

# **PROCEDURE RULES**

## PROCEDURAL STANDING ORDERS

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## PART 1: PRELIMINARY

### STANDING ORDER 1: DEFINITIONS

- 1.1. In these standing orders, unless the context otherwise demands, the following terms have the meaning assigned to them:
- 1.1:1 "Authority" - the Merseyside Fire and Rescue Authority;
  - 1.1:2.1 "Chief Officer" - the Chief Executive & Chief Fire Officer for the time being employed by the Authority;
  - 1.1:2.2 "Chief Finance Officer" – the officer appointed as having the responsibility for the proper administration of the Authority’s affairs pursuant to s.151 of the Local Government Housing Act 1989 (“the 1989 Act”).
  - 1.1:2.3 “Monitoring Officer” – the officer appointed as Monitoring Officer to the Authority pursuant to s. 5 of the 1989 Act.
  - 1.1:3 "Committee" - a Committee or Sub-Committee of the Authority;
  - 1.1:4 "Employee" - an employee of the Authority or the holder of a paid office under the Authority other than the Chairman and Vice-Chairman;
  - 1.1:5 "Meeting" - a meeting of the Authority, a Committee or a Sub-Committee, as the case may be;
  - 1.1:6 "Member" - in relation to the Authority, a Member appointed as a Member of the Authority and in relation to any committee or Sub-Committee a person appointed as a Member of that Committee or Sub-Committee;
  - 1.1:7 "Independent Member" – a Member appointed by the Authority pursuant to the Standards Committee (England) Regulations 2008;
  - 1.1:8 "Number of Members" - in relation to the Authority, the number of persons who may act at the time in question as voting Members of the Authority, and in relation to a Committee or Sub-Committee, the number of persons who may act at the time in question as voting members of that body;
  - 1.1:9 "Person Presiding" - the person entitled, or appointed, to preside at any Meeting;
  - 1.1:10 "Political Group" - a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990;
  - 1.1:11 "Proper Officer" - for the purposes of all Standing Orders means the Monitoring Officer and for the purposes of Standing Order 29 includes the additional persons specified therein;
  - 1.1:12 "Standing Orders" - means Procedural Standing Orders and Contract Standing Orders unless otherwise stated;
  - 1.1:13 "Sub-Committee" - a Sub Committee of a Committee;

- 1.1:14 "The 1972 Act" - the Local Government Act 1972;
  - 1.1:15 "The 1985 Act" the Local Government Act 1985;
  - 1.1:16 "The 1989 Act" - the Local Government and Housing Act 1989;
  - 1.1:17 "Without Comment" - in relation to the moving, seconding or putting of a motion, means without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the Person Presiding) the effect of adopting the motion.
- 1.2 Unless the context otherwise requires, the singular includes the plural and the plural includes the singular and references to the male gender includes reference to the female gender.
- 1.3 Any reference in any Standing Order to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that standing order bearing that number.

**STANDING ORDER 2: STANDING ORDERS**

- 2.1 The Authority shall approve Procedural Standing Orders and Contract Standing Orders at its annual Meeting.
- 2.2 No arrangements shall be made whereby a Committee, Sub-Committee or officer may exercise any power of the Authority to vary, revoke or add to these Standing Orders.
- 2.3 Except where it is in accordance with a recommendation of a Committee, any motion to amend, revoke or add to these Standing Orders, when moved and seconded, shall stand adjourned without further discussion to the next ordinary meeting of the Authority, and shall stand referred to such Committee as the Authority shall direct for report to that Meeting.
- 2.4 This Standing Order and Procedural Standing Order 18.1 (Minutes), are not capable of being suspended.
- 2.5 Any of Procedural Standing Orders 4, (Meetings) 7.3 (Order of Business), 8.1 (Notice of Motion), 12.5, 12.6 and 12.7 (Requisition of Meeting), 15 (Order of Business) and 17.1 and 17.2 (Referring up) may be suspended by the Authority but only if:
  - 2.5:1 notice of the intention to move such suspension has been included in the agenda for the meeting; and
  - 2.5:2 no Member of the Authority present at the meeting at which such a motion is made objects to such suspension.
- 2.6 Any of the other Standing Orders may be suspended by the Authority provided that either:
  - 2.6:1 Notice of intention to move such suspension has been included in the agenda for the Meeting; or
  - 2.6:2 At least one half of the Number of Members of the Authority are present.

- 2.7 A suspension under paragraphs 2.5 or 2.6 shall have the effect that the Standing Order suspended is not in force during the period of suspension. A suspension under paragraph 2.5 shall last for the period specified in the resolution to suspend the Standing Order, which shall not extend beyond the next Annual Meeting of the Authority. If no period is specified the suspension shall last only for the Meeting at which it is adopted.
- 2.8 A printed copy of these Standing Orders shall be given to each Member following the Annual Meeting of the Authority, as part of the Constitution of the Authority.
- 2.9 The ruling of the Person Presiding at any Meeting as to the construction or application of any of these Standing Orders shall not be challenged at that Meeting.
- 2.10 Any of the Authority's Contract Standing Orders may be waived or suspended by the Authority or a Committee of the Authority acting with delegated powers provided that such a waiver or suspension shall not release the Authority from its obligation to comply with all statutory and regulatory requirements relating to procurement.

## **PART 2: MEETINGS OF THE AUTHORITY**

### **STANDING ORDER 3: ORDINARY MEETINGS OF THE AUTHORITY**

- 3.1 The Annual Meeting of the Authority shall be held on such date in June to be determined by the Authority which ensures the participation of any new Members who may be appointed by constituent councils in that year and shall take place at Fire Service HQ, Bridle Road, Liverpool at 1.00 p.m. (or such other place and time as determined by the Authority or a Committee of the Authority ).
- 3.2 Other ordinary meetings of the Authority for the transaction of general business shall be held at Fire Service HQ, Bridle Road, Liverpool. (or at such other place and at such time as determined by the Authority or a Committee of the Authority).
- 3.3 Where it is appropriate to change the date time or place of a Meeting, the Meeting shall take place on such date, place or time as determined by the Member Liaison & Support Manager in consultation with the Chairman of the Authority and Opposition Spokespersons.

### **STANDING ORDER 4: EXTRAORDINARY MEETINGS OF THE AUTHORITY**

- 4.1 The Chair of the Authority may at any time call an extraordinary meeting of the Authority.
- 4.2 If the office of Chair is vacant, or if the Chair is unable to act for any reason the Vice-Chair of the Authority may at any time call an extraordinary meeting of the Authority
- 4.3 Three Members of the Authority may call an extraordinary meeting of the Authority if a request for such a meeting signed by such Members of the Authority has been presented to the Chair of the Authority and either he has refused to call a meeting or, without him so refusing, no extraordinary meeting has been called within seven days of the presentation of the request.
- 4.4 Any request under paragraph 4.3. may be presented to the Chair by being left for him with the Proper Officer.

