



THE SCOTTISH OFFICE

Environment Department

New St. Andrew's House
Edinburgh EH1 3TGTelephone 0131-244
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Regional, Islands, District and New Councils

Plus copies as per attached list

27 June 1995

Dear Chief Executive

**LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994: SECTION 27
THE VALUATION JOINT BOARDS (SCOTLAND) ORDER 1995**Purpose and Introduction

1. Under section 27(7) of the Local Government etc (Scotland) Act 1994, the Secretary of State may by order establish joint boards where it appears to him that any functions of 2 or more valuation authorities should be discharged jointly. Subsection (8) provides for an order to specify such functions under the "Valuation Acts" for delegation to a joint board. Provision is also made for an order to include such "incidental, consequential and supplemental provisions" as the Secretary of State considers necessary.

2. The Secretary of State has decided that 10 joint boards for valuation purposes should be established. These would combine the following new council areas:

- Highland and Western Isles
- Orkney and Shetland
- Moray, Aberdeenshire and City of Aberdeen
- Angus, City of Dundee and Perthshire and Kinross
- Falkirk, Clackmannan and Stirling
- East Lothian, Midlothian, West Lothian and City of Edinburgh
- North Lanarkshire and South Lanarkshire
- Inverclyde, Renfrewshire and East Renfrewshire
- North Ayrshire, South Ayrshire and East Ayrshire
- Argyll and Bute, Dumbarton and Clydebank and East Dunbartonshire

(Valuation authorities covering the new council areas of Fife, Borders, City of Glasgow and Dumfries and Galloway complete the valuation authority map for Scotland.)

3. Against this background, the purpose of this letter is to invite your comments on the attached draft of the Valuation Joint Boards (Scotland) Order 1995 which would establish

joint boards for valuation purposes for the council areas at paragraph 2 above. In drafting the order, the general aim has been to avoid prescription where practicable and to leave the new councils maximum flexibility to arrive at arrangements which best reflect local circumstances. On timing, the objective is to promulgate the Order in late August/September, thus giving the new councils and the joint boards maximum time to put in place the necessary operational arrangements for the changeover on 1 April 1996. A commentary on individual Articles/Schedules contained in the draft Order is also attached.

4. I should be glad to have your Council's comments on the draft Order by 18 August. Comments should be sent to (and points arising from this letter and enclosures should be directed to):

John Barber
The Scottish Office Environment Department
Local Government Division
Room 6/89A
New St Andrew's House
Edinburgh
EH1 3SZ

(Tel: 0131-244 4864
Fax: 0131-244 4580)

5. As with previous consultations, the Government may wish to make copies of responses to this letter available for public inspection by, for example, placing them in The Scottish Office Library. Unless you indicate that your response is confidential, we shall assume that you are content for it to be treated in this way.

Yours sincerely

John Barber

~~RP~~ A G BEATTIE

LOCAL GOVERNMENT REORGANISATION : THE VALUATION SERVICE

LIST OF CONSULTEES

Association of Sheriffs Principal
Commission for Local Authority Accounts in Scotland
Confederation of British Industry (Scottish Office)
Convention of Scottish Local Authorities
Federation of Small Businesses
Institute of Revenues, Rating and Valuation (Scottish Branch)
Panel Secretaries Association
Regional Valuation Panel Chairmen's Committee
Scottish Assessors Association
Scottish Chambers of Commerce
Scottish Committee of the Council on Tribunals
Scottish Council (Development and Industry)
Scottish Valuation Advisory Council
The Royal Institute of Chartered Surveyors in Scotland

STATUTORY INSTRUMENTS

1995 No. (S.)

RATING AND VALUATION**The Valuation Joint Boards (Scotland)
Order 1995***Made* 1995*Laid before Parliament* 1995*Coming into force* 1995

The Secretary of State, 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, 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 1995.

(2) In this Order—

(a) 1994 c.39.

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

“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.

Establishment of valuation joint boards

2.— (1) There shall, with effect from 1995, be established in accordance with the following provisions of this Order ten joint boards to be known by the names specified in column 1 of Schedule 1 to this Order.

(2) There is hereby delegated to each board all the functions which the constituent authorities of that board would otherwise have had under the Valuation Acts in consequence of section 27 of the Local Government etc. (Scotland) Act 1994.

(a)1973 c.65.

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.

