



CROFTING COMMISSION COIMISEAN NA CROITEARACHD

Standing Orders Relating to the Conduct of Meetings

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CROFTING COMMISSION

STANDING ORDERS RELATING TO THE CONDUCT OF MEETINGS

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STANDING ORDERS OF THE CROFTING COMMISSION

PRELIMINARIES

- 1 The purpose of these Standing Orders is to ensure the orderly and effective conduct of formal meetings of the Crofting Commission and that of its constituted committees.
- 2 These Standing Orders apply and are effective from 24 June 2015.
- 3 The Standing Orders may be reviewed on an annual basis. Any amendments must be agreed by a majority of members present at a meeting of the Crofting Commission.
- 4 Amendment to these Standing Orders (other than at an annual review) shall be made only by resolution of which 14 days' notice has been given.
- 5 The Standing Orders may be amended by resolution carried by a majority of members present at a meeting of the Commission.

6 CALLING MEETINGS

6.1 Generally, Notice of a meeting of the Commission will be given to every member of the Commission by, or on behalf of, the Chief Executive, at least 7 days prior to the date of the meeting. The Notice will be in written form and will provide the place, date and time of the meeting. The Notice will be delivered by post, fax or any accepted form of electronic communication to a member's usual place of residence or to any other address provided in writing by a member to the Chief Executive.

6.2 **Public Notice** of a meeting of the Commission will normally be given by posting a Notice on the Crofting Commission website at least 4 days before the meeting.

The Notice of Meeting will include:

- (a) The date, time and place of the meeting, and
- (b) Information on the availability of the Agenda and accompanying reports.

6.3 **Public Notice** will not be required where a **Special Meeting** is convened to deal with a matter of a particularly sensitive nature.

6.4 The Chief Executive will call a **Special Meeting** of the Commission when required to do so by the Convener of the Commission. A Special Meeting will also be called by the Chief Executive if in receipt of a written request stating the business of the meeting from another member of the Commission and seconded by a majority of the Commission. The meeting will be held within 21 days of the receipt of the requisition by the Chief Executive.

6.5 Where the Convener requires a Special Meeting, and considers that there is particular urgency, the Chief Executive may call the meeting without giving the 7 days' notice normally required at 6.1 above, provided every effort is made to contact members to give as much notice as possible prior to the meeting.

7 PLACE OF MEETINGS

Meetings of the Commission and its Committees will normally be held at the Crofting Commission headquarters, Inverness, on the days fixed by the Commission or, if need be, by the Convener in consultation with the Chief Executive. Where practicably possible, the Commission will hold at least one meeting a year outwith Inverness in another part of the Crofting Counties.

8 MEETING AGENDA

The Convener and the Chief Executive will generally determine the agenda for a meeting of the Commission. The agenda will be provided along with the Notice of Meeting. A Commissioner wishing to submit an item for the agenda of a Commission meeting must ensure that it is submitted in writing at least 14 days prior to the day of the meeting concerned, and by 5pm on the final day available.

9 URGENT BUSINESS

No business other than that specified on the agenda will be transacted at the meeting, other than that which the Convener has accepted as urgent in advance of the meeting. The circumstances for including such urgent business shall be recorded in the minute of the meeting.

10 ATTENDANCE AT MEETINGS

10.1 The Convener must, if present, chair meetings of the Commission and any of their committees. If the Convener is not available to chair a meeting of the Commission or a committee, the Convener is to appoint another member of the Commission to chair the meeting.

10.2 Where the Commission has nominated a Vice-Convener, he or she may chair meetings in the absence of the Convener where the Convener has not nominated another member of the Commission to chair proceedings. Where both the Convener and Vice-Convener are absent and no member has been nominated, the Chief Executive will preside over the nomination of another member to chair from the members present.

10.3 members of the press and the public are entitled to attend meetings of the Commission. However, the Commission may determine that matters of a confidential or sensitive nature should be considered without the press or the public in attendance.

11 QUORUM

11.1 A meeting of the Commission must consist of at least five members. Where there are three or more elected members, the quorum must include no fewer than three such members.

- 11.2** Meetings shall, subject to the presence of a quorum, start at the time set out in the Notice of the meeting. If a quorum is not present, the Convener may allow ten minutes before adjourning the meeting and fixing a time, then or afterwards, for it to take place. Where the Convener is not present and no other member has been nominated to chair the meeting, the Chief Executive, in consultation with members present, may adjourn the meeting or record that owing to the lack of quorum, no business could be transacted.
- 11.3** Whenever it is drawn to the attention of the Convener that a quorum may not be present, the Convener will halt proceedings to establish the situation, and only continue should the Commission be quorate.
- 11.4** No item of business can be transacted at a meeting of the Commission unless there is a quorum present.