- 4.5 Where any person or persons decides to call an extraordinary meeting of the Authority she/he shall inform the Member Liaison & Support Manager that she/he has done so, the business to be transacted and the date and time for which the meeting is called. The Member Liaison & Support Manager shall thereupon ensure that the notice and summonses required by paragraph 4(2) of Schedule 12 to the 1972 Act are published and sent.
- 4.6 Any extraordinary meeting of the Authority which may be called shall be held at Fire Service HQ, Bridle Road, Liverpool or such other place as the Monitoring Officer in consultation with the Chair of the Authority may appoint.
- 4.7 No extraordinary meeting shall be called unless it is proposed to transact at the Meeting business which, in accordance with the relevant enactments and these Standing Orders, may be transacted at that meeting.
- 4.8 Where in relation to any meeting of the Authority the next such meeting is an extraordinary meeting, the next following meeting of the Authority shall be treated as a suitable meeting for the purposes of (signing of minutes).

#### **STANDING ORDER 5: PERSON PRESIDING AT MEETINGS OF THE AUTHORITY**

- 5.1 The Person Presiding at the commencement of the Annual Meeting to consider the election of a Chair of the Authority shall be:-
- 5.1:1 The Chair of the Authority for the previous municipal year of the Authority; or
  - 5.1:2 If she/he is absent or unable to act the Vice Chair of the Authority for the previous municipal year of the Authority; or
  - 5.1:3 If she/he is absent or unable to act such Member as is appointed by the Authority.
- 5.2 Thereafter the Person Presiding at meetings of the Authority shall be:
- 5.2:1 The Chair of the Authority; or
  - 5.2:2 In the absence of the Chair of the Authority, the Vice Chair of the Authority; or
  - 5.2:3 In the absence of the Vice Chair of the Authority and the Chair of the Authority a Member of the Authority appointed by the Authority.
- 5.3 If it is necessary to choose a member of the Authority to preside in the absence of the Chair and Vice Chair, the Proper Officer shall call on a Member of the Authority to move that a Member of the Authority be named by that Member shall take the chair.
- 5.4 If discussion arises on that motion, the Proper Officer shall exercise the powers of the Person Presiding to regulate that discussions, and to maintain order at the meeting.
- 5.5 The motion, and any amendments, shall be put to the Meeting in accordance with standing order 22. 5 (voting on appointments).

## **STANDING ORDER 6: QUORUM OF MEETINGS OF THE AUTHORITY**

- 6.1 No business shall be transacted at any meeting of the Authority unless at least five voting Members are present.
- 6.2 If, during any meeting of the Authority, the Person Presiding, after causing the number of Members present to be counted, declares that there is not a quorum present, the Meeting shall stand adjourned for fifteen minutes.
- 6.3 If, after fifteen minutes, the Person Presiding after again causing the number of Members present to be counted, declares that there is still no quorum present, the Meeting shall end.
- 6.4 Notwithstanding any provision in these Standing Orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph and which has not been completed before the meeting is brought to an end shall be postponed to the next meeting of the Authority, whether ordinary or extraordinary.

## **STANDING ORDER 7: ORDER OF BUSINESS AT MEETING OF THE AUTHORITY**

- 7.1 Unless the Authority otherwise orders in accordance with Standing Order 7.3, the order of business at every meeting of the Authority shall be:-
  - 7.1:1 In the absence of the Chair and Vice Chair, to choose a Member of the Authority to preside;
  - 7.1:2 at the Annual Meeting, and at any other Meeting which is the first after the office of Chair shall have become vacant, to elect a Chair;
  - 7.1:3 at the Annual Meeting, and at any other Meeting which is the first after the office of Vice Chair shall have become vacant, to appoint a Vice Chair;
  - 7.1:4 to approve as a correct record the minutes of the last meeting of the Authority, and of any earlier Meeting of which the minutes have not been so approved, and for the Person Presiding to sign them; except where the minutes of all earlier meetings of the Authority have already been signed as a correct record, or in accordance with Standing Order 18, any unsigned minutes are to stand over until the next suitable Meeting;
  - 7.1:5 to consider declarations of interests by Members;
  - 7.1:6 to receive communications from the Person Presiding;
  - 7.1:7 where the meeting has been requisitioned by Members under Standing Order 4.3, to consider the business specified in the summons;
  - 7.1:8 where a Meeting has been summoned to consider:
    - 7.1:8.1 the promotion or opposition of a bill under section 239 of the 1972 Act;
    - 7.1:8.2 a report from the Chief Financial Officer under section 114 of the Local Government Finance Act 1988;



- 7.1:8.3. a report of the Monitoring Officer under section 5 of the 1989 Act,  
to consider the business for which the meeting has been summoned;
- 7.1:9 To receive petitions for Members of the Authority;
- 7.1:10 The asking and answering of questions under Standing Order 9;
- 7.1:11 To consider items of business, if any, which were on the agenda of Committees in the order prescribed under paragraph 7.2;
- 7.1:12 To receive and consider reports, minutes and recommendations of Committees in the order prescribed under paragraph 7.2;
- 7.1:12 To consider motions of which notice has been submitted by Members of the Authority in accordance with Standing Order 8 in the order in which they are recorded as having been resolved;
- 7.1:13 To consider other business, if any, specified in the summons for the meeting.
- 7.2 The items of business under paragraph 7.1. shall be considered in the order in which they are listed in the agenda for the Meeting, and that order shall be in accordance with arrangements determined from time to time by the Authority.
- 7.3 The order of business in paragraph 7.1 may be varied by direction of the Person Presiding, made with the unanimous consent of the Members present, but not so as to alter the order of items set out in paragraphs 7.1:1 to 7.1:7.
- 7.4 If the Persons Presiding decides that an item of business which has not been included in the agenda for the Meeting sent with the summons, may be taken for reasons of urgency, that item shall subject to any direction or resolution under paragraph 7.3 be taken at the end of the other items of business:
- 7.5 For the purposes of this Standing Order 7.1:2 and 7.1:3 a vacancy in the office of Chair and Vice Chair shall be deemed to have occurred where the holder of such office:
- 7.5:1 Has ceased to be a Member of the Authority by reason of termination of appointment;
- 7.5:2 Has ceased to be a Member of the Authority by reason of ceasing to be a member of the constituent Council at the time of notice to the Authority;
- 7.5:3 In any other case on the date of the declaration or receipt of the notice or resignation.

#### **STANDING ORDER8: NOTICES OF MOTIONS TO AUTHORITY**

- 8.1 Any Member of the Authority may give notice of motion for consideration at any Meeting of the Authority.