Parliamentary Under Secretary of State,
Scottish Office

St Andrew's House,
Edinburgh

1995

SCHEDULE 1

Article 2

JOINT VALUATION BOARDS

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

<i>Column 1</i> <i>Name of board</i>	<i>Column 2</i> <i>Total</i> <i>number of</i> <i>members</i>	<i>Column 3</i> <i>Constituent authorities</i>	<i>Column 4</i> <i>Number of</i> <i>members to</i> <i>be appointed</i> <i>by authority</i>
The Orkney and Shetland Valuation Joint Board	10	Orkney Islands Council Shetland Islands Council	5 5
The Renfrewshire Valuation Joint Board	16	Inverclyde Council East Renfrewshire Council Renfrewshire Council	4 4 8
The Tayside Valuation Joint Board	15	Angus Council City of Dundee Council Perthshire and Kinross Council	4 6 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 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 ordinary election to be held in 1999, 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) or (3) below, to appoint another person in his place unless the authority, having regard to the length of time until the next ordinary election, considers 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) 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) and (3) 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 effect to—

(a) the clerk of the board; and

(b) the constituent authority which appointed him.

Conveners and depute conveners

3.— (1) Each board shall appoint from its membership a convener and depute convener, but the convener and depute convener shall not, at any time, be members of the same constituent authority.

(2) In the event of an equality of votes in electing a convener or depute convener, the decision shall be by lot.

(3) The convener and depute convener of a board shall each hold office until whichever is the earlier of—

(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.

(4) 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.

(5) In the event of an equality of votes at a meeting, the convener of that meeting shall have a casting vote as well as a deliberative vote.

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 such other staff as may be required for the discharge of its functions.

Meetings

5.— (1) The first meeting of each board shall be held no later than 1995, 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 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.

Powers of boards

7. A board shall have power to—

- (a) hold land;
- (b) borrow money.

Finance and accounts

8.— (1) The expenses incurred by a board shall be defrayed by its constituent authorities in such proportions as they may agree or, in case of disagreement, as may be determined by the Secretary of State.

(2) As soon as possible after the completion of the audit of the accounts of a board under Part VII of the 1973 Act, the board shall provide each of its constituent authorities with a copy of the audited accounts.

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 be referred to the Secretary of State and his decision shall be final and binding upon those authorities.

COMMENTARY ON THE VALUATION JOINT BOARDS (SCOTLAND) ORDER 1995

Overview

1. The draft Order is divided into 3 main parts:
 - **Articles 1-3** comprising what might be described as the “formalities”;
 - **Schedule 1** listing for each joint board the names, total number of members, constituent authorities and number of members to be appointed by each authority; and
 - **Schedule 2** setting out a range of issues relating to the constitution and proceedings of the joint boards.

Articles 1-3

2. **Article 1** provides the general citation, the coming into force date and the definitions of terms used in the Order.
3. **Article 2(1)** establishes the 10 joint boards as set out in Schedule 1 to the Order to have effect from a date yet to be specified. We envisage this date being some 2-3 weeks after the Order comes into force. This period would allow the constituent authorities time to make the necessary appointments etc - thus ensuring that all the members were in place prior to the joint boards actually being established. In line with the provisions of section 27 of the Local Government etc (Scotland) Act 1994, **article 2(2)** delegates to the joint boards the constituent authorities’ functions under the Valuation Acts.
4. **Article 3** provides for the constitution and proceedings of the joint boards as set out in Schedule 2 to the Order to have effect.

Schedule 1

5. **Schedule 1** to the Order is largely self-explanatory. It sets out in 4 separate columns the suggested names of the joint boards; suggested number of members for each; the constituent authorities; and the number of members to be appointed by each constituent authority.
6. On total number of members, a balance has to be struck between on the one hand appointing a sufficient number to ensure the effective and efficient conduct of valuation business and on the other avoiding large numbers which might lead to cumbersome administration. Against this background, the Order specifies 15-16 as being the optimum number, except in Highland/Western Isles and Orkney/Shetland where 10 is thought to be sufficient. Within this framework, the number of members per authority has been calculated pro rata to population.

Schedule 2

Paragraph 1 - Appointment of Members

7. **Paragraph 1** relates to the establishment of the joint boards and cross-refers to Schedule 1. **Sub-paragraph (1)** provides for the constituent authorities to appoint the requisite number of members prior to the date on which the joint boards are established (see article 2(1)). **Sub-paragraph (2)** gives constituent authorities the flexibility to vary the total number of members and/or the number from each constituent authority where they agree to do so. It may be, for example, that authorities may consider a larger or smaller number of members to be appropriate in the light of actual working experience. In the interest of short to medium term stability, the Order provides that the initial number of members should not be varied until after the local elections scheduled for 1999.

