procurement Directives.

SENDING IN TENDERS

62. (1) If the estimated cost of any one contract is no more than £1 million, the Assessor will receive and open tenders.
- (2) Subject to sub paragraph (3) below, if the estimated cost of any one contract is more than £1 million, sealed tenders will be sent to the Clerk and shall be opened in the presence of a member of the Board in accordance with any rules set by the Board.
- (3) In the case of electronic tendering the Assessor may receive and open all tenders according to any rules set by the Board.

ACCEPTING TENDERS

63. (1) If the amount of the tender for any one contract is no more than £1 million, the Assessor can choose and accept the successful tender.
- (2) If the amount of the tender sum for any one contract is more than £1 million, the Board will be responsible for choosing the successful tender.
- (3) The Solicitor to the Board will sign:
- all contracts of a value above the EU threshold
 - contracts of a value below the EU threshold which, in the opinion of the Assessor, are complex or otherwise unusual.

All other tenders will be accepted by the Assessor.

POST TENDER NEGOTIATIONS

64. Subject to compliance with Standing Order 47, the Assessor can negotiate any aspect of a tender. An equitable procedure must be adopted which accords with:
- EU Procurement Directives
 - the principles of competitive tendering;
 - the terms and conditions included in the tender documents;
 - directions in the Chartered Institute of Purchasing and Supply's instruction booklet 'Post Tender Negotiations'.

CONTRACTS FOR PROPERTY

ESTATE MANAGEMENT

65. (1) Unless the Board decides otherwise, the Assessor will be responsible for the management of the Valuation Board estate, including maintenance of property.
- (2) Any transaction for the purchase or sale of property exceeding £500,000 will be approved by the Board.
- (3) Any transaction relating to agreements exceeding an annual value of £500,000 will be approved by the Board.

ACQUISITIONS AND DISPOSALS

66. Subject to Standing Order 65, the Assessor can on behalf of the Board:
- buy land or property so long as it has been specifically budgeted for;
 - market surplus property for sale or lease and to accept the highest offer subject to being satisfied that this represents full market value;
 - buy and sell property rights when this is required to help in the acquisition or disposal of a more valuable property and the cost can be offset against the project/disposal;
 - process any 'Right to Buy' application as deemed appropriate.

AGREEMENTS

67. Subject to Standing Order 69, the Assessor can on behalf of the Board:
- process and conclude all rent reviews/extensions to leases/agreements;
 - terminate any lease/agreement;
 - grant wayleave agreements;
 - grant and to obtain a Minute of Waiver and to sell or acquire the superiority rights;
 - permit a tenant to assign his or her lease/agreement subject to the Board being in no worse a financial position;
 - grant or terminate temporary tenancies in respect of residential lets where deemed appropriate.

FINANCIAL REGULATIONS

GENERAL

1. (1) These regulations are made under Section 95 of the Act of 1973 as applied to the Board by Section 106 of the said Act.
- (2) Section 95 of the Act empowers the Board to make arrangements for the proper administration of its financial affairs and to secure that the proper officer of the Board has responsibility for the administration of those affairs. The Board has appointed the Treasurer to the Board to be the proper officer. The Local Authority Accounts (Scotland) Regulations 1985 lay down that the system of accounting control and the form of the accounts and supporting records should be determined by the Treasurer and that he shall ensure that the systems of accounting control is observed and that the accounts and supporting records are kept up-to-date.
- (3) The Assessor will designate a senior member of the management team as Finance Officer to be responsible for the financial activities undertaken within his/her office who will act within the framework set out in Standing Orders and these Financial Regulations to secure value for money in relation to office expenditure. All procedures that are implemented to meet the requirements of these Financial Regulations must be approved by the Treasurer insofar as such procedures do not exist in Standing Orders.
- (4) The Finance Officer will provide financial management information to the Treasurer, Assessor or other nominee(s) to allow proper execution of delegated authority granted by the Board.
- (5) The Treasurer is statutorily responsible for all financial matters in which the Board is involved.