- 8.2 Every motion shall be relevant to some matter in relation to which the Authority has a function.
- 8.3 Notice of every motion to be moved at a meeting of the Authority other than a motion which, (under Standing Order 19), may be moved without notice, shall be given in writing, and signed by the Member or the Members giving notice. The notice shall state for which Meeting of the Authority the notice is given
- 8.4 Unless the Person Presiding at the meeting is of the opinion that a motion should be considered as a matter of urgency, notice of every motion of which notice is required shall be delivered to the Proper Officer [by hand, fax or e-mail] at least 6 (six) clear working days before the meeting for which the notice is given.
- 8.5 The Proper Officer shall not accept any notice of motion which, by reason of any enactment or any provision in these standing orders (other than paragraph 8.8 below), could not be considered at the meeting for which it is given.
- 8.6 The Proper Officer shall record the time and date at which every such notice is delivered to her/him. That record shall be open to the inspection of every Member of the Authority.
- 8.7 A motion shall only be moved by a Member by whom notice has been given, or by a Member authorised by such a Member.
- 8.8 Where notice of a motion has been given for any meeting, and that motion is neither moved (nor deemed to have been referred to a Committee), the notice shall lapse, and the motion shall not be moved without further notice.
- 8.9 Subject to Standing Order 8.10 below, where a notice of motion has been given for any meeting of the Authority, and that motion is within the terms of reference of any Committee of the Authority, the motion shall be deemed to have been transferred by that meeting to the next meeting for the Committee or Committees within whose terms of reference it falls. If any question arises as to the Committee to which the motion is to be referred, it shall be determined by the Chair of the Authority.
- 8.10 Where a motion has been referred, or is deemed to have been referred, to a meeting of a Committee, that committee shall consider it at its next meeting and shall either report upon the motion to the next meeting of the Authority, or include its views upon the motion in its next report to the Authority.
- 8.11 No motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the same Authority Municipal Year or which is to the same effect as one which has been rejected within that period.

#### **STANDING ORDERS 9: QUESTIONS**

- 9.1 Every question shall be relevant to some matter in relation to which Authority has functions.
- 9.2 Subject to Standing Order 9.2 if a Member of the Authority wishes to ask a question at a meeting of the Authority of :
- 9.2:1 The Chair of the Authority; or
- 9.2:2 The person appointed or chosen to preside in any committee,

She/he shall give notice in writing to the Proper Officer of the question at least seven working days before the meeting at which the question is to be asked.

- 9.3 A list of the questions of which notice has been given shall be circulated to Members of the Authority at, or before, the meeting at which they are to be asked.
- 9.4 If the Person Presiding at a meeting of the Authority considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Authority although due notice of the questions has not been given, and if she/he is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, she/he may permit the question to be asked.
- 9.5 Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer it. If the Person Presiding permits, the Member asking a question may ask one relevant supplementary question which shall be put and answered without discussion
- 9.6 An answer to a question may be given by the person to whom it is addressed or by a person on her/his behalf, and may take the form of:
  - 9.6:1 An oral answer;
  - 9.6:2 Reference to information contained in some publication;
  - 9.6:3 Written answer, which shall be circulated to Members of the Authority at the latest with the summons for the next meeting of the Authority.
- 9.7 No question shall be asked more than 10 minutes after the Authority has entered on the item of business under which questions are asked.
- 9.8 If notice of a question has been given, and that question is not for any reason asked orally, and unless the Member who has notice of it withdraws the question or the Member to whom it is addressed refuses to answer, the question shall be given a written answer in the same way as under paragraph 9.5:3.

#### **STANDING ORDER 10: PRESENTATION OF PETITIONS, HEARING OF DEPUTATIONS AND OCCASIONS WHEN PUBLIC MAY SPEAK**

- 10.1 At a meeting of the Authority any Member of the Authority or local government elector for the area of the Authority may present a petition which is relevant to some matter in relation to which the Authority has functions but excluding matters of conditions of service of employees.
- 10.2 At least seven days before the meeting at which the petition is to be presented, the person wishing to present it shall give notice of her/his intention to do so to the Proper Officer and shall show the petition to her/him. Where the person proposing to present the petition is not a Member of the Authority the notice of intention to present a petition shall not be accepted unless the Proper Officer has satisfied herself/himself that the petition is proper to be presented.
- 10.3 The presentation of a petition shall be limited to not more than 5 minutes and shall be confined to reading out or summarising the subject of the petition indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.

- 10.4 Any person likely to be affected by a matter in relation to which the Authority has functions, (other than employees in relation to matters of conditions of service) may ask that a deputation should be received by a meeting of the Authority. Such a request shall be made to the Proper Officer at least seven days before the meeting to which it relates. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them).
- 10.5 On being called by the Person Presiding, the person or persons speaking for the deputation may make, during a period not exceeding five minutes, such remarks as she/he or they think fit, providing that the remarks shall relate to the matter indicated.
- 10.6 The Members of the Authority may, during a further period not exceeding five minutes for each deputation, ask questions of the members of the deputation. Such questions shall be asked and answered without discussion.
- 10.7 Petitions shall be presented, and deputations received in the order in which notice of them is received by the Proper Officer, without making any distinction between petitions and deputations.
- 10.8 Subject to the provisions of Standing Order 10.1 to 10.7, no members of the public shall be entitled to speak or address a meeting without the permission of the Person Presiding.

### **PART 3: COMMITTEES AND SUB-COMMITTEES**

#### **STANDING ORDERS 11; APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES**

- 11.1 Subject to the provisions of the 1972 Act, and other relevant enactments, at its annual meeting, the Authority:
- 11.1:1 Shall resolve which Committees shall be appointed, the terms of reference of each of those Committees, the number of voting Members appointed to each Committee; and whether the Committees are to have delegated powers;
  - 11.1:2 May resolve that non-voting Members, assessors and advisers shall also be appointed to any such Committee, so far as the law permits.
  - 11.1:3 If it resolves to make appointments under Standing Order 11.1:2, shall specify the numbers of appointments to be made and what functions in relation to the Committee each person so appointed may discharge;
  - 11.1:4 May determine an annual timetable for ordinary meetings of Committees.
- 11.2 The Authority may at any time amend resolutions under the previous paragraph.
- 11.3 Every Committee set up under this Standing Order, and every Sub-Committee set up by such a Committee, shall continue to discharge the functions committed to them until the Authority or Committee, as the case may be, resolve otherwise.

11.4 The Authority may at any time appoint two named alternate Members from within its full Membership as persons – either of whom - are entitled to attend Committees with full voting rights in the absence of the original Member for whom they are named as alternates, subject to the following:

11.4:1 An alternate for an original Member who is Chair or Deputy Chair of a Committee or a Sub – Committee shall not automatically be entitled to act in that capacity but may do so in accordance with provisions of Procedural Standing Order 13.4:3.

11.4:2 The agenda for any Meeting shall only be supplied to an alternate Member at the time of initial circulation if prior notice of proposed absence has been received by the Proper Officer from the original Member;

11.4:3 Attendance as an alternate at a Meeting shall be classed as an approved duty;

11.4:4 if as a consequence of the application of this Standing Order a Member is appointed as an alternate Member for more than one original Member on the same Committee or Sub – Committee, she/he shall not be entitled to choose for which absent original Member to act but shall in every case act as alternate for the Member whose surname has alphabetical priority;

11.4:5 Decisions relating to the nomination of alternate Members or variations thereto may be taken by the Authority at any meeting

11.4:6 No alternate may be appointed in respect of the independent Members appointed to the Authority Standards Committee from time to time

11.5 Every person appointed as a voting Member of such a Committee or Sub-Committee and every person appointed to exercise other functions in relation to a Committee shall continue as such until the appointment is terminated upon:-

11.5:1 Receipt of written notification of their resignation from the Authority;

11.5:2 Notification from their nominating Council that she/he is to be replaced or has been disqualified or has retired as a district Councillor;

11.5:3 Failure to be successfully re-elected as a Councillor;

11.5:4 Termination pursuant to Standing Order 11.16.

