



# STANDING ORDERS

FOR MEETINGS OF

LOCH LOMOND & THE TROSSACHS  
NATIONAL PARK AUTHORITY

Approved 26th October 2015

## STANDING ORDERS OF NATIONAL PARK AUTHORITY

<b>Standing Order No.</b>	<b>Description of Standing Order</b>	<b>Page No.</b>
1-2	Introduction	1
3	Park Authority Membership	1
4-9	Proper Officer, Monitoring Officer and Chief Executive	1-2
10-18	Chairing of Meetings and Election and Removal of Convener/ Depute Convener and Chair/Depute Chair of Committees and Groups	2-4
19-22	Quorum and Attendance	4-5
23-27	Schedule of Meetings, Cancellation and Adjournment	5
28-32	Public Attendance at Meetings	5-6
33-36	Deputation	6-7
37-41	Board Papers and Agenda	7-8
42	Confidential and Exempt Papers	8
43-48	Board Decisions	8-9
49-57	Voting Procedures	9
58-60	Declaration of Interests	10
61-62	Board and Committee Minutes	10
63-64	Committees	10-11
65-66	Variation or Amendments and Interpretation of Standing Orders	11
67	Suspension of Standing Orders	11
68	Review of Standing Orders	11
69	Determining Planning Applications	11

# **STANDING ORDERS OF LOCH LOMOND AND THE TROSSACHS NATIONAL PARK AUTHORITY**

## **Introduction**

1. The Loch Lomond & The Trossachs National Park Authority (referred to as the “Park Authority” in the rest of this document) was established on 8 July 2002, by the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 (the “Designation Order”). The Park Authority is a body corporate and makes decisions through its Members, who form the Board of the Park Authority. Under paragraph 19 of schedule 1 of the National Parks (Scotland) Act 2000 (the “Act”), the Park Authority has determined the following procedures regulating its business and proceedings.
2. These Standing Orders set out the procedures which apply to meetings of the Board and of its Committees (but noting that the Planning & Access Committee makes its own Standing Orders). These Standing Orders are in addition to any requirements set out in the Act and in the Designation Order, and any further Acts of Parliament or guidance issued by the Scottish Ministers.

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## **Park Authority Membership**

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3. The Board comprises 17 Members as prescribed in the Designation Order (modified in October 2010). The 17 is made up of 5 Members directly elected in accordance with the Loch Lomond and The Trossachs National Park Elections (Scotland) Order 2002 (the “Election Order”); 6 Members directly appointed by Scottish Ministers; and 6 appointed by Scottish Ministers on the nomination of the relevant Local Authorities. All Members are appointed or elected on an individual basis, and not as representatives of organisations. Duration of appointments is for a period not exceeding 5 years as set out in a Member’s letter of appointment, and in the case of elected Members is until the next Park Authority election held in accordance with the Election Order.

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## **Proper Officer, Monitoring Officer and Chief Executive**

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4. A number of members of Park Authority staff have responsibilities under statute and in terms of these Standing Orders.
5. In accordance with to schedule 1, paragraph 12(3) of the Act, the Governance and Legal Manager has been appointed as Proper Officer of the Board for the purposes of Part IIIA of the Local Government (Scotland) Act 1973 (the “1973 Act”). This means that the Proper Officer is responsible for ensuring that the public shall have appropriate access to meetings and documents of the Board.
6. In addition, the Proper Officer shall have the following responsibilities:

- a. maintaining a register of Members and their interests;
  - b. overseeing the election of Members elected by way of the poll referred to in schedule 1, paragraph 3(2) of the Act; and
  - c. presiding over the process of electing a Convener and Depute Convener of the Board.
7. Pursuant to schedule 1, paragraph 15(1) of the Act, the Director of Corporate Services has been designated as Monitoring Officer to carry out the duties of monitoring officer required by section 5 of the Local Government and Housing Act 1989.
8. The Chief Executive is responsible for overall organisation, management and staffing of the Park Authority. It is the responsibility of the Chief Executive to advise the Board on matters of financial propriety and regularity. The Chief Executive shall have the right to attend all Board meetings and Committee meetings (albeit without voting rights), except for parts of meetings where remuneration or performance of the Chief Executive is being discussed.
9. The Governance and Legal Manager shall also have the right to attend all Board meetings and committee meetings (but shall have no voting rights). The Governance and Legal Manager may be called upon to provide legal advice to the Board on any matter or piece of business under consideration.