ACCOUNTS

2. (1) The Treasurer, as proper officer, under Section 95 of the Act, is statutorily responsible for all financial matters in which the Board is involved. As such, the Treasurer will provide means for procedural control which ensure that:
 - All expenditure is a proper charge;
 - All income due to the Board is collected;
 - All assets are protected;
 - All liabilities are accounted for; and
 - Proper financial reports are prepared.

The supervision and control of accounting, costing and other financial systems, records and operations together with the production of financial management information and the closing of accounts will be done in accordance with procedures and instructions issued by the Treasurer.

The Treasurer will ensure that the accounts are properly maintained and prepared in accordance with the relevant legislation and appropriate Codes of Practice.

- (2) The following activities will be done in accordance with procedures approved by the Treasurer:
 - supervision and control of accounting, costing and other financial systems, records and operations;
 - the production of financial management information; and
 - the closing of accounts.

BUDGETS

3. The preparation of financial plans and budgets and their form will be done in accordance with procedures approved by the Treasurer insofar as such procedures do not exist in Standing Orders. The Assessor will report to the Board where this procedure would result in an operational difficulty or conflict with the discharge of the statutory duties placed upon him/her. Capital Plans will be recommended to the Board by the Assessor.

EXPENDITURE AUTHORISED

4. (1) The authorisation of expenditure and operation of budgetary control will be done in accordance with procedures approved by the Treasurer insofar as such procedures do not exist in Standing Orders.
- (2) The Finance Officer will ensure the daily operation and maintenance of controls in financial systems and procedures.

AUDIT

5. (1) The Treasurer will make arrangements for the internal audit of the accounts of the Board. The Assessor and officers of the Board shall make available for inspection by internal auditors such cash, vouchers, documents, correspondence or other items as shall be deemed necessary by the Treasurer. The Treasurer will ensure that arrangements for the carrying out of the Statutory Audit, in terms of Section 96 of the Act of 1973, are in order.
- (2) The Treasurer will include within the accounts a statement on the system of internal financial control. This statement will set out the framework within which financial control is managed and reviewed and the main components of the system, including the arrangements for internal audit. The statement will report on any significant identified weaknesses and the actions undertaken to rectify these.
- (3) The Treasurer will ensure that arrangements for the carrying out of the Statutory Audit, in terms of Section 96 of the Act of 1973 are in order.

- (4) The Treasurer will ensure that the Draft Accounts are submitted to the Board and to the Controller of Audit by the prescribed date in accordance with relevant statutory provisions.
- (5) The Treasurer will ensure that the audited accounts and the Auditor's report to members on the annual audit are laid before the Board in accordance with relevant statutory provisions.

IRREGULARITIES

6. Any member of the Board or its staff discovering any suspected fraud or irregularity in the financial transactions of the Board shall immediately inform the Treasurer thereof and the Treasurer will take such action as appropriate.

INVOICES, SALARIES ETC

7. The incurring of expenditure, the verification, certification, submission and payment of invoices, salaries, wages and pensions will be done in accordance with procedures specified by the Treasurer.

TRAVELLING CLAIMS ETC

8. The submission and processing of members travelling, subsistence, attendance allowances and financial loss claims will be done in accordance with procedures specified by the Treasurer and the relevant statutory provisions.

REVENUES

9. The collection of all revenues accruing to the Board shall be arranged by the Finance Officer in consultation with the Treasurer.

DEBT RECOVERY

10. The Treasurer can sign petitions and certificates to the Sheriff Court for summary warrant applications.

BAD DEBTS

11. The Finance Officer will have the authority having exhausted recognised means of debt collection, to authorise the writing off of bad debts up to a maximum of £1000 in any case and for any sum where the debtor:
 - (a) is a company in liquidation (subject to an appropriate claim against the liquidator having been lodged); or
 - (b) is untraceable.
 - (c) Subject in the case of (a) above to an appropriate claim against the liquidator having been lodged. The Treasurer will report all other irrecoverable debts to the Board for the authority to write-off.