12 CONDUCT OF MEETINGS

- 12.1** The person in the Chair must be respected by all members at a meeting of the Commission. The Chair has the authority to rule on any points of order or matters of procedure. It is the responsibility of the person chairing the meeting to ensure that members obtain a fair hearing and that order is preserved. In the event of any disorder, the Chair may adjourn the meeting for a suitable period.
- 12.2** In the event of any member failing to respect the authority of the person in the Chair or being guilty of obstructive or offensive conduct, the Chair may seek an apology or have a short adjournment. If necessary, a motion may be moved to suspend the member for the remainder of the meeting. The member will then be required to leave the meeting.

13 SEDERUNT

The Chief Executive or another officer will record the names of the members present at each meeting of the Commission, as well as those who have submitted apologies for their absence. A Commissioner will be considered present at a properly constituted meeting when attending in person or by videoconference or by teleconference.

14 ORDER OF BUSINESS/ADJOURNMENT

The business of the meeting of the Commission will normally be conducted in the order set on the agenda. However, where the members consent, the order may be altered for the benefit of the meeting. The Convener may, with the consent of the members, also adjourn the meeting to another time and date and place, if necessary. In the event of any disorder, the Convener has absolute discretion to adjourn the meeting, and his or her quitting the Chair will bring the meeting to an end.

15 DECLARATIONS OF INTEREST

- 15.1** A member of the Commission, or any officer working on behalf of the Commission, who has a direct or indirect interest in a matter being considered at a meeting of the Commission or a committee of the Commission, must disclose the nature of the interest to the meeting. Members who are crofters are not excluded from taking part in discussions relating to crofting.
- 15.2** Any disclosure of interest must be recorded in the minutes of the meeting.
- 15.3** Anyone declaring an interest should not take part in any deliberation of the matter, unless that is confined to general principles, as opposed to the specifics of the case. Such deliberation should only be with the consent of the other members.
- 15.4** Anyone declaring an interest must not take part in any decision of the Commission or of any committee of the Commission in respect of the matter to which the disclosure relates. Consideration should also be given to removal from the room while the matter is being discussed and determined.
- 15.5** Any removal from the room, and at what stage in proceedings, should also be recorded in the minute of the meeting.

16 COMMISSION DECISIONS AND VOTING

- 16.1** Whenever possible the Commission will seek to make decisions by reasoned debate and consensus. Only in situations where it is not possible to reach a conclusion in this manner will voting be required.
- 16.2** Where it is clearly understood what the members are voting on, formal motions from members will not be necessary.
- 16.3** Where an item of business that requires a decision has been given full consideration, and all members have had the opportunity to make their contribution, any member may propose a motion and seek a seconder. Any amendments to the motion must also be proposed and seconded. A member cannot move or second both the motion and amendment, or likewise more than one amendment.
- 16.4** Any motion or amendment to a motion must be written down and read out prior to any vote being taken.
- 16.5** Once moved and seconded, a motion or amendment will not be withdrawn without the consent of the mover or seconder.
- 16.6** Where there is a vote between the motion and amendment, the vote for the amendment will be taken first. If there is more than one amendment, the vote may be taken against each amendment, before being taken against the motion or, if determined by the Chair, each may be taken individually against the motion.
- 16.7** The vote of the Commission will normally be taken verbally or by a show of hands. If any member objects to the vote being taken in this manner, and a majority of those present and entitled to vote agree, the vote will be taken by ballot.
- 16.8** The person chairing a meeting of the Commission or any committee of the Commission has a casting vote.

16.9 Where necessary, Commission decisions may be determined by electronic mail. All Commissioners have the right to participate within the agreed timescale and decisions will be reached with the consent of the majority of those participating. The requirement for a Commission quorum will apply unless the matter has been delegated to a Commission group or to a reduced number of Commissioners.

17 RECORDING DISSENT FROM DECISION

17.1 A member may have his or her dissent to a decision of the Commission recorded, provided that such a member requests immediately after the item is disposed of that such dissent is recorded.

17.2 Once a decision has been reached, all members have a corporate responsibility to recognise and accept the decision as that of the Crofting Commission. Corporate responsibility entails that members must adhere to and accept such a decision until it is otherwise altered.