11.5:5 Termination pursuant to S.52 (1) of the Local Government Act 2000 (failure to provide undertaking or comply with any other legislative provision.

11.6 Whenever:-

11.6:1 The Authority is required to review the allocation of seats on Committees between Political Groups; or

11.6:2 The Authority resolves to carry out such a review; or

11.6:3 a Committee is required to review the allocation of seats on a Sub-Committee between Political Groups or;

- 11.6:4 a Committee resolves to carry out such a review;
- the Proper Officer shall submit a report to the Authority or Committee (as the case may be), showing what allocation of seats would, in her/his opinion, best meet the requirements for proportionality.
- 11.7 In the light of such a report, the Authority or Committee, as the case may be, shall determine the allocation of seats to Political Groups.
- 11.8 A Political Group shall be treated as constituted when the Proper Officer has received a notice in writing signed by two or more Members or the Authority stating:-
- 11.8:1 That the Members who have signed it wish to be treated as a Political Group;
- 11.8:2 The name of the Group; and
- 11.8:3 The name of one Member of the Group who has signed the notice and who is to act as its Leader
- 11.9 The notice referred to in Standing Order 11.8 may specify the name of one other Member of the Group who has signed the notice and who is authorised to act in the place of the Leader.
- 11.10 The Leader may be changed by a further notice in writing to the Proper Officer signed by a majority (i.e. more than 50%) of the Members of the Group.
- 11.11 The name of the Group may be changed by a further notice in writing to the Proper Officer signed by the Leader of the Group or a majority (i.e. more than 50%) of the Members of the Group
- 11.12 A Member of the Authority is to be treated as a Member of a Political Group if she/he has signed a notice in accordance with paragraph 11.8 or if she/he has delivered to the Proper Officer a written notice signed by her/him and by the Leader (or representative) of the Group of a majority (i.e. more than 50%) of Members of the Group stating that she/he wishes to join the Groups.
- 11.13 A person is to be treated as having ceased to be a Member of a Political Group when:
- 11.13:1 She/he has ceased to be a Member of the Authority;
- 11.13:2 She/he has notified the Proper Officer in writing that she/he no longer wishes to be treated as a Member of the Group;
- 11.13:3 She/he joins another Political Group;
- 11.13:4 The Proper Officer receives a notice in writing signed by a majority of Members of the Group stating that they no longer wish her/him to be treated as a Member of it.
- 11.14 No person shall be treated as a Member of more than one Political Group at any given time.

- 11.15 The Proper Officer shall keep and maintain a record of the current membership of each Group.
- 11.16 Whenever an appointment of a voting Member of a Committee or Sub-Committee fails to be made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment fails to be terminated in accordance with such wishes, then the Authority or the Committee, as the case may be, at a meeting after those wishes are expressed, shall make or terminate the appointment accordingly.
- 11.17 In order to facilitate appointment of voting Members of Committees, Group Leaders shall submit nominations for membership of committees (in accordance with the allocation of seats) to the Proper Officer as soon as possible:-
- 11.17:1 At the Annual Meeting or as soon as possible;and
- 11.17:2 Following variations to membership nominations during the remainder of the Municipal Year and in any event at least one week prior to the next meeting of the Committee concerned
- 11.18 Subject to any resolutions by the Authority under this Standing Order:
- 11.18.1 every Committee may appoint Sub - Committees for such purposes as it thinks fit, and may make arrangements for a Sub - Committee to discharge any of the functions of the Authority which the Committee may discharge;
- 11.18.2 Where a matter has been delegated to a Committee, the Committee may further delegate the matter to a Sub-Committee unless the Authority otherwise directs.

## **STANDING ORDER 12: MEETINGS OF COMMITTEES AND SUB - COMMITTEES**

- 12.1 The Authority may fix the date, time and place of ordinary meetings of Committees and Sub – Committees.
- 12.2 If the Authority does not fix the date, or time, or place of an ordinary meeting of a Sub – Committee, then the Committee which appointed it to may do so
- 12.3 If the date, time, or place of an ordinary meeting of a Committee or Sub – Committee, has not been fixed by the Authority or the appointing Committee (as the case may be,) then that Committee or Sub – Committee shall fix those details of the meeting which have not otherwise been fixed provided that:
- 12.3:1 For the first ordinary meeting of any Committee or Sub – Committee, the Chair of the Authority or, if a person has been appointed to preside in a Committee, that person may fix any details which have not otherwise been fixed;

- 12.3:2 for any other meeting of a Committee Or Sub – Committee, the Chair of the Authority or the Person Presiding in that Committee or Sub – Committee, after consultation (so far as practicable) with such persons as appear to her/him to be representative of the political groups to which have been allocated seats on the Committee or Sub – Committee, may cancel or change any of the details of place, date or time already fixed for a meeting of the Committee or Sub – Committee, other than one called under Standing Order 12.5.
- 12.4 The Person Presiding at meetings of a Committee or Sub – Committee, her/his deputy, or the Chair of the Authority may call a special meeting of the Committee or Sub – Committee at any time.
- 12.5 If:-
- 12.5:1 a request for a special meeting of a Committee or Sub – Committee, signed by at least two of the voting Members of a Committee or Sub – Committee, has been presented to the person appointed to preside at their meetings; and
- 12.5:2 either she/he has refused to call a meeting or, without her/him so refusing, no special meeting has been called within seven days of the presentation of the requisition.
- Then any two Members of the Committee or Sub Committee, whichever is the greater, may forthwith request a special meeting of the Committee or Sub Committee.
- 12.6 If any person decides to request a special meeting of a Committee or Sub – Committee, she/he shall forthwith give notice that she/he has done so to the Proper Officer, specifying the business proposed to be transacted. The Proper Officer shall forthwith give notice to all Members of the Committee or Sub – Committee and all persons entitled to receive their papers.
- 12.7 Any requisition under paragraph 12.5 may be presented by leaving it with the Proper Officer

### **STANDING ORDER 13: PERSONS PRESIDING IN COMMITTEES AND SUB – COMMITTEES**

- 13.1 The Authority may appoint, from among the voting Members, a person to preside at the meeting of a Committee or Sub – Committee appointed by it, and or a person to preside in the absence of the first person.
- 13.2 If any appointment possible under the previous paragraph is not made, a Committee may appoint, from among the voting members, a person to preside at the meetings of any Sub – Committee appointed by it, or a person to preside in the absence of the first person, as the case may be.
- 13.3 If any appointment possible under the previous paragraph is not made, a Committee or Sub – Committee at its first meeting after the annual meeting of the Authority shall, from among their voting Members, appoint a person to preside at their Meetings, and may, in the same way, appoint a person to preside in the absence of the first person.