CHARGES

12. The Assessor will ensure that discretionary charges are annually reviewed.

BANK ACCOUNTS

13. The Treasurer will be responsible for the opening, closing and operation of all bank accounts and use of banking services on behalf of the Board.

ADVANCES

14. The Assessor will advance such amounts to such person as deemed necessary in order that such persons may defray petty expenditure. The Assessor in consultation with the Treasurer will determine the conditions relating to such advances.

INVESTMENTS

15. The Treasurer can undertake any function which might reasonably be deemed to be investment business and decide on specific purchases and sales of stocks, shares or any other allowable investments as long as the Treasurer takes the appropriate advice where necessary. The Treasurer can do this for the superannuation funds and any other Board funds.

TREASURY MANAGEMENT

16.
 - (1) The Board's treasury management will be carried out according to the approved Treasury Policy Statement of the Treasurer's employing authority.
 - (2) Where practical, all Board money will be aggregated for the purposes of treasury management and will be under the control of the Treasurer.
 - (3) All executive decisions on the approved treasury management activities will be delegated to the Treasurer. The Treasurer will act according to CIPFA's *Code for Treasury Management in Local Authorities*.
 - (4) The Treasurer will arrange for the borrowing of such sums as may be required from time to time by the Board in accordance with the Treasury Policy Statement. The signatories to any document or agreement relating to, constituting the security for or acknowledging the existence of or receipt of any loan arranged under the terms of the Treasury Policy Statement will be those nominated by the Board in respect of the signing of cheques. Mortgage Deeds in the name of the Board will be signed and sealed in accordance with Section 194 of the Act of 1973, as amended.

INVENTORIES

17.
 - (1) Records of stocks and stores will be kept by the Finance Officer in such form as shall be approved by the Treasurer.

- (2) The Assessor will be responsible for ensuring that up-to-date inventories of furnishings, office equipment, machinery, scientific apparatus, silverware, works of art and other valuable property are maintained.

PROPERTY AND CONTRACTS

18. (1) The financial aspects of property administration and contracts will be undertaken by procedures approved by the Treasurer.
- (2) The Assessor will be responsible for the daily administration of suitable arrangements, systems and procedures for property and contracts insofar as such procedures do not exist in Standing Orders.

PROPERTY REGISTER

19. The Assessor will maintain an up-to-date register (Property Terrier) of all land and heritable property owned by or leased by the Board whether in its own right or in trust and will ensure that all such property is readily identifiable at any time.

INSURANCE

20. (1) The Treasurer will approve arrangements for risk management and the insurance (including negotiation of claims) of all such risks as may be required to be covered. All insurance arrangements will be reviewed from time to time.
- (2) The Treasurer will effect all insurance cover and negotiate with the Board's insurers all claims.
- (3) The Assessor will take due account of any recommendation proposed by the Board's appointed insurance adviser or relevant insurer(s), arising from a risk survey.

STAFF RECORDS, PAY ETC

21. The Treasurer will approve procedures regarding the maintenance of such staff records as are necessary for pay and superannuation purposes.

SIGNING AND SEALING

22. The Treasurer designated in terms of the Act of 1973 as "proper officer" for the purposes of Section 193 (authentication of documents) and 194 (execution of Deeds and use of Seal) as regards signing and sealing (where necessary) of:
 - mortgages, bonds and other financial instruments; or
 - instruments effecting the transfer of any of them; or
 - instruments giving effect to the powers of investment or borrowing delegated to the Treasurer by Financial Regulations 14 and 15.

VIREMENT

23. The Assessor may vire money between one budget heading and another always providing that the total budget is not overspent or expected to be overspent. The Assessor should refer back to the Board when virement would incur continuing significant liabilities or substantial changes in Board policy. The threshold for referrals being 2% of the total budget.