8. **Sub-paragraph (3)** requires authorities to appoint members of the board (as per Schedule 1 or such other numbers as may have been agreed) at the first meetings following ordinary elections; and to appoint members to fill any vacancies that might occur unless it is considered unnecessary having regard to the length of time until the next ordinary elections.

9. **Sub-paragraph (4)** provides for substitute members. **Sub-paragraph (5)** provides that a joint board member or a substitute member must be a member of a constituent authority. **Sub-paragraph (6)** requires a constituent authority to notify the clerk of the board in writing the name of any appointee to the board and the name of any person ceasing to be a member of the board. **Sub-paragraph (7)** is a contingency device which provides for proceedings not to be invalidated by any vacancies or defects in the method of members' appointments.

Paragraph 2 - Duration and Termination of Membership

10. **Paragraph 2** provides for a joint board member to hold office until the first meeting of the appointing constituent authority held after the next ordinary elections - at which point the constituent authority would appoint/re-appoint members for a further term. In the event of board member ceasing to be a councillor, he/she immediately ceases to be a member of the board. Further, a board member may resign his membership at any time on giving written notice to the clerk of the board and his/her constituent authority.

Paragraph 3 - Conveners and Depute Conveners

11. **Paragraph 3(1) and (2)** provides for the appointment of a convener and depute convener - though not from the same constituent authority. In the event of an equality of votes, the decision is by lot. **Sub-paragraph (3)** provides for the convener and depute convener to hold office until the earlier of the date of the ordinary election following his/her appointment or the date of his/her ceasing to be a member of the board. (The termination date of ordinary elections means that there will be a short period during which there will be no convener or deputy convener in place but it is assumed that the joint board will not in any event be meeting until after all the new appointments of members have been made.) **Sub-paragraph 4** provides for the convener, or in his/her absence the depute convener to preside at meetings. Failing that, the members present may appoint a convener for that meeting. In

the event of an equality of votes the convener at the meeting has a casting as well as a deliberative vote.

Paragraph 4 - Officers of Boards

12. This paragraph requires each board to appoint a clerk and a treasurer (the same person can act as both) and permits the appointment of such other staff as may be necessary. This gives the joint boards maximum flexibility to determine staffing arrangements that best suit local circumstances.

Paragraph 5 - Meetings

13. **Sub-paragraphs (1) and (2)** set out interim arrangements for the first meetings of the joint boards. Sub-paragraph (1) provides for a date by which the first meeting should be held. It is suggested that this date should be within about 3-4 days from the date the boards are established (which in turn would be 2-3 weeks after the Order comes into force - see article 2(1)). There seems nothing to be gained by allowing a longer period. Sub-paragraph (2) provides for the first meetings to be convened by a person designated by the regional council for the area of the constituent authorities (including Highland Regional Council for the Highland and Western Isles Valuation Joint Board and Orkney Islands Council in the case of Orkney and Shetland Valuation Joint Board).

14. **Sub-paragraphs (3)-(7)** set out general provisions relating to joint board meetings as follows:

- **Sub-paragraph (3):** meetings to be held as necessary and at such place or places as the joint board may fix;
- **Sub-paragraph (4):** minutes of meetings to be sent to constituent authorities for information;
- **Sub-paragraph (5):** joint board to have powers to make or adopt standing orders regulating the procedures and business of the board or any sub-committees that might be established;
- **Sub-paragraph (6):** applies paragraph 4 of Schedule 7 to the Local Government (Scotland) Act 1973 for the purpose of determining the quorum. In practice, and unless there was a substantial number of vacancies, the quorum would be $\frac{1}{4}$ of the number of joint board members.

Paragraph 6 - Sub-committees and Paragraph 7 - Powers of Boards

15. **Paragraph 6** simply specifies that a board may appoint from its membership such sub-committees as it considers appropriate. **Paragraph 7** gives the boards powers to hold land and borrow money.

Paragraph 8 - Finance and Accounts

16. **Sub-paragraph (1)** provides for the expenses incurred by a joint board to be defrayed in such proportions as the constituent authorities may agree amongst themselves. Only in the event of disagreement would the Secretary of State intervene. This provision is again in line with giving constituent authorities maximum flexibility to come to arrangements which best suit local circumstances. Sub-paragraph (2) provides for each board to provide its constituent authorities with copies of its audited accounts.

Paragraph 9 - Settlement of Differences

17. This is a further contingency provision which allows the Secretary of State to arbitrate in the event of any differences arising between the constituent authorities of a board over the Order's provisions.