- 13.4 The Person Presiding at meeting of Committees and Sub – Committees of the Authority shall be:-
- 13.4:1 The person appointed as Chair of that Committee as the case may be
- 13.4:2 If she/he is absent or unable to act as Chair, the Deputy Chair of that Committee or Sub Committee (if a Deputy Chair has been appointed);or
- 13.4:3 If both the Chair and Deputy Chair are absent or unable to act a Member of the Committee or Sub – Committee as the case may be chosen by the voting Members of that Committee or Sub – Committee.
- 13.5 If it is necessary for the Committee or Sub – Committee to appoint a person to preside, the Proper Officer shall call on a Member or the Committee or Sub – Committee to move that a voting member of the Committee or Sub – Committee shall take the chair.
- 13.6 If discussion arises, the Proper Officer shall exercise the powers of the Person Presiding to regulate the discussion, and to maintain order at the meeting.
- 13.7 The motion, and any amendments, shall be put to the meeting in accordance with Standing Order 22.5 (voting on appointment).

#### **STANDING ORDER 14: QUORUM OF COMMITTEES AND SUB - COMMITTEES**

- 14.1 No business shall be transacted at any meeting of a Committee or Sub – Committee (except the Standards Committee) unless at least two voting members are present.
- 14.2 (a) Subject to paragraph 14.2 (b) no business shall be transacted at any meeting of the Standards Committee unless at least three Members (including at least one independent Member) of that Committee are present for its duration.
- 14.2 (b) Where at least one independent Member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the Authority by virtue of its Code of Conduct, the requirement in paragraph 14.2 (a) for the quorum to include at least one independent member shall not apply for the duration of that meeting alone.
- 14.2 (c) No decision of the Standards Committee at its respective sub committees shall be taken in respect of an initial assessment of an allegation against a Member or a review of the initial assessment unless at least one Elected Member appointed to the Authority is present when such matters are considered.
- 14.3 The provisions of standing order 6 shall apply to a meeting of a Committee or Sub – Committee at which a quorum is not present as they would apply if it were a meeting of the Authority.

#### **STANDING ORDER 15: ORDER OF BUSINESS ON COMMITTEES AND SUB – COMMITTEES**

- 15 Subject to any directions given by the person appointed to preside at the meeting or the Committee or Sub – Committee, the items of business shall be arranged in such order as the Proper Officer thinks will best ensure the effective despatch of business.

## **STANDING ORDER 16: URGENT BUSINESS**

- 16.1 The Authority may make arrangements for the discharge, in urgent circumstances, of functions of the Authority, by appointing:
- 16.1:1 a committee of not fewer than three voting Members of the Committee; and/or
  - 16.1:2 an Officer or Officers of the Authority
- to discharge those functions.

## **STANDING ORDER 17: REFERENCE-UP OF DECISIONS**

- 17.1 This standing order applies where arrangements have been made for the discharge of a function of the Authority by a Committee or Sub Committee, and the operation of such arrangements is referred to in it as “the use of delegated powers”.
- 17.2 Subject to Standing Order 17.3 where a question on the use of delegated powers is put to the vote at a meeting of a Committee or Sub – Committee and a majority of the voting Members present at the meeting, immediately after the question has been put to the vote, ask that the provisions of this Standing Order should be applied, the decision the subject of delegated powers shall be of no effect, but shall be treated as a recommendation to the Authority (or the Committee which appointed the Sub – Committee, as the case may be).
- 17.3 Paragraphs 17.2 shall not apply to any question which arises on an item of business:
- 17.3:1 Where the Committee (or Sub Committee) has, under an obligation arising from the nature of the business to be transacted, heard representations from persons other than Members of the Authority and those appointed by the Authority to discharge a function in connection with the Committee (or Sub – Committee;) or
  - 17.3:2 Which concerns the appointment, discipline or dismissal of a member of staff of the Authority.
  - 17.3:3 Considered by the Standards Committee

## **PART 4: CONDUCT OF ALL MEETINGS**

### **STANDING ORDER 18: MINUTES AND RECORD OF PRECEEDINGS**

- 18.1 Minutes of every Meeting shall be submitted to, and signed at, that meeting or at the next following meeting of the body concerned;
- Provided that, in the case of the minutes of the meeting of the Authority, if the next following meeting of the Authority has been summoned to consider one of the matters mentioned in Standing Order 7.1:7 (business to be transacted at specifically summoned meetings of the Authority), the Minutes shall be signed instead, at the next suitable meeting of the Authority which shall be the ordinary meeting which next follows the meeting at which such business is to be transacted.

- 18.2 The Person Presiding shall put the question that the minutes submitted to the meeting be approved as a correct record of that meeting, or of a specified former meeting, as the case may be.
- 18.3 No discussion shall take place upon the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised or, if it is raised, then as soon as it is disposed of, the Person Presiding shall sign the minutes.
- 18.4 No record (including tape and television recording) of the whole or any part of the proceedings of a Meeting may be taken without the express permission of the Meeting concerned.

#### **STANDING ORDER 19: MOTIONS AND AMENDMENTS**

- 19.1 The following motions may be moved without notice at any Meeting at which they would be in order:-
- 19.1:1 to elect a Chairman of the Authority, to appoint a Vice – Chairman of the Authority, or to appoint a person to preside at the meeting at which the motion is made;
  - 19.1:2 motions relating to the accuracy of the minutes
  - 19.1:3 motions under standing Order 7.3 (change in order of business);
  - 19.1:4 “that the Authority (or Committee or Sub – Committee) proceed to the next business”;
  - 19.1:5 “that the question be now put”;
  - 19.1:6 “that the debate be now adjourned”;
  - 19.1:7 “that the Authority (or Committee or Sub – Committee) do now adjourn”;
  - 19.1:8 Motions under Standing Order 2.5:2 (suspension of Standing Orders without notice);
  - 19.1:9 Motions in accordance with section 100A (2) or (4) of the 1972 Act to exclude the public from a meeting where there is likely otherwise to be disclosure of exempt or confidential information;
  - 19.1:10 Motions giving consent of the Authority, committee or sub-committee where it is required under these Standing Orders;
  - 19.1:11 Motions to refer a petition which has been presented to the Authority to a Committee for consideration;
  - 19.1:12 Where a matter has been submitted to a Committee or Sub-Committee, a motion to appoint a Special Committee or Sub-Committee to consider the matter.