EX GRATIA PAYMENTS

24. The Assessor may award ex gratia payments in circumstances agreed with the Treasurer.

SCHEME OF DELEGATION

GENERAL TERMS

1. (1) The position of the Assessor is unlike other Heads of Department in Local Authority service. The Assessor has in the area served by the Board, a statutory responsibility for carrying out the professional functions associated with the maintenance of the Valuation Roll and Council Tax List and, by agreement with the four constituent authorities, also maintains the Electoral Register. Thus, with regard to the Valuation Roll and Council Tax List, the powers of the Assessor come directly from statute and are not delegated by the Board.
- (2) Subject to Standing Orders, after the Board has set the budget for the Assessor, it delegates the discharge of the functions contained in this Scheme to the Assessor or appropriate Board officers. The scheme of delegation is carried out under Section 50 G (2) of the Act of 1973. However, the following rules apply to delegation.

POLICY

2. Delegated authority must be used according to the policy and Standing Orders of the Board.

INTERPRETING POLICY

3. If any question arises as to whether a decision taken by or action authorised by the Assessor or a Board officer sets up or alters Board policy on any matter, it will be decided by the Chief Executive and Clerk in consultation with the Convener. The determination of all policy will remain at all times with the Board

DISPUTES

4. The Chief Executive and Clerk, in consultation with the Convener, will decide on all disputes on whether an issue is delegated to a particular officer.

POLITICALLY CONTROVERSIAL

5. Items which may be politically controversial shall be excluded from delegation to the Board officials. The appropriate officer, in consultation with the Convener or, in his/her absence, a Vice-Convener, shall decide if an issue is politically controversial and consequently is outwith the terms of delegation to the officer.

CONFLICT OF INTEREST

6. (1) Where an applicant for a Board service, except for services available to the general public for which the Board has a set fee, is a Member or an employee, the officer within whose delegated authority it is to determine the application shall only exercise that authority after consulting with the Chief Executive and Clerk who may, if he/she considers it appropriate, require the officer to refer the application to the Board for determination.
- (2) Where an applicant for employment with the Board is related to a Member, that officer within whose delegated authority it is to make the appointment to the post in question, shall only exercise that authority after consulting with the Chief Executive and Clerk who may, if he/she considers it appropriate, require the officer to refer the appointment to the Board for decision.

LOCAL MEMBERS

7. (1) Officers shall, in exercising the authority delegated to them, ensure that they consult local members where it appears to the officer that a proposed decision or action is likely to affect directly the constituency interests of a local member or members provided always that this requirement shall not apply to proposed decisions or actions which are of general effect throughout the Board's area.
- (2) Where a local member objects to the proposed decision of the official, then the matter must be submitted to the Board for decision.

REPORTS

8. Reports will be submitted to the Board on substantive decisions taken and actions authorised under delegated authority. These will be in the form and under the arrangements set up by the Chief Executive and Clerk.

APPOINTMENT OF ACTING ASSESSOR

9. The Chief Executive of the Board can appoint an acting Assessor from the staff of the Assessor's Office when the Assessor is absent for a long time or the post is vacant.

DEPUTES AND OTHER OFFICERS

10. (1) If the Assessor is absent his Depute or Deputes can use the authority delegated to the Assessor. The Assessor can arrange for the Depute or Deputes or other senior officers in their office to use their delegated powers, unless they cannot do so by law or because of this Schedule.
- (2) The Assessor may arrange for the discharge of any of his delegated functions in question by a member of his staff.

QUALIFICATION OF DELEGATIONS

11. The Scheme of Delegation to officers as set out in the following section is subject always to appropriate provisions for financial outlays having been made in the Estimates for the current year.

PROPER OFFICER

12. Each officer is the "proper officer" responsible for compiling lists of background papers for reports which he has prepared and which members of the public can inspect under Section 50D of the Act of 1973.

PARTICULAR DELEGATIONS

13. Subject to the general terms already set out, all other matters on running the service are delegated to the Assessor and Board officers, including the following:

CHIEF EXECUTIVE AND CLERK

14.
 - (1) Deciding on members' rights of access to Board documents which disclose "exempt information" (Section 50(F)(2) of the Local Government (Access to Information) Act 1985).
 - (2) Acting as "proper officer" to prepare and maintain a list of politically restricted posts (Section 2 of the Local Government and Housing Act 1989).
 - (3) Meetings and proceedings of the Board (Section 43 of the Act of 1973).
 - (4) Authenticating documents (Section 193 of the Act of 1973).
 - (5) Complying with the Local Government (Access to Information) Act 1985 (Section 50A of the Act of 1973).
 - (6) Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes (Section 50B(2); 50B(7)(c) and 50C(2) of the Act of 1973).