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**Chairing of Meetings and Election and Removal of Convener / Depute Convener and Chair/Depute Chair of Committees and Groups**

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10. Meetings of the Board will be chaired by the Convener when he/she is present. When the Convener is absent from a Board meeting, the Depute Convener will chair the meeting. When the Convener and Depute Convener are absent, or where both of those posts are vacant, another Member of the Board, chosen by the Members present, will chair the meeting. Until such time as the vote is taken, the Chief Executive will preside.
11. In accordance with schedule 1, paragraph 11 of the Act, the Board must appoint a Convener and Deputy Convener from among its Members.
12. The Convener and Depute Convener shall be appointed following an election held by the election of Members of the Board. The Proper Officer shall conduct the process as follows:
  - a. The Proper Officer will seek nominations for Convener and/or Depute Convener from Members. Nominations should be made in writing to the Proper Officer up to three weeks in advance of the Board meeting. Any Member may propose another Park Authority Member as Convener or Depute Convener and another Member must second the nomination for it to be valid.

- b. Each Member who has a valid nomination for the post of Convener or Depute Convener will be asked to submit a summary not exceeding 300 words to the Proper Officer for onward circulation to the Board at least two weeks in advance of the Board meeting at which the election will be held, outlining their plans for the role if elected. Each Member who has a valid nomination will also be entitled to make a short statement (maximum of 5 minutes in duration) to the Board meeting.
          - c. Members who are absent from the Board meeting on the grounds of extenuating circumstances may be considered for election in their absence, provided they have indicated to the Proper Officer of the meeting their consent to being nominated and based on a majority vote by those Members present at the meeting in favour of their being considered for election.
          - d. When the posts of Convener and Depute Convener are to be filled at the same meeting, the Convener will be elected first. Any person elected as Convener shall be ineligible for election as Depute Convener.
          - e. In the event of more than one candidate standing, election will be a secret ballot, according to the following rules:
            - Only Members who are present and have heard all presentations from prospective candidates may vote;
            - Members must not cast more than one vote on each round of voting;
            - To be elected, a candidate must gain an absolute majority of the votes cast by those Members present and voting;
            - Where more than one round of voting is required, in each round the candidate with the lowest number of votes will be excluded. Where there is an equality of votes among those candidates who have least votes, the candidate to be excluded will be determined by lot;
            - Where there are only two candidates remaining and there is an equality of votes between them, the successful candidate for the office of Convener or Depute Convener, as the case may be, will be determined by lot.
13. Once appointed, the duration of office of the Convener and Depute Convener shall normally be 3 years, unless the Park Authority specifies a different duration at the time of appointment.
14. The term of office of the Convener or Depute Convener may cease before the end of the period of office if the Convener/Depute Convener:
  - a. ceases to be a Member of the Board;
  - b. resigns from office (as Convener/Depute Convener); or
  - c. is removed by the Board, under the process described below.

15. A Convener or Depute Convener can be removed from office if two thirds of Members support a motion to that effect. Such a motion must be signed by at least 12 Members and notice must be given to the Proper Officer at least two weeks in advance of the Board meeting at which it is to be considered.
16. In the event that the Convener and/or Depute Convener resigns or is removed in the period between Board meetings and there is a significant time period before the next scheduled Board meeting, then an extraordinary Board meeting will be arranged as soon as possible to accommodate election of the vacant appointment(s).
17. Provided that the appointment of the Convener/Depute Convener has not otherwise ceased during the term of office, a new Convener and/or Depute Convener must be appointed before the expiry of the 3 year term of office. Election of the next Convener and Depute Convener shall take place at the last Board meeting before the expiry of the term of office of the current Convener and/or Depute Convener. However, if the date of that meeting is within 6 weeks of the commencement of the appointment of five or more new Board Members, the current Convener and/or Depute Convener will continue in office until the next Board meeting, at which time the election will be held.
18. Committees and Groups will be chaired by the person appointed by the Board as the Chair of that Committee; and in his/her absence, by the Depute Chair who is likewise appointed by the Board. The process for election will be as described in paragraph 12e above.

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### **Quorum & Attendance**

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19. The quorum of the Board meeting will be two thirds of the statutory total number of Members. This will apply regardless of vacancies in membership. No business will be transacted at a Board meeting unless a quorum is present. If the Chair finds during a Board meeting that the number of Members present has reduced below the quorum, the Board meeting shall end at that point. All attendance and absences shall be recorded in the minutes of the Board meeting. The quorum for Committees will be as agreed for each Committee individually but will be subject to Board approval as part of the committee's terms of reference.
20. Members will be expected to attend Board meetings regularly. Participation will normally be in person, but may in exceptional circumstances (with agreement of the Chair) be by telephone conference or video conference. In such circumstances Members will be deemed to be present and constitute part of the Board for the purpose of the meeting.
21. People who are not members of the Board may be invited by the Convener to attend for all or part of the Board meeting, but they will not be entitled to vote.