18 MINUTES OF COMMISSION MEETINGS

18.1 A minute of a meeting of the Commission will be taken on behalf of the Commission. The minutes will record the names of members in attendance and those apologising for their absence, and the business transacted at the meeting. Wherever possible the minutes will be issued to members of the Commission not later than the seventh day prior to the next meeting. At this meeting the minutes will be submitted, considered read, with any corrections agreed and recorded. Once approved, the minutes will be accepted as a true record of the meeting to which they relate.

18.2 To assist with administration and the efficient use of Commission time and resources, the Convener and Chief Executive may determine that routine papers can be circulated electronically or by post for Commissioners' comment, approval or disapproval. It will be incumbent upon each Commissioner to respond within the agreed period of time, unless the Commissioner has already intimated his or her non availability. Where a Commissioner has not received an e-mail, it is permissible to request that the matter is discussed at a meeting of the Commission.

18.3 In the event of a paper not receiving approval by a majority or if a Commissioner raises an unacceptable risk to the Commission relating to the paper, it will be remitted in the first instance to the Convener and/or Chief Executive, before deferral to the next meeting of the Board for full deliberation and decision.

19 COMMISSION COMMITTEES

19.1 The Commission must establish –

- (a) an audit committee; and
- (b) such other committees as it considers appropriate.

The Commission may combine its audit and financial obligations, to provide an Audit & Finance Committee. This committee and any other committee of the Commission must comply with any directions given to it by the Commission. The Commission may appoint individuals who are not members of the Commission to its committees. However, no committee may consist solely of non-Commission members.

19.2 The provisions of the Standing Orders, with the obvious exception of what constitutes a quorum, will apply to committees as the Commission considers appropriate. Other sub-committees and working groups need not operate to the same formal level. Such groups will not have any delegated authority and will report back to the Commission or make recommendations for Commission approval.

19.3 Decisions of a committee will not take effect until these decisions have been reported to the Commission, and been approved by the Commission, unless falling within the following category:

- (a) A matter included in the delegation to or remitted with powers to the committee;
- (b) Any matter that the committee considers to be urgent, which although not included in the annual budget does not entail major expenditure and has the approval of the Chief Executive and the Convener, and complies with the delegated responsibilities afforded to the Chief Executive of the Commission;
- (c) Any routine matter that does not involve a change in policy.

19.4 Minutes of Committees

19.5 The minutes of meetings of such committees will be made available to all members. In addition, a report explaining the deliberations of each committee will be provided at a meeting of the Commission.

19.6 The minutes of meetings of committees will be submitted to the next meeting of the Commission by the Chair of the committee (a) for confirmation in respect of business delegated or remitted with powers and (b) for approval in respect of matters referred. Any matter arising from the minutes should be addressed by a member of the committee who was present at the relevant meeting. The Commission will consider such matters and take decisions with immediate effect.

20 MISCELLANEOUS

Non-attendance at Meetings

20.1 Members should tender their apologies to the Convener, if possible in writing (by letter or electronically) as soon as practically possible, once they become aware they will be unable to attend a meeting.

20.2 If a member of the Commission has been absent from meetings of the Commission for a period of six months without the permission of the Convener, the Chief Executive will draw the matter to the attention of the Scottish Ministers, to consider removing the member by giving him or her notice in writing.

- 20.3** Where there is such a vacancy in the Commission as a result of an elected member being removed from office, Ministers may appoint a replacement member [the Crofting Reform (Scotland) Act 2010 Schedule 1, Section 9 (3)].

21 DELEGATION OF POWERS

- 21.1** The Crofting Reform (Scotland) Act 2010, Schedule 1, Section 15(1) provides for the Commission to delegate its functions to: any of its members; any of its committees; its Chief Executive; any person whose services are provided to it by the Scottish Ministers; and any of its employees. The Commission will have the ability to determine the type of functions it can delegate and the extent to which these functions can be carried out on its behalf. Section 15(2) specifies that the Commission continue to have responsibility for the exercise of its functions even after a function has been delegated.
- 21.2** The Chief Executive has the power to refer for further consideration by the Commission, by way of a Notice of Referral, any decision taken which may be considered by the Sponsor Division as giving rise to or likely to give rise to a contravention of a statute or any Code of Practice, or maladministration leading to injustice.

22 MEMBERS' CODE OF CONDUCT

All members of the Commission will be bound by the provisions of the Commission's Code of Conduct, issued and approved by the Standards Commission for Scotland.