TREASURER

15.
 - (1) Establishing a financial framework, including Financial Regulations, which provide for effective managerial control and review; and satisfactory monitoring and reporting procedures.
 - (2) Establishing proper arrangements in respect of Treasury Management, Pensions, Trust Funds and the safeguarding of assets including risk management and insurance.

- (3) Creating or closing any bank accounts on behalf of the Board.
- (4) Claims in sequestrations and liquidations (Section 191 of the Act of 1973).
- (5) Reviewing the financial limits given in Standing Orders or Financial Regulations every year, in line with the relevant inflation indices.
- (6) Carry out the Board's Treasury Management in accordance with the approved Treasury Policy Statement. The Board is responsible for setting up and monitoring the management system.
- (7) Other than Superannuation Fund monies controlling, where practical, all Board money added together for Treasury Management.
- (8) Exercising all executive decisions on the approved treasury management activities. Staff will all act according to CIPFA's "Code for Treasury Management in Local Authorities".
- (9) Exercising all borrowing and lending that the Board needs in accordance with the Treasury Policy Statement. Any document or agreement which relates to, is the security for, confirms the existence of or is a receipt for any loan/lease arranged under the terms of the Treasury Policy Statement will be signed by those people who are nominated by the Board to sign cheques. Mortgage deeds in the name of Board will be signed and sealed according to Section 194 of the Local Government (Scotland) Act 1973, as amended.
- (10) Using any suitable banking and advisory services and deciding on specific purchases and sales of stocks, shares or any other allowable investments as long as the Treasurer takes the appropriate advice where necessary.

SOLICITOR

16. (1) Carrying out legal procedures necessary to implementing any matters delegated to the Assessor or Board officers other than those associated with the Assessor's statutory functions.
- (2) Accepting delivery of legal proceedings served on the Board (Section 190 of the Act of 1973).
- (3) Claims in sequestrations and liquidations (Section 191 of the Act of 1973).
- (4) Authenticating documents (Section 193 of the Act of 1973).
- (5) Executing Deeds and Use of Seal (Section 194 of the Act of 1973, as amended).
- (6) Signing missives and other conveyancing documents and signing notices and orders about compulsory purchase orders.

- (7) Accepting tenders.
- (8) Starting and defending legal proceedings when suitable.
- (9) Settling actions and claims.
- (10) Engaging private legal firms, Sheriff Officers, patent agents and parliamentary agents when suitable.
- (11) Obtaining counsel's opinion.
- (12) Engaging counsel.

ASSESSOR

INTRODUCTION

17. (1) The following non-statutory functions are delegated to the Assessor and Depute including any officers acting in either capacity from time to time. In exercising any delegated function, the nominated officer will take account of any appropriate departmental practice or procedure, of any managerial instruction given and of any similar consideration.
- (2) The Assessor or Depute is authorised:-
 - (i) to expend the approved budget;
 - (ii) to take measures as may be required in emergency situations subject to advising the appropriate Convener and/or Vice Convener and/or local member where possible and reporting to the Board as soon as possible thereafter, on any items for which Board approval would normally be necessary;
 - (iii) to absent himself or herself or permit any member of his or her staff to absent himself or herself occasionally and temporarily during business hours to attend to duties or services of a civic, honorary, charitable or social nature provided that these do not interfere with the efficient discharge of his duties to the Board;
 - (iv) to sign and to issue:-
 - the necessary authorisation to officers of the Board to exercise statutory powers (including, where possible, the right to enter land and premises in connection with the discharge of their duties) and
 - identity cards.