- 19.2 On consideration of a report or a recommendation from a Committee, Sub-Committee or Officer, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice.
- 19.3 Subject to PSO 19.3.1 and PSO 19.3.2, an amendment to a motion may be moved without notice, but shall be relevant to the motion.
- 19.3.1 Notice of a motion consisting of a proposal for the setting of a budget and the associated calculations shall be provided in full to the Chief Finance Officer, the Monitoring Officer and all Members at least [10] working days prior to the date of the Authority meeting scheduled to consider the setting of a budget for the forthcoming financial year.
- 19.3.2 Notice of any amendment proposed to a motion specified in PSO 19.3.1 (a budget resolution) shall be provided in full to the Chief Finance Officer, the Monitoring Officer and all Members at least five [5] working days prior to the date of the Authority meeting scheduled to consider the setting of a budget for the forthcoming financial year.
- 19.3.3 An amendment to a budget resolution will not be considered by the Authority where the notice requirements set out in PSO 19.3.2 (above) have not been met.
- 19.3.4 For the purposes of PSO 19.3, notice is given on the date that it is received by [the Chief Finance Officer].
- 19.4 An amendment shall be either to refer the matter to a Committee, a Sub-Committee or an Officer for consideration (or reconsideration), to leave out words, or to insert or to add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the Meeting.
- 19.5 With the consent of the Meeting signified without discussion, a Member may:
- 19.5:1 Alter a motion of which he has given notice; or
- 19.5:2 With the further consent of the seconder, alter a motion which has been moved or seconded,
- If (in either case) the alteration is one which could be made as an amendment thereto.
- 19.6 With the consent of the seconder (if she/he is still present) and of the Meeting, signified without discussion, the mover of a motion or an amendment may withdraw it. No Member shall speak to such a motion or amendment after the mover has asked consent for its withdrawal, unless such consent has been refused.
- 19.7. Where the consent of the Authority, Committee or Sub Committee is required for anything, that consent may be given either;-
- 19.7.1. by the Person Presiding asking the Meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or
- 19.7.2. If objection is raised, or if the Person Presiding so chooses, by a motion moved, seconded and put to the meeting.

## **STANDING ORDER 20: RULES OF DEBATE**

20.1. The rules of debate in this Standing Order shall apply to all Meetings.

### **Motions and amendments**

20.2. A motion or amendment shall not be discussed unless it has been proposed and seconded.

20.3. When seconding a motion or amendment, a member may reserve her/his speech until a later period of the debate by declaring his intention to do so.

20.4. When any motion of which notice has not been given, or any amendment has been moved and seconded, the Person Presiding may require that it shall be put into writing and handed to her/him before it is further discussed.

20.5. Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of:-

Provided that the Person Presiding may permit two or more amendments to be discussed (but not voted upon) together if she/he thinks that this will facilitate the proper conduct of business.

20.6. If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

### **Speeches**

20.7. If two or more Members offer to speak, the Person Presiding shall call on one to speak.

20.8. When speaking, a member shall address the Person Presiding.

20.9. A Member shall direct her/his speech to the question under discussion, or to a personal explanation or a point of order under the provisions of the next paragraph.

20.10. A Member may claim to speak on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified Standing Order, and the way in which the Member raising it considers that it has been broken. A member raising a point of order must specify which statutory portion or Standing Order she/he alleges has been breached. A personal explanation shall be confined to some material part of a former speech by her/him in the current debate which may appear to have been misunderstood.

20.11. The ruling of the Person Presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

## **Ancillary motions**

- 20.12. When a motion is under debate, no other motion shall be moved except the following:
- 20.12.1. to amend the motion;
  - 20.12.2. a closure motion under Standing Order 20.13;
  - 20.12.3. a motion under Standing Order 21 (prevention of disorder);
  - 20.12.4. a motion under Section 100A(2) or (4) of the 1972 Act (exclusion of the public).
- 20.13. The following closure motions shall be permitted during discussion of another motion ('the original motion'). They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the Person Presiding shall proceed as follows:
- 20.13.1. "that the meeting proceed to the next business" the Person Presiding shall permit the mover of the original motion to reply, and shall then put to the vote the motion to proceed to the next business; if that motion is carried, the original motion shall lapse;
  - 20.13.2. "that the question be now put" if the Person Presiding is of the opinion that the matter before the Meeting has been sufficiently discussed, she/he shall put to the vote forthwith the motion, that the question now be put; if this is carried, she/he shall permit the mover of the original motion a right to reply for not more than three minutes' and shall then put that motion to the vote;
  - 20.13.3. "that the debate now be adjourned"; or "that the meeting do now adjourn." If the Person Presiding is of the opinion that the matter before the Meeting has been sufficiently discussed, she/he may refuse to accept either of these motions, and instead put the motion that the question be now put; if she/he is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, she/he shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply or stand over as uncompleted business until the next meeting of the Authority, Committee or Sub Committee, as the case may be.

## **STANDING ORDER 21: PREVENTION OF DISORDERLY CONDUCT**

- 21.1. If the Person Presiding is of the opinion that a Member had misconducted, or is misconducting, herself/himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or wilfully obstructing the business of the Authority, she/he may notify the Meeting of that opinion, and may take any of the following courses, either separately or in sequence:
- 21. 1. 1. she/he may direct the Member to refrain from speaking during all, or part, of the remainder of the Meeting:

- 21. 1. 2. she/he may direct the Member to withdraw from all, or part, of the remainder of the Meeting;
  - 21. 1. 3. she/he may order the Member to be removed from the Meeting:
  - 21. 1. 4. she/he may adjourn the Meeting for 15 minutes or such period as shall seem expedient to him.
- 21.2. If a Member of the public interrupts proceedings at any Meeting, the Person Presiding shall warn her/him. If she/he continues the interruption, the Person Presiding shall order her/him to leave the room where the meeting is being held. If she/he does not leave, the Person Presiding shall order her/him to be removed. If a member of the public persistently creates a disturbance, the Person Presiding may adjourn the meeting for 15 minutes or such period as shall seem expedient to her/him.
- 21.3. In the event of general disturbance in any part of the room where any Meeting is being held which is open to the public, the Person Presiding shall order that part to be cleared and may adjourn the Meeting for 15 minute or such period as shall seem expedient to her/him.
- 21.4. The powers conferred by this Standing Order are in addition to any other powers which the Person Presiding may lawfully exercise (e.g. for the Person Presiding to take preventative action before the Meeting commences or to order the removal of a Member persistently disregarding the authority of the Chair).

#### **STANDING ORDER 22: VOTING**

- 22.1. Except where a requisition is made under the next paragraph, the method of voting at Meetings shall be by show of hands.
- 22.2. If a requisition is made by a specified number of Members, before a vote is taken on any question, the voting on that question shall be recorded so as to show whether each voting Member present gave her/his vote for or against that question or abstained from voting.
- 22.3. The specified number of members is:
- 22.3.1. Four of the Members entitled to vote at a meeting; or
  - 22.3.2. Where the Authority is divided into Political Groups, in the case of a meeting of the Authority, the number of members of the second largest Political Group, or, 22.3.3 in the case of a meeting of a Committee or Sub Committee, the number of seats on that body allocated to the second largest Political Group among the Members of the Authority,
- whichever is the less
- 22.4. Where immediately after a vote is taken at a Meeting any Member of that body so requires, there shall be recorded in the Minutes of the proceedings of that Meeting whether that person cast her/his vote for the question or against the question or whether she/he abstained from voting.