The Scottish Office Environment Department
June 1995

14 July 1995

Your Ref:

To:

Our Ref: P/11/7/10/1-AON/TM

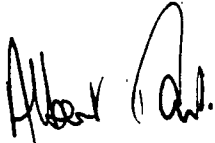
Chief Executives
Regional, Islands, District and New Councils

Dear Chief Executive

LOCAL GOVERNMENT ETC. (SCOTLAND) ACT 1994: SECTION 27
THE VALUATION JOINT BOARDS (SCOTLAND) ORDER 1995

You will have recently received from Scottish Office Environment Department a consultation paper seeking your authority's comments on the Government's intention to establish 10 Joint Boards for valuation purposes via the proposed Valuation Joint Boards (Scotland) Order 1995. While Scottish Office has sought the views of individual authorities on this matter, I intend that COSLA should also make a submission. If there are any particular issues which your authority believes COSLA should highlight in its response, I should be grateful to receive details of those concerns by no later than Monday, 7 August 1995, to assist in the preparation of a COSLA response.

Yours sincerely



A V Tait
Depute Secretary

WHEN CALLING PLEASE ASK FOR: Andy O'Neill

AGENDA ITEM No. 3(b)
NORTH LANARKSHIRE COUNCIL

Source DIRECTOR OF PLANNING AND DEVELOPMENT
Destination CHIEF EXECUTIVE
Subject LOCAL GOVERNMENT ETC. (SCOTLAND) ACT 1994 : SECTION 27
THE VALUATION JOINT BOARDS (SCOTLAND) ORDER 1995
Date 18 August, 1995
Committee Submission INTERIM EXECUTIVE COMMITTEE
My Ref SCC/KEL (DSD)
Your Ref AIC/PFD
Distribution FILE

1. Introduction

The Scottish Office Environment Department has written to North Lanarkshire Council inviting comments on the draft Valuation Joint Boards (Scotland) Order 1995. This Order, when enacted would establish a structure of 10 joint boards for valuation purposes, including a joint board for North Lanarkshire and South Lanarkshire unitary authority areas.

This report sets out the proposals contained within the draft Order and provides comment on the implications for North Lanarkshire Council. It is recommended that these be forwarded to The Scottish Office, with a copy to COSLA.

2. Valuation Services - Current Provision

Valuation services are currently provided by the Regional Council's Regional Assessor through a network of officers (3 covering North Lanarkshire). The Regional Assessor provides valuations for all property transactions involving local authorities. A separate valuation appeals panel decides on appeals for alterations to rating and Council Tax valuations.

3. The Valuation Joint Boards (Scotland) Order 1995 - Proposals

The Secretary of State's draft Order proposes the establishment of 10 joint boards including a board covering the areas of North Lanarkshire and South Lanarkshire. In drafting the Order the aim has been to avoid prescription, leaving new Councils maximum flexibility to meet local circumstances. The Order is to be promulgated in late August/September, to become operational on 1st April, 1996.

The Order proposes that the Lanarkshire Valuation Joint Board consists of 16 members, 8 from each of the North and South Lanarkshire Councils. A separate schedule conveys the proposed constitution and proceedings of Boards, covering issues regarding the appointment of members, convenorship, etc.

4. **Comments on the Draft Order**

Formation of a joint board for North and South Lanarkshire will provide continuity for the areas of Motherwell, Monklands, Hamilton and Clydesdale. It provides the benefit of reduced overheads and consistency of valuation in an area where to a large extent industrial, residential and commercial property markets are shared.

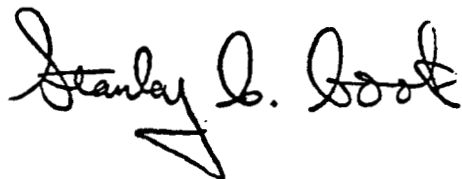
It would appear logical that, on the establishment of a Joint Board, a separate appeals panel be established covering the same area (see my accompanying memo on this matter).

The schedule of the constitution and proceedings of boards indicates that expenses incurred by a Board should be shared by the constituent authorities. Consideration will require to be given in due course to the most appropriate basis for a formula.

5. **Electoral Registration Functions**

There may be some potential to incorporate electoral registration functions within the responsibilities of the Joint Board for Valuation. This potential will be examined further and reported to the Council in due course.

RECOMMENDATION: IT IS RECOMMENDED THAT THE ABOVE COMMENTS ON THE VALUATION JOINT BOARD (SCOTLAND) ORDER 1995 BE FORWARDED TO THE SCOTTISH OFFICE, WITH A COPY TO COSLA.

A handwritten signature in black ink, reading "Stanley B. Cook". The signature is written in a cursive style with a large, stylized initial 'S' and a prominent flourish at the end.