- (v) to nominate officers to act in relation to powers of entry in terms of any relevant enactment.
- (vi) to make appointments within his or her Office, to all posts below second tier level so long as such posts are within the approved establishment;
- (vii) to deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending actions raised against them personally, providing:-
 - that they were acting within the course of their employment;
 - in accordance with Board/office procedures; and
 - in good faith.
- (viii) to pay valid claims for damage to, or loss of, personal property of employees in his or her office occurring during the course of their employment, up to an amount of £150 per claim for any one incident; and to pay claims in excess of £150 after consultation with the Clerk;
- (ix) to approve the provision of reasonable hospitality within or outwith the area, to representatives of other authorities, organisations, officers of the Board or others and also within the UK to make visits and to authorise officers within his or her office to make visits as representatives of the Board, subject always to details of the expenses incurred in terms of this delegation being made available where requested by the Clerk or Treasurer to the Board;
- (x) to approve attendance at conferences within the UK of officers in cases where he or she considers it to be in the interest of the Board;
- (xi) to vire between budget heads within Revenue Budget.
- (xii) to terminate on behalf of the Board any contract which the Board is entitled to terminate under the appropriate conditions of contract where, after consultation with the Clerk to the Board, he or she is satisfied that it is in the interest of the Board to do so;
- (xiii) to appoint consultants and other specialists on such terms and conditions as might be appropriate within the approved budget;
- (xiv) to engage private legal firms for Court and other legal work if and when he or she may consider this to be necessary;
- (xv) to engage Counsel for Court of Session and other business as and when he or she may consider it necessary;

- (xvi) to initiate, enter, defend or withdraw from judicial or quasi-judicial proceedings in connection with his or her function as Assessor.
- (xvii) to conduct disciplinary proceedings for employees under the Board's approved disciplinary procedures;
- (xviii) to authorise employees attendance at training courses, conferences, seminars and working groups necessary to their work development;
- (xix) in relation to staffing matters, to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Board. The terms of such Circulars shall be reported to the Board for information. Where there is a choice of action, the Circular must be referred to the Board;
- (xx) to approve appointments of temporary staff when considered necessary, where budgetary provisions exist;
- (xxi) to sanction the payment of overtime where appropriate;
- (xxii) to decide the following personnel matters:-
 - special leave, secondment or leave to work or visit abroad;
 - extending service beyond normal retirement age;
 - extending sickness allowance;
 - recovery of maternity pay;
 - closing down early for the festive season;
 - attendance of outside organisations at training courses;
 - approving leave of absence for employees to undertake courses of further education;
- (xxiii) to determine request for regradings from members of staff;
- (xxiv) to make minor changes in staff structure or gradings provided that these stay within the approved budget;
- (xxv) to approve changes in post designations where there is no change in salary grade:
 - to approve initial placing within approved salary scales and

- to review salary placing in appropriate circumstances, within approved salary scales in conformity with accepted practice;
- (xxvi) to purchase supplies and services in accordance with any Financial Regulations determined by the Board;
- (xxvii) to promote, market and present events;
- (xxviii) to apply regulations relative to the use of Board facilities to ensure safety for staff and members of the public, including the authority to close or restrict the use of facilities as required;
- (xxix) to set charges, rents and fees to ensure budgetary provisions are met;
- (xxx) to approve applications for car loans administered through agreement with The City of Edinburgh Council;
- (xxxi) to operate a car leasing scheme with the approval of the Board.

1995 No. 2589 (S.186)

RATING AND VALUATION

**The Valuation Joint Boards (Scotland)
Order 1995**

<i>Made</i> - - - -	<i>3rd October 1995</i>
<i>Laid before Parliament</i>	<i>6th October 1995</i>
<i>Coming into force</i>	<i>27th October 1995</i>

Whereas it appears to the Secretary of State that the functions of certain valuation authorities should be discharged jointly in accordance with the provisions of this Order:

Now, therefore, in exercise of the powers conferred on him by section 27(7) to (9) of the Local Government etc. (Scotland) Act 1994(a) and of all other powers enabling him in that behalf, he hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Valuation Joint Boards (Scotland) Order 1995 and shall come into force on 27th October 1995.