22. Any Member wishing to leave during the course of the Board meeting must indicate their departure to the Chair, prior to leaving.

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### **Schedule of Meetings, Cancellation and Adjournment**

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23. The Board shall approve in advance of each calendar year a provisional set of dates and venues for its Board meetings. The schedule will be published on the Park Authority website, and posted up in the foyer area of the Park Authority headquarters. If desired by those local authorities it will also be notified to the four local authorities with part of their area within the Park (namely West Dunbartonshire Council, Stirling Council, Argyll and Bute Council and Perth and Kinross Council – collectively the “Councils”).
24. A special Board meeting may be called at any time by the Convener, to consider an urgent item of business. If the Convener is unavailable to call a special Board meeting, the Depute Convener has such authority in his/her place. A special Board meeting can also be called by a written request to the Proper Officer specifying the business to be discussed (including the wording of the proposed motion to be voted upon) and signed by at least 10 Members. The Proper Officer will arrange for the special Board meeting to be held within three weeks of receipt of the written request.
25. Board meetings may be cancelled by the Convener, acting in consultation with the Depute Convener, where there is insufficient business, or where there are other good reasons to do so. One week’s notice must be given of the cancellation of any Board meetings.
26. The Chair with good reason and the agreement of the majority of members may adjourn any Board meeting for a reasonable interval, to a time he/she may then or afterwards fix.
27. The Board may adjourn any meeting for a reasonable interval or to another date as they may agree then, or failing agreement as to a date, the Chair may decide a date at his/her discretion. The vote on a motion to adjourn, on being seconded, will be taken without amendment or discussion and by show of hands. If a motion is made to adjourn and is not carried, a similar motion will not be competent within an hour of the previous motion having been made.

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### **Public Attendance At Meetings**

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28. Without prejudice to the terms of Standing Orders 30 and 31, meetings of the Board will generally be open to the public and representatives of the media, subject to powers of exclusion. If, in the opinion of the Chair of a meeting, any Member of the Board, member of Park Authority staff, or member of the public present at that meeting is incapacitated or not showing proper behaviour, or is behaving in an inconsiderate manner to other Members, Park Authority staff or members of the public, it shall be in the power of the Chair of that meeting to

require that person to leave the meeting in order to suppress or prevent disorderly conduct or other misbehaviour at meetings.

29. Schedule 2, paragraph 12 of the Act provides that access to meetings and documents of the Board and statutory committees are covered by the provisions of Part IIIA of the 1973 Act.
30. By virtue of the provisions of section 50A of the 1973 Act, meetings of the Board and Committees of the Park Authority shall be open to the public, except to the extent that:
  - a) the public shall be excluded under section 50A(2) of the 1973 Act during consideration of an item of business whenever it is likely that, if they were present, confidential information (as defined by section 50A(3) of the 1973 Act) would be disclosed to them; or
  - b) the public may be excluded by resolution of the Board under section 50A(4) of the 1973 Act during consideration of an item of business whenever it is likely that, if members of the public were present, exempt information (as defined in section 50J and Schedule 7A of the 1973 Act) would be disclosed to them.
31. On a motion for adoption of such a resolution being duly moved and seconded, the Chair shall put the same to the meeting without speeches or discussion and, on such a motion being carried, all members of the public present (including representatives of the press but not including members of the Board) shall be directed to leave the meeting. For the avoidance of doubt, members of the public may be excluded from only parts of meetings and may be readmitted to hear the consideration of any business that does not fall within the terms of Part IIIA of the 1973 Act.
32. The Proper Officer has responsibility to advise the Board on such matters.

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## **Deputation**

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33. The Board may hear deputations on any matter that falls within its statutory remit, subject to the following conditions having been met:
  - a. an application for admission setting out the subject matter on which the deputation seeks to be heard must be lodged with the Proper Officer at least two weeks before the Board meeting;
  - b. notice of any such deputation must be entered in the agenda for the Board meeting; and
  - c. a majority of the Board Members present and voting at the meeting must agree to receive the deputation.
34. No deputation shall be received by the Board in relation to any regulatory or quasi-judicial function of the Board where the opportunity of a hearing or deputation has previously been afforded to any person.



35. When a deputation is received, it will be competent for Members of the Board to put to the deputation any questions on the subject matter about which it has addressed the Board, but no Member will express an opinion upon, or discuss the subject, until the deputation has withdrawn to the public area of the meeting room.
36. No deputation will exceed five in number, two of whom may address the Board for a combined total of up to five minutes.

