

NESS DISTRICT SALMON FISHERY BOARD

General Voting Procedures

INTRODUCTION

In line with our general policy to be as open as possible about the way we conduct our business, the Ness District Salmon Fishery Board has produced the following 'General Voting Procedure'. This procedure will be reviewed on an annual basis, with a view to determining whether it is meeting local needs.

Specific voting requirements apply to the election and co-option of members of district salmon fishery boards. These are not covered in this paper, but can be found in Schedule 2 (introduced by section 43) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 ("the Salmon Act")

Section 46 of the Salmon Act deals describes 'proceedings of district salmon fishery boards'. The key points regarding general voting procedures are set out below in addition to current Board policy.

CONVENING OF MEETINGS

Ordinary Board meetings - The board holds a minimum of four 'ordinary' board meetings each year, during which it is expected that the majority of its business will be carried out (together with an annual meeting of qualified proprietors and annual public meeting). The provisional dates of forthcoming board meetings are published in advance in the annual report, with notification of the final dates being posted on our website and circulated to proprietors at least 21 days prior to the meeting.

Special Board Meetings - Special Board Meetings may be called in two circumstances:

- a) The chairman may call a special meeting to discuss something important, unusual or urgent. The clerk shall inform each member of the date, time and place of and the agenda for that meeting. The request may be communicated and stored electronically.
- b) Under Section 46(6) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, on the written request of any two members of the board, the chairman shall be bound to convene a meeting of the board within fourteen days of receiving the request and the clerk shall give notice to each member of the date, time and place of and the agenda for that meeting, and the request mentioned in this subsection may be communicated and stored electronically.

QUORUM

Under Section 46(2) of the 2003 Act, a district salmon fishery board shall determine the quorum for their meetings.

Voting members include representatives of qualified proprietors (or their mandatories) and co-opted members. The current board members (elected in September 2013 for a three year period) are as follows:

Representatives of Upper Proprietors	Michael Martin, Chairman (Mandate Dochfour, River Ness) David Sutherland (Proprietor Ness Castle, River Ness) Ryan Rutherford (Mandate Ness-side, River Ness) Angus McGruer (Mandate, River Oich) Annie Girvan (Mandate, River Moriston) Dr Robert Morgan (Mandate, River Garry)
Representatives of Lower Proprietors	Cllr Ken Gowans (Mandate Highland Council, River Ness)
Co-optees	Alexander Patience (Netsmen) Graham Mackenzie (Ness District Anglers) Eric Craig (Inverness Angling Club) Neil Cameron (Ness and Beaully Fisheries Trust)

With a total of eleven votes available in the current board, a minimum of five voting members must be present to constitute the quorum. This will be reviewed at the next triennial election or following any changes to the board.

VOTING ENTITLEMENT

Under Section 46(3) of the 2003 Act at any meeting of the board, each member shall have one vote, subject to the following exceptions:

- a) The chairman, in that capacity, shall have both a casting and a deliberative vote; and
- b) A person who is both an upper proprietor and a lower proprietor by virtue of section 40(5) of this Act shall have a vote in either capacity or in both capacities according to the capacity or capacities in which that person has been elected or co-opted.

VOTING PROCEDURES

General - At any meeting of the board, the chairman shall agree a list of all the motions for resolution at the meeting. Board members may request the Chairman to put a motion to the Board.

The Chairman should facilitate discussion of issues to be voted on to attempt to secure a consensus on each motion. The Chairman shall permit each member the opportunity to make a brief statement setting out their views on the issues under discussion.

Declaration of Interests - Prior to any vote, members shall declare if they have any 'members interests' for the purposes of Section 46 of the 2003 Act. Such interests include those of a pecuniary nature that might have an influence on a member's view of the matter under consideration. If the member has any doubts he should consult the Boards policy on member interests and/or discuss the

issue with the clerk. A board member shall be excluded from taking part in the board's consideration of any business in which the member has a relevant 'member's interest'. The chairman shall exercise his discretion as to whether to allow the affected member to remain present during the discussions or whether to ask him to withdraw.

The Vote - Voting procedure will be at the discretion of the Chairman. Voting shall normally be by roll-call, which shall be taken in alphabetical order of the names of the members, starting with the member whose name is drawn by lot by the chairman. The name of each member shall be called in all roll-calls, and its representative shall reply “yes”, “no” or “abstention”. Unless otherwise decided by the Board, the vote of each member participating in a roll-call shall be recorded.

All decisions of the Board shall be taken by a majority of the votes cast. For the purposes of this rule, votes cast shall mean affirmative and negative votes.

Secret Ballots - In the exceptional cases when the board decides that voting shall be by secret ballot, each member shall receive one or more ballot papers each indicating a specific number of votes, which shall be so distributed that the total number of votes specified on the papers received by any member shall equal the number of votes he is entitled to cast.

Each member may indicate his or her vote on all the papers he receives and deposit them in the ballot boxes, from which they shall be taken and counted by the clerk of the board.

Minutes - The clerk shall keep a minute of the meeting that includes details of all votes put to the Board and the results thereof. The minute shall be signed by the Chair and shall be considered conclusive evidence of the proceedings.

VOTING BY CORRESPONDENCE

When, in the opinion of the chairman, an action must be considered by the board as a matter of urgency, but does not warrant the calling of a session of the Board, the chairman shall transmit to each voting member, by any rapid means of communication, a motion embodying the proposed action with a request for each member to vote thereon.

Votes shall be cast within such reasonable period as the chairman shall prescribe, at the expiration of which he shall record the results and notify all voting members. Voting members may cast a “yes”, “no” or “abstain” vote by submitting a written reply by facsimile transmission, email or letter.

The absence of a written reply by the deadline prescribed by the chairman shall not indicate an abstention, but rather the absence of the member from the voting procedure. The vote shall be valid if replies (including abstentions) are received from a majority of its voting members. With a total of twelve votes available in the current board, a minimum of seven replies would be required.