(2) In this Order—

“the 1973 Act” means the Local Government (Scotland) Act 1973(b);

“board” means a joint board established under article 2(1) below;

“constituent authority”, in relation to a board, means a local authority specified in column 3 of Schedule 1 to this Order opposite the name of the board in question (as shown in column 1 of that Schedule);

“ordinary election” means an ordinary election of councillors in Scotland held in 1999 or in a later year.

Constitution and proceedings of boards

3. Schedule 2 to this Order (which makes provision as to the constitution and proceedings of each board) shall have effect.

St Andrew's House, Edinburgh
3rd October 1995

George Kynoch
Parliamentary Under Secretary of State,
Scottish Office

SCHEDULE 1

Article 2

VALUATION JOINT BOARDS

<i>Column 1</i> Name of board	<i>Column 2</i> Total number of members	<i>Column 3</i> Constituent authorities	<i>Column 4</i> Number of members to be appointed by authority
The Ayrshire Valuation Joint Board	16	East Ayrshire Council	5
		North Ayrshire Council	6
		South Ayrshire Council	5
The Central Scotland Valuation Joint Board	15	Clackmannanshire Council	3
		Falkirk Council	8
		Stirling Council	4
The Dunbartonshire and Argyll and Bute Valuation Joint Board	16	Argyll and Bute Council	5
		Dumbarton and Clydebank Council	5
		East Dunbartonshire Council	6
The Grampian Valuation Joint Board	15	Aberdeen City Council	6
		Aberdeenshire Council	6
		Moray Council	3
The Highland and Western Isles Valuation Joint Board	10	Highland Council	8
		Western Isles Islands Council	2
The Lanarkshire Valuation Joint Board	16	North Lanarkshire Council	8
		South Lanarkshire Council	8
The Lothian Valuation Joint Board	16	City of Edinburgh Council	9
		East Lothian Council	2
		Midlothian Council	2
		West Lothian Council	3
The Orkney and Shetland Valuation Joint Board	10	Orkney Islands Council	5
		Shetland Islands Council	5
The Renfrewshire Valuation Joint Board	16	Inverclyde Council	4
		East Renfrewshire Council	4
		Renfrewshire Council	8
The Tayside Valuation Joint Board	15	Angus Council	4
		Dundee City Council	6
		Perthshire and Kinross Council	5

CONSTITUTION AND PROCEEDINGS OF BOARDS

Appointment of members

1.—(1) A board shall, subject to sub-paragraph (2) below, have the total number of members specified in column 2 of Schedule 1 to this Order opposite the name of that board (as shown in column 1 of that Schedule) and each constituent authority of a board shall, prior to 8th November 1995, appoint as first members of that board the number of persons specified in column 4 of that Schedule opposite the name of that authority (as shown in column 3 of that Schedule).

(2) All the constituent authorities of a board may, at any time after the first meeting of the board, agree that—

- (a) the total number of members of the board; or
- (b) the number of members to be appointed by any constituent authority,

shall be altered from that applicable immediately prior to the agreement taking effect.

(3) It shall be the duty of each constituent authority of a board—

- (a) at the first meeting of that authority taking place after each ordinary election, to appoint as members of the board the number of persons specified in column 4 of Schedule 1 to this Order opposite the name of that authority (as shown in column 3 of that Schedule) or such other number of persons as may have been agreed under sub-paragraph (2) above; and

- (b) on a vacancy occurring due to a person appointed by that authority ceasing to be a member of the board in the circumstances described in paragraph 2(2) to (4) below, to appoint another person in his place unless the authority, having regard to the length of time until the next ordinary election, consider it unnecessary to do so.

(4) A constituent authority may appoint persons as substitute members to attend meetings of a board, or of any of its sub-committees, in the absence of any members appointed to the board by that authority, and where any such substitute members are appointed—

- (a) only one substitute member may attend in place of a member who is absent; and
- (b) the substitute member shall have the same powers as the member who is absent.

(5) Any person appointed as a member, or substitute member, of a board must be a councillor for the area of the constituent authority making the appointment.