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### **Board Papers and Agenda**

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37. The agenda for a Board meeting will be determined by the Convener and Depute Convener, with advice from the Chief Executive.
38. Members may propose items for the agenda of a Board meeting. This may be done with the agreement of both the Convener and Depute Convener or, in the event of such consent being withheld by either one or both of the Convener and Depute Convener, an item may be included on the agenda if it has the support of at least 10 Members. Any paper presented by Members must be received at least two weeks before the meeting in order to be included on the agenda, and will be subject to the normal rules on Board papers set out in Standing Orders 41 and 42.
39. In addition, as part of its normal business, the Board will consider planning applications falling into the following categories;
  - a. Applications as defined under the Town and Country Planning (Hierarchy of Development)(Scotland) regulations 2008 which shall be determined by the Board as;
    1. 'National' applications (including Pre-Determination Hearings)
    2. 'Major' applications (including Pre-Determination Hearings) where there would be a significant departure from the Development Plan were the application to be approved.
  - b. Applications for 'local developments' which are considered by the Director of Planning, if approved, to represent a major departure from planning policies as set out in the Development Plan. In such occasions, the application will be referred to the next available meeting of the full Board for decision.
40. With the exception of Members' papers and planning applications, Board papers will be prepared by Park Authority officers, and considered and approved by the Chief Executive or jointly by the Executive Team in his/her absence, prior to submission to the Board.
41. All papers and agendas for Board meetings will be available for public inspection 7 working days before the meeting where possible. However,

papers will be permitted up to 3 working days in advance of the meeting as required under Part IIIA of the Local Government (Scotland) Act 1973. This Standing Order does not apply to confidential or exempt papers covered by Standing Order 42. Copies of the papers may be sent to the Councils. Papers will be available for public inspection at the Headquarters of the Park Authority and on their website. The Park Authority will make all reasonable efforts to ensure the papers of the Board and its Committees are made as readily available as possible to members of the public. Additional copies of papers will be available at Board meetings and Committee meetings to members of the public who attend.

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### **Confidential and Exempt Papers**

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42. In accordance with section 50B(2) of the 1973 Act, the Proper Officer may exclude from copies of the reports provided in accordance with Standing Order 42 the whole of any report which, or any part which, relates only to items during consideration of which, in the Proper Officer's opinion, the meeting is likely not to be open to the public.

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### **Board Decisions**

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43. Decisions of the Board will generally be by consensus of attending Members. If it is not possible to reach consensus, the matter will be decided on a vote by an overall majority of Members. Only attending Members will be able to vote and generally this will be done by a show of hands.
44. A Member departing early will be treated as a non-attending Member for the purpose of any decision taken after the time of departure.
45. Written comments on agenda items submitted by Members who are not attending will be circulated to Members. All written comments must be received by the Committee Clerk, no later than 2 working days prior to the Board meeting.
46. Exceptionally, if a Board decision is required urgently and it is not possible to convene a meeting, the Convener or Depute Convener may decide to deal with the matter through correspondence. Such correspondence will clearly state the motion to be decided upon. In such circumstances, individual Members will submit their response to the Convener or Depute Convener in writing and the decision must be confirmed at the next Board meeting.
47. In the event of members wishing to make a decision at a meeting contrary to officer recommendation, the reasons must be clear and minuted. The Board may adjourn discussion of those reasons to a subsequent meeting.

48. A Member may have his/her dissent to a decision of the Board recorded, provided he/she has attended for the whole of the discussion and decision, and asks to record his/her dissent immediately after the decision is concluded.

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### **Voting Procedures**

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49. Where a vote is taken all business will be decided by a majority vote of those present and voting, except in the circumstances where these Standing Orders specify that a two-thirds majority is required. A vote will normally be taken by a show of hands.
50. In the case of an equality of votes, the Chair will have a second or casting vote.
51. A motion for the approval of a report of, or a minute of, the Board will be considered as an original motion and any proposal involving alteration or rejection of the report or minute will be dealt with as an amendment.
52. Every motion or amendment must be moved and seconded. The terms of all motions and amendments must be clearly stated prior to the Member speaking to the motion or amendment. If the Chair decides, a motion or amendment will be written down, signed by the mover and seconder, and given to the Committee Clerk who will read it to the meeting.
53. Where a motion and one amendment only are before the meeting these will be voted on together, but if there are more amendments than one, the amendment last proposed will be put against that immediately preceding and the amendment then carried against the next preceding and so on until there remains only one amendment, between which and the original motion the vote will be taken.
54. Motions or amendments which are not seconded will not be discussed or recorded in the minutes. Except when the vote is taken by roll call, any Member who has moved a motion or amendment and who is in a minority of one will, if she/he asks, have her/his abstention or dissent from the eventual decision recorded in the minutes.
55. A motion or amendment may be withdrawn by the mover if her/his seconder agree. Such a motion or amendment will not be inserted in the minutes.
56. The Chair of the Board has the right to move approval of the report, of, or minute of, the Board.
57. The structure of the debate will be as follows. The mover of the original motion shall speak first. The mover of an amendment has a right of reply. The mover of the original motion may then reply. After the mover of the original motion has replied, the Chair will close the debate, and no other Member will be allowed to speak. The Committee Clerk will announce the terms of the motion and amendment(s) and take the vote.

