

**15<sup>th</sup> APRIL 2003**

**ADOPTION OF STANDING ORDERS**

**SUMMARY:** Until such time as the Authority determines its own procedures arrangements for, and proceedings at, meetings of the Authority are governed by the provisions contained in Schedule 7 of the Local Government (Scotland) Act 1973, as amended in respect of the Authority by the provisions contained in the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003. The legislative provisions contained in Part IIIA of the Local Government (Scotland) Act 1973 also apply to meetings of the Authority and this is the subject of a separate Report on the Agenda.

There are, however, other discretionary matters on which the Authority may wish to take a view for incorporation into its own Standing Orders so as to regulate its proceedings better. This Report invites the Authority to determine whether or not to make arrangements for the adoption of its own Standing Orders.

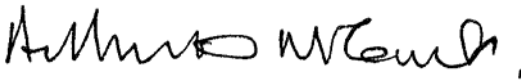
**1. Background**

- 1.1** Paragraph 19(1) of Schedule 1 to the National Parks (Scotland) Act 2000 allows the Authority to determine its own proceedings.
- 1.2** Until such time as the Authority determines these and adopts its own standing orders, arrangements for, and proceedings at, meetings of the Authority are governed
- 1.3** by the provisions contained in Schedule 7 of the Local Government (Scotland) Act 1973, subject to the amendments
- 1.4** contained in the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003.

The provisions of Schedule 7 are set out in Appendix 1. The legislative provisions contained Part 111A of the Local Government (Scotland) Act 1973 also apply to meetings of the Authority and this is the subject of a separate report relating to the appointment of a Proper Officer.

The provisions of Schedule 7 are mandatory until the determination by the Authority of its own procedures. There are a number of discretionary matters on which the Authority can take a view which would assist in the regulation of its proceedings such as calling special meetings; adjournment; powers of the Convener and Deputy Convener; provision for debate; questions; petitions and deputations; motions and amendments, voting procedures and so on. These along with the provisions of Schedule 7 and all other, associated provisions contained in the National Parks (Scotland) Act 2000 and the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 could be incorporated into standing orders for adoption

	<p>2003 could be incorporated into standing orders for adoption by the Authority.</p> <p>It is normal practice that an authority gives notice of its intention to adopt Standing Orders at one meeting, for adoption at its next meeting.</p>
<p><b>1.5</b></p>	<p>If it is the Authority's view that it should adopt its own standing orders to regulate its proceedings better, then it is proposed that it be remitted to the interim Chief Executive to prepare draft standing orders for consideration at its next meeting. Notice could then be given at that meeting that these draft standing orders, with or without amendment, will be adopted at the following meeting of the Authority.</p>
	<p><b>RECOMMENDATION:</b> The Authority is invited to:-</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol> <ol style="list-style-type: none"> <li>1. to note that the provisions of Schedule 7 of the Local Government (Scotland) Act 1973, as amended will apply to meetings of the Authority;</li> <li>2. determine whether or not to make provision for the adoption of its own Standing Orders and, if so,</li> <li>3. agree that it be remitted to the interim Chief Executive to prepare draft Standing Orders for consideration at the next meeting of the Authority on the basis that notice will then be given for adoption of these draft Standing Orders, with or without amendment, at the following again meeting of the Authority.</li> </ol>

Signature: 

Designation: Chief Executive, Highland Council

Date: 2<sup>nd</sup> April 2003

**APPENDIX 1**

**MEETINGS AND PROCEEDINGS OF THE CAIRNGORMS  
NATIONAL PARK AUTHORITY**

## LOCAL GOVERNMENT (SCOTLAND) ACT 1973

### SCHEDULE 7

· · 1. (1) The Authority shall hold in every year such meetings as they think necessary.

- 2.
3. Meetings shall be held at such hours and on such days as the Authority at their first meeting decide or by standing order determine.
- 4.
5. Meetings shall be held at such place, either within or without their area, as the Authority may direct.
- 6.
7. A special meeting may be called at any time by the Convener of the Authority or on the requisition of at least one-fourth of the whole number of members of the Authority, which meeting shall be held within 14 days of receipt of the requisition by the proper officer of the Authority.

2. (1) Three clear days at least before a meeting of the Authority –

- a.
  - a.
  - b. notice of the time and place of the intended meeting shall be published at the offices of Highland Council, Moray Council, Aberdeenshire Council and Angus Council, and where the meeting is called by members of the Authority, the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
  - c.
  - d. a summons to attend the meeting, specifying the business to be transacted, thereat and signed by the proper officer of the Authority, shall, subject to sub-paragraph (2) below, be left at or sent by post to the usual place of residence of every member of the Authority.

- 2.
3. If a member of the Authority gives notice in writing to the proper officer of the Authority that they desire summonses to attend meetings of the Authority to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.
- 4.
5. Want of service of a summons on any member of the Authority shall not affect the validity of a meeting of the Authority.
- 6.
7. Except in the case of business required by or under this or any other Act to be transacted at a meeting of the Authority, no business shall be transacted at a meeting of the Authority other

than that specified in the summons relating thereto.

3. (1) At a meeting of the Authority the Convener, if present, shall preside.

2.

3. If the Convener is absent from a meeting of the Authority, another member of the Authority chosen by the members of the Authority present shall preside.

· · · 4. (1) Subject to sub-paragraph (2) below, no business shall be transacted at a meeting of the Authority unless at least one-fourth of the whole number of members of the Authority are present.

2.

3. Where there are at the same time vacancies in the case of more than one-third of the members of the Authority, then until the number of members in office is increased to not less than two-thirds of the whole number of members of the Authority, the quorum of the Authority shall be determined by reference to the number of members of the Authority, so however that the quorum shall never be less than one-eighth of the whole number of members of the Authority or three members, whichever is the greater number.

· · · 5. (1) Subject to this or any other Act, all questions coming or arising before the Authority shall be decided by a majority of the members of the Authority present and voting thereon at a meeting of the Authority.

2.

3. In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment to any particular office or committee, in which case the decision shall be by lot.

6. The names of the members present at a meeting of the Authority shall be recorded.

· · · 7. (1) Minutes of the proceedings of a meeting of the Authority shall be drawn up and shall be signed at the same or next following meeting of the Authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

2.

3. Until the contrary is proved, a meeting of the Authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be

deemed to have been duly qualified.

· (3) The provisions of paragraph 7 (3) (a) shall not apply.

8. The provisions of Paragraph 8 shall not apply.

9.

10. The proceedings of the Authority shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any member thereof.

11.

12. (1) Paragraphs 5 to 9 above (except paragraph 7(2)) shall apply in relation to a committee of the Authority (including a joint committee) or sub-committee of any such committee as they apply in relation to the Authority.

2.

3. Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 7 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

· **All as amended in line with the provisions of the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003.**