(6) A constituent authority shall intimate in writing to the clerk of the board—

- (a) as soon as possible after appointing any person as a member of the board, the name of that person; and
- (b) as soon as possible after a vacancy has occurred due to a person appointed by that authority ceasing to be a member of the board in the circumstances described in paragraph 2(2) or (4) below, the name of that person.

(7) The proceedings of a 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.

Duration and termination of membership

2.—(1) Subject to sub-paragraphs (2) to (4) below, any person appointed by a constituent authority as a member of a board shall hold office until the first meeting of that authority held after the next ordinary election following the date of his appointment.

(2) If, prior to the next ordinary election following the date of his appointment, a member of a board ceases to be a councillor for the area of the constituent authority which appointed him, he shall immediately cease to be a member of the board.

(3) A member of a board may resign his membership at any time by written intimation to that

- (a) the date of the ordinary election next following the date of his appointment; and
- (b) the date of his ceasing to be a member of the board.

(3) The convener, or in his absence the depute convener, shall preside at all meetings of a board, but where both the convener and the depute convener are absent from any meeting the members present shall appoint a convener for that meeting.

(4) In the event of an equality of votes at a meeting, the convener of that meeting shall, subject to sub-paragraph (5) below, have a casting vote as well as a deliberative vote.

(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.

Officers of boards

4.—(1) Each board shall appoint a clerk and a treasurer, but a board may appoint the same person to act as both clerk and treasurer.

(2) A board may appoint an officer of one of its constituent authorities to hold a post referred to in sub-paragraph (1) above.

(3) A board may appoint such other staff as may be required for the discharge of its functions.

(4) Where, under an agreement with a board, a constituent authority place any of their own staff at the disposal of the board, the board shall pay to that authority such amounts as may be agreed for such services.

Meetings

5.—(1) The first meeting of each board shall be held as soon as practicable after the board is established, and shall be convened by a person designated for that purpose by the appropriate authority.

(2) For the purposes of sub-paragraph (1) above, the appropriate authority is—

(a) in the case of the Highland and Western Isles Valuation Joint Board, Highland Regional Council;

(b) in the case of the Orkney and Shetland Valuation Joint Board, Orkney Islands Council; and

(c) in any other case, the regional council for the area of the constituent authorities of the board in question.

(3) Subject to sub-paragraph (1) above, each 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) The clerk of a board shall send copies of the minutes of all its meetings to each of its constituent authorities for their information.

(5) A board shall have power to make or adopt standing orders regulating the procedures and business of—

(a) the board;

(b) any sub-committees appointed by it under paragraph 6 below.

(6) Paragraph 4 of Schedule 7 to the 1973 Act shall apply for determining the quorum of a board as it applies for determining the quorum of a council.

Sub-committees

6. A board may appoint from its membership such sub-committees as it may from time to time consider necessary or desirable and may refer to any such sub-committee such matters as the board may from time to time specify.

Settlement of differences

9. In the event of any difference arising between the constituent authorities of a board as to the true intent and meaning, or the due implement, of any provisions of this Order, such difference shall (if it cannot be resolved between the constituent authorities) be referred to the Secretary of State and his decision shall be final and binding upon those authorities.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 27(1) of the Local Government etc. (Scotland) Act 1994 provides for each new unitary local authority in Scotland to be "the valuation authority" for their area with effect from 1st April 1996. The Secretary of State is empowered by section 27 to provide by order for the functions of two or more valuation authorities to be discharged jointly.

This Order provides for ten joint boards to be established to discharge jointly the functions of certain valuation authorities. Schedule 1 specifies the names of those boards, their constituent authorities and the initial composition of the boards. Schedule 2 makes provision as to the constitution and proceedings of each board.

STATUTORY INSTRUMENTS

1995 No. 2589 (S.186)

RATING AND VALUATION

The Valuation Joint Boards (Scotland)
Order 1995

£1.95p net

Printed by HMSO Print Centre

800 WO 0129 C10 10/95 452/4 19593 PS 310109 (106935)



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