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## **Declaration of Interests**

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58. The Park Authority holds a register of Members' interests, maintained by the Proper Officer and available for public inspection on the Park Authority's website. The rules on registration and declaration of interests are set out in the Members' Code of Conduct. The register of Members' Interests will be reviewed on not less than a yearly basis.
59. Members are also required, in terms of schedule 1, paragraph 18 of the Act, to declare the nature of any interest (direct or indirect) in any matter which is brought up for consideration at a Board meeting. Whether a relevant and declarable interest exists should be determined by Members individually on the basis of section 5 of the Code of Conduct for Board Members of the Park Authority.
60. At the start of every Board meeting, Members should advise if they are in any way directly or indirectly interested in any item on the agenda. Members must disclose the nature of such an interest to the meeting. Where such a disclosure is made, it must be recorded in the minutes of the meeting. The Member in question must not take any part in the discussions or decisions of the Board in relation to that item.

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## **Board and Committee Minutes**

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61. Minutes of all Board and Committee meetings will be taken by the Committee Clerk or a deputising member of staff designated by the Proper Officer. Taken in conjunction with the papers presented to the meeting, the minutes should provide a correct record of the meeting and the decisions reached, and sufficient detail to indicate the issues discussed in reaching those decisions.
62. A 'first draft' minute will be circulated to Members with the Agenda and papers for the next meeting and should form part of the agenda for the following meeting. Any revisions required by Members will be raised and discussed at the next Board or Committee meeting, although no item of business from the previous meeting shall be opened up for fresh debate. The minutes will be signed by the Chair as a correct record (subject to any amendments agreed). Approved minutes will be posted on the Park Authority website and can be viewed at the Park Authority Headquarters.

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## **Committees**

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63. In accordance with schedule 1 paragraph 17 of the Act, the Board may establish Committees, and may appoint onto those Committees people who are not Members, but a majority of Committee Members must be Members. The Board may delegate functions and decisions to Committees, or to officers of the Park Authority. The Board shall decide the remit, membership, chairmanship and depute chairmanship of Committees except where the Standing Orders for

that Committee permit a Chair to be nominated in the absence of the Chair and Depute Chair of that Committee. Committees shall report direct to the Board.

64. These Standing Orders will apply to the Committees set up by the Board.

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### **Variation, Amendments and Interpretation of Standing Orders**

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65. These Standing Orders may be varied, revoked or altered only by the Board and any such alterations will require the consent of the majority of Members present at such a meeting. Notice of the intention to bring forward proposed amendments to Standing Orders must be signified at the previous Board meeting. Notwithstanding this provision, no Standing Order may be varied or amended if this would contravene any statutory or other legal provision or direction made by Scottish Ministers.
66. The Convener in consultation with the Proper Officer or Committee Clerk will have discretion, with or without discussion with other Members, to determine all questions of procedure where no specific provision is made under these standing orders.

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### **Suspension of Standing Orders**

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67. Providing it is consistent with any statutory provisions, any one or more of the Standing Orders can be suspended at any meeting, provided that two-thirds of those Members present agree.

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### **Review of Standing Orders**

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68. A periodic review at not less than two yearly intervals of the Standing Orders will be undertaken by the Proper Officer to consider whether amendments should be proposed to the Board.

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### **Determining Planning Applications**

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69. Where the Board is determining Planning Applications under the terms of Standing Order 39 it shall be governed by the relevant Standing Orders of the Planning and Access Committee and adopt the voting procedures therein. The powers of the Chair and Vice-Chair of the Planning and Access Committee shall be assumed by the Convener and Depute Convener of the Board respectively in such circumstances.

**Other Provisions which together with these Standing Orders, provide for the conduct of Board meetings**

**National Parks (Scotland) Act 2000: Schedule 1, paragraph 18**

- Declaration of Members' interests

**Local Government (Scotland) Act 1973, Part III (by virtue of Schedule 2, paragraph 12, of the National Parks Scotland) Act)**

- Access to Meetings and Documents

**Members' Code of Conduct**

- Registration of Interests