- 22.5. Where a vote is required on a motion to appoint or elect a Member of the Authority to a position to be filled by the Authority and there are two or more Members nominated for that position, the names of all those nominated shall be put to the Meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 22.6. In the event of an equality of votes the Person Presiding at the meeting shall be entitled to exercise a second casting vote.

**STANDING ORDER 23: ATTENDANCE AT COMMITTEES ETC.**

- 23.1. The names of every Member attending a Meeting shall be recorded by the Proper Officer.
- 23.2. No Member of an Appeals Committee shall be present at any meeting of that Committee when consideration is given to an appeal against a decision of another Committee or Sub Committee in which such Member took part.
- 23.3. No Member of the Authority shall attend a Committee or Sub Committee Meeting held to consider disciplinary, investigatory or grievance cases, appeals or grading appeals unless she/he is appointed by the Authority as a voting member of that Meeting.
- 23.4. Where a meeting of a sub committee of the Standards Committee is convened to consider a review of an initial assessment under S.57B(2) of the Local Government Act 2000 (the Act) no Member who took part in the consideration of the initial assessment under S.57A(2) of the Act shall attend the sub committee convened to consider the review of that initial assessment.
- 23.5. Subject to Standing Order 23.2 and 23.3 the Chairman and Vice-Chairman of the Authority may attend and speak and move and second motions (but may not vote) at a Meeting of which they are not voting Members.
- 23.6. Subject to Standing Order 23.2 and 23.3 the person appointed to preside at the meeting of a Committee, and her/his deputy, may attend and speak and move or second motions at a meeting of any Sub Committee appointed by that Committee, but may not vote unless appointed as a voting Member.
- 23.7. Subject to paragraph 23.2 and 23.3 above a Member of the Authority who is not otherwise entitled to attend and speak at a Committee or Sub Committee shall be entitled to do so (but not to vote) at a meeting of the Committee or Sub Committee:-
- 23.7.1. During the consideration of any motion of which notice has been given which he has moved or seconded at a meeting of the Authority and which has been referred to that Committee or Sub Committee; or
- 23.7.2. with the agreement of the Person Presiding at the meeting of the Committee or Sub Committee; or
- 23.7.3. During the consideration of any matter which affects his constituent Council differently from other Councils represented within the Authority.



## **STANDING ORDER 24: NO SMOKING**

24. Smoking shall not be permitted at any meeting of the Authority its Committees or Sub Committees.

## **PART 5 SUMMONS AND AGENDA FOR MEETINGS**

### **STANDING ORDER 25: SUMMONS AND AGENDA FOR MEETINGS**

- 25.1. At least five clear days before every Meeting, the Proper Officer shall send to every voting Member and to every other person entitled to receive the papers of the Authority; Committee or Sub Committee a copy of the agenda for the Meeting.
- 25.2. The Summons shall:-
- 25.2.1. specify the date time and place of the Meeting;
  - 25.2.2. specify the business to be transacted at the Meeting;
  - 25.2.3. be signed by the Proper Officer; and
  - 25.2.4. be left at or sent by post to the usual place of residence of the Member or to such other address as the Member may specify provided that want of service of a summons on any Member of the Authority, Committee or Sub Committee shall not affect the validity of the meeting.
- 25.3. The agenda shall include:
- 25.3.1. In the case of Committees and Sub Committees all items of business which have been (or are deemed to have been) referred to the Committee by the Authority or by another Committee or Sub Committee as the case may be;
  - 25.3.2. all reports submitted to the meeting by the Chief Officer (or such officers as have delegated authority by the Chief Officer);
  - 25.3.3. any item of business directed to be included by the person appointed to preside at the Meeting in question;
  - 25.3.4. any other item of business of which at least 5 clear days written notice before the date fixed for the Meeting has been given to the Proper Officer by a member of the Authority or, in the case of a meeting of a Committee or Sub Committee, by a Member of that Committee or Sub Committee (whether voting or not).
- 25.4. The prints of reports or other documents for the consideration of a Meeting shall be marked "Not for Publication" only if the Proper Officer (having regard to the provision of the Local Government Act 1972 (as amended)) agrees with the Chief Officer (or their authorised deputy) that this shall be done. Such reports or documents shall be furnished prior to the Meeting only to members of that meeting.

## **PART 6: DECLARATION OF INTERESTS**

### **STANDING ORDER 26: INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

- 26.1. A Member with a personal interest in a matter as defined in the Members Code of Conduct who attends a meeting of the Authority, its Committees or Sub - Committees at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of the meeting or of that consideration, or when the interest becomes apparent.
- 26.2. A Member with a prejudicial interest in any matter:
- 26.2.1. shall withdraw from the room where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless she/he has obtained a dispensation from the Standards Committee; and
  - 26.2.2. shall not seek improperly to influence a decision about the matter;
- 26.3. Where:-
- 26.3.1. the Authority is considering any question as to the financial calculations set out in paragraph 26.4; and
  - 26.3.2. a Member has 2 or more months arrears of Council Tax and/or Community Charge, she/he shall declare that the provisions of S.106 of the Local Government Finance Act 1992 apply to her/him and shall not vote on such question.
- 26.4. The financial calculations referred to in paragraph 26.3 are:-
- 26.4.1. the calculation of the Budget requirement of the Authority;
  - 26.4.2. the calculation of the basic amount of tax;
  - 26.4.3. the calculation of tax for different valuation bands;
  - 26.4.4. the calculation of the amount payable by each constituent Council;
  - 26.4.5. substitute calculations; and
  - 26.4.6. any other calculations required by Chapter III, IV or V of Part I of the Local Government Finance Act 1992.

### **STANDING ORDER 27: INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS**

- 27.1. In addition to her/his duty under section 117 of the 1972 Act if it comes to the knowledge of any officer of the Authority that she/he has a disclosable interest in any contract which has been, or is proposed to be, entered into by the Authority, or in some other matter which is to be considered by the Authority or any Committee or Sub Committee, and which (in either case) is not:

27.1.1. the contract of employment (if any) under which she/he serves the Authority: or

27.1.2. the tenancy of a dwelling provided by the Authority.

he shall as soon as practicable give notice in writing to the Proper Officer of such interest.

- 27.2. For the purpose of this Standing Order a disclosable interest is an interest such that if the officer were a member of the Authority, and if the contract or other matter were to be considered at a meeting of the Authority at which she/he were present, she/he would have to disclose such interest under the Code of Conduct for Members.
- 27.3. The Proper Officer shall record in a register to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer of the Authority under Section 117 of the 1972 Act or paragraph 27.1. The register shall, during the ordinary office hours of the Authority, be open for inspection by any Member of the Authority.
- 27.4. Where an officer submits a report to a Meeting on a matter in which she/he has declared an interest under Section 117 of the 1972 Act or Standing Order 27.1, she/he shall state that such declaration has been made, and give brief details of it, in a separate paragraph within the report.
- 27.5. Where any officer orally advises a Meeting on a contract, grant, proposed contract or other matter and has declared an interest in that matter, whether under the requirements of section 117 of the 1972 Act, or of paragraph 27.1, she/he shall remind the Meeting orally of that interest.

