

Item: 19

General Meeting of the Council: 6 October 2020.

Orkney and Shetland Valuation Joint Board.

Appointment of Members.

Report by Chief Executive.

1. Purpose of Report

To consider appointments to vacancies on the Orkney and Shetland Valuation Joint Board.

2. Recommendations

The Council is invited to note:

2.1.

That, following the resignations of Councillors Stephen G Clackson and John A R Scott, two vacancies exist for substantive members on the Orkney and Shetland Valuation Joint Board.

2.2.

That the appointments made to fill the vacancies on the Orkney and Shetland Valuation Joint Board will last for the remainder of the term of this Council, namely until May 2022.

It is recommended:

2.3.

That the Council appoints two members to the vacancies on the Orkney and Shetland Valuation Joint Board.

3. Background

3.1.

The Orkney and Shetland Valuation Joint Board has responsibility for electoral registration, lands and non-domestic property valuation (Non-Domestic Rates), and domestic property valuation (Council Tax) in the Orkney and Shetland areas.

3.2.

The Valuation Joint Boards (Scotland) Order 1995 provides that the total number of Members on the Joint Board shall be ten in total, comprising five Members from each of the constituent authorities of Orkney Islands Council and Shetland Islands Council.

3.3.

In terms of the Section 2.1.18 of the Scheme of Administration, appointment of Members of the Council to external bodies is a retained function of the Council. Appointments to the Orkney and Shetland Valuation Joint Board therefore fall within the remit of the Council. In terms of the constitutional arrangements, appointments to the Orkney and Shetland Valuation Joint Board last for the term of office.

4. Orkney and Shetland Valuation Joint Board

4.1.

Existing Council membership on the Orkney and Shetland Valuation Joint Board, which was appointed at the Special General Meeting of the Council held on 14 May 2019, is as follows:

- Substantive Members:
 - Councillor Stephen G Clackson.
 - Councillor David Dawson.
 - Councillor Andrew Drever.
 - Councillor J Harvey Johnston.
 - Councillor John A R Scott.
- Substitutes:
 - Councillor Barbara Foulkes.
 - Councillor Steven B Heddle.

4.2.

Councillors Stephen G Clackson and John A R Scott have resigned, creating two vacancies for substantive members.

4.3.

It is therefore recommended that the Council appoints two members to the vacancies on the Orkney and Shetland Valuation Joint Board.

5. Method of Voting

5.1.

The Council's Standing Orders set out the process for making appointments or nominations.

5.1.1.

Standing Order 22.7 states:

In the making of appointments or nominations by the Council, where the number of candidates is greater than the number of vacancies, a vote shall be taken by secret ballot.

5.1.2.

Standing Order 22.13 makes provision for where two or more vacancies exist:

22.13. Where the number of vacancies exceeds one and where the number of candidates exceeds the number of vacancies, then the "first past the post" method of voting shall apply, subject to the following provisions:

22.13.1. The number of candidates amounting to the same number as there are vacancies and receiving the highest number of votes cast shall be held to be duly elected, nominated or appointed, as the case may be.

22.13.2. Where there is an equal number of votes between two or more candidates which affect such election, an extra vote will be taken between those candidates, whereby the candidate receiving the highest number of votes cast shall be held to be duly elected, nominated or appointed, as the case may be. And.

22.13.3. In the event that Standing Order 22.13.2 still produces an equality of votes, the decision will be by lot, whereby the first named candidate drawn shall be held to be duly elected, nominated or appointed, as the case may be, followed by the second named candidate, should there be more than two candidates with an equality of votes, until the number of candidates amounts to the same number as there are vacancies.

5.2.

In the event that more than two nominations are made and consequently a secret ballot is required, the normal process is obviously not possible, given that the meeting is being held remotely on Microsoft Teams. Accordingly, the following process, which was used to make nominations and appointments at the Special General Meeting of the Council held on 11 June 2020, will be implemented:

- The Convener will confirm the nominations.
- All members should email the Senior Committees Officer their nomination with the name of the candidate as the subject of the email.

- Once the Senior Committees Officer has received 20 emails (or the total of those members present and voting), she will read out the names, as would normally happen during a secret ballot held in the Chamber.
- The Senior Committees Officer will then announce the result.

6. Term of Appointment

It is proposed that the appointment made to fill the vacancies on the Orkney and Shetland Valuation Joint Board should last for the remainder of the term of this Council, namely until May 2022.

7. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

8. Financial Implications

There are no financial implications arising directly as a result of the recommendations of this report.

9. Legal Aspects

Members appointed to the Orkney and Shetland Valuation Joint Board should have regard to the Councillors' Code of Conduct, with particular reference to the provisions relating to registrations of interests and declarations of interests.

10. Contact Officers

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Hazel Flett, Senior Committees Officer, extension 2208, Email hazel.flett@orkney.gov.uk.