## **PART 7: MISCELLANEOUS**

### **STANDING ORDER 28: SEAL OF THE AUTHORITY**

- 28.1. The common seal of the Authority shall be kept in a safe place in the custody of the Proper Officer.
- 28.2. The common seal of the Authority shall be affixed to a document only on the authority of:
- 28.2:1 a resolution of the Authority; or Committee or Sub - Committee acting with delegated powers;
- 28.2:2 A decision by the Authority or duly authorised Committee, Sub - Committee or officer to do anything where a document under the common seal is appropriate to complete the transaction;

### **STANDING ORDER 29: ATTESTATION OF DOCUMENTS**

29. In addition to any other person who may be authorised by resolution of the Authority for the purpose, the Proper Officer for the purpose of section 234 of the 1972 Act (authentication of documents) shall be the Monitoring Officer, Deputy Monitoring Officer or the Chief Officer of the Authority concerned with the matter to which the document relates or any officer authorised in writing by the Chief Officer.

### **STANDING ORDER 30: PAPERS AND ADVICE**

- 30.1 A copy of every paper which is circulated to Members for consideration at a Meeting shall be sent prior to submission as part of the agenda for such Meeting to the Chief Fire Officer, the Deputy Chief Fire Officer, the Monitoring Officer and the Executive Director of Resources.
- 30.2 Before it concludes its consideration of any question, every Meeting shall, at her/his request, afford an Officer who is entitled to receive papers under this Standing Order (or another officer nominated by her/him) an opportunity to advise on that question, either in writing or orally.
- 30.3 Where the Authority considers a matter which has not previously been the subject of consideration by a Committee or Sub-Committee and of a report by that body to the Authority, the Person Presiding at the Meeting at which the matter is considered shall ensure that the question is not put to the vote before any Officer whose responsibilities relate to the matter under consideration and who asks for such an opportunity has had an opportunity to advise the Authority on the matter.

### **STANDING ORDER 31: RESCISSION OF PREVIOUS RESOLUTIONS**

31. No resolution of the Authority shall be varied or rescinded within the same Municipal Year of the Authority except on the recommendation of the Committee concerned.

### **STANDING ORDER 32: CANVASSING**

- 32.1. Canvassing of any Member of the Authority, a person appointed to discharge any function in relation to a Committee or Sub-Committee or officer of the Authority shall disqualify the candidate concerned in such canvassing for the appointment.
- 32.2. A Member of the Authority shall not solicit for any reason any appointment under the Authority but this shall not preclude a Member from giving a written testimonial of a candidates ability, experience or character for submission to the Authority.

### **STANDING ORDER 33: RESTRICTIONS ON DISCLOSURE OF CONFIDENTIAL INFORMATION**

- 33.1 No Member shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked by the Proper Officer to the effect that it contains "confidential information" as defined in the Local Government Act 1972 and that disclosure to the public would break an obligation of confidence in relation to that information unless and until the document has been made available to the public or the press by or on behalf of the Authority or a Committee or Sub-Committee or such disclosure is otherwise permitted by law.
- 33.2. No Member shall disclose to any person other than a Member of the Authority any matter arising during the proceedings of the Authority or of any Committee or Sub-Committee or any other matter coming in his knowledge by virtue of his office as a Member where such disclosure would prejudice the interest of the Authority unless such disclosure is required by law.
- 33.3 No Member shall, without the consent of the Chair of the Committee, (unless required by law) disclose to any person any decision or proceedings of a Committee or Sub-Committee except:-

- 33.3:1 When a report on the matter has been circulated to the Authority by the Committee; or
- 33.3:2 When the decision has become public knowledge; or
- 33.3:3 When the matter comes within the delegated powers of the Committee or Sub-Committee and a final decision thereon has been reached.

#### **STANDING ORDER 34: DELEGATION TO OFFICERS**

- 34. The Authority shall at its Annual Meeting and on any other occasion it considers appropriate determine which of the powers of the Authority are to be delegated to Officers.

#### **STANDING ORDER 35: FINANCIAL REGULATIONS**

- 35.1 The Authority shall at its Annual Meeting and on any other occasion it considers appropriate, prescribe Financial Regulations relating to financial controls and procedures to be observed by Officers.
- 35.2 No decision shall be taken by a Committee or the Authority which would lead to new or increased financial commitments without first considering, where relevant, a report on the matter which complies with the Code of Practice on a Prudential Approach to Local Authority commitments. Such a report shall be required in respect of proposals which:-
  - (i) would lead to new or increased financial commitments; and
  - (ii) have insufficient specific revenue budget provision or entail increasing real costs in future years.

#### **STANDING ORDER 36: DISCIPLINARY ACTION**

- 36.1 No disciplinary action in respect of the Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Monitoring Officer or the Executive Director of Resources ("the Relevant Officer") (except action described in Standing Order 36.2) may be taken by the Authority, or by a committee, a sub committee, a joint committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a Designated Independent Person.
- 36.2 The action mentioned in Standing Order 36.1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect
- 36.3 If it appears to the Authority that an allegation of misconduct by the Relevant Officer as the case may be requires to be investigated, the Authority must appoint a person ( 'the Designated Independent Person').
- 36.4 The Designated Independent Person must be such person as may be agreed between the Authority and the Relevant Officer or, in default of agreement, nominated by the Secretary of State.

36.5 The Designated Person:

- (a) may direct :-
  - (i) that the Authority terminate any suspension of the Relevant Officer
  - (ii) that any such suspension must continue after the expiry of the period referred to in paragraph 36.2
  - (iii) that the terms on which the suspension has taken place must be varied in accordance with that direction; or
  - (iv) that no steps ( whether by the Authority or any committee , sub committee or officer acting on behalf of the Authority) towards disciplinary action or further disciplinary action against the Relevant Officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub paragraph (d)
- (b) may inspect any documents relating to the conduct of the Relevant Officer which are in the possession of the Authority, or which the Authority has the power to authorise him or her to inspect;
- (c) may require any member of staff of the Authority to answer questions concerning the conduct of the Relevant officer
- (d) must make a report to the Authority:-
  - (i) stating his or her opinion as to whether ( and if so to what extent) the evidence that he or she has obtained supports any allegation of misconduct against the Relevant Officer; and
  - (ii) recommending any disciplinary action which appears to him or her to be appropriate for the Authority to take against the Relevant Officer; and
- (e) must no later than the time at which he or she makes their report under sub paragraph (d) send a copy of the report to the Relevant officer

36.6. In paragraph 36 'disciplinary action' and 'designated independent person' have the same meaning as in the Local Authorities ( Standing Orders) ( England) Regulations 2001.