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## **STANDING ORDERS RELATING TO PROCEDURES**

### **1. Meetings of the Authority**

- (1) The Authority shall hold an Annual Meeting between 1<sup>st</sup> April and 31<sup>st</sup> July each year and in any event not prior to the Annual Meetings of the constituent authorities. The first item of business on the agenda for the annual meeting shall be the appointment of Chair and Vice-Chair for the ensuing year.
- (2) In addition to the Annual Meeting of the Authority and any meetings convened by the Chair or by Members of the Authority, meetings for the transaction of general business shall be held on such days as may be determined by the Authority at its annual meeting provided that any such date may be varied at a subsequent meeting or by the Chair.
- (3) In these Standing Orders Constituent authorities means Derbyshire County Council and Derby City Council.
- (4) In these Standing Orders “ordinary meeting” means a meeting described in paragraph (1) or (2) above other than a meeting convened by the Chair in consultation where reasonably practicable with the Vice-Chair or by Members of the Authority.
- (5) The Chair may call a Special Meeting of the Authority at any time. If the office of Chair is vacant, or if the Chair is unable to act for any reason, the Vice-Chair may at any time call a Special Meeting of the Authority.
- (6) Three or more Members of the Authority may require the Clerk to call a Special Meeting provided that the requisition is in writing setting out the business and signed by each of the Members and the Special Meeting will consider only the business so set out.
- (7) The term “year” means the period from 1<sup>st</sup> April in one calendar year to 31<sup>st</sup> March in the next year. Unless the Authority otherwise determines, all meetings of the Authority shall be held at 10.30 am on a weekday unless otherwise stated.
- (8) Save as provided elsewhere in these Standing Orders, all meetings of the Authority, including committee, sub-committee and working party meetings shall be called by the Clerk or by the Monitoring Officer.

### **2. Chair of the Meeting**

Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

### **3. Quorum**

- (1) The Quorum prescribed by the statute for meetings of the Authority is one third of the whole number of Members, including at least one representative from each constituent authority.
- (2) If during any meeting of the Authority the Chair after counting the number of Members present declares that there is not a quorum present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or if they do not fix a time, to the next ordinary meeting of the Authority.

### **4. Minutes of the Authority**

- (1) Minutes of every meeting of the Authority shall be signed at the same or next suitable meeting of the Authority by the person presiding at that meeting.
- (2) At a meeting of the Authority at which minutes of a previous meeting are submitted for approval as a correct record, the Chair shall move those minutes be so approved.
- (3) No motion or discussion shall take place upon the minutes except upon their accuracy, and any matter of dispute concerning their accuracy shall be raised by motion.
- (4) If no such matter is raised, or if it is raised, then as soon as it has been disposed of the Chair shall sign the minutes.

### **5. Agenda Items and Formal Questions**

- (1) The agenda for a meeting of the Authority shall include consideration of any item requested by a Member, subject to the Clerk receiving written notice at least 10 days before the date of the meeting.
- (2) A Member may ask the Chair a formal written question on a matter within the purview of the Authority. The Member may do so only if the question is written and signed by the Member and given to the Clerk before noon on the day before a meeting of the Authority. A copy of the question and answer or reply will be sent by the Clerk to all Members of the Authority.
- (3) Questions from Members of the Public
  - (a) A member of the public may ask a question at a meeting of the full Fire and Rescue Authority, subject to the Service Solicitor receiving a copy of the question in writing or electronic mail no later than 12 noon eight working days before the meeting (for example, the questions must be received by 12 noon on Monday 19 June for a Fire Authority meeting on Thursday 29 June). The notice must give the name and address of the questioner. 'Working days' means weekdays excluding Saturdays,

Sundays or Bank Holidays in England and excludes the day on which the meeting is held.

- (b) Late questions may be asked provided they relate to a report on the agenda and could not have been put before publication of the agenda and notice has been given by delivering it in writing or by electronic email to the Service Solicitor no later than 12 noon at least three working days before the Fire Authority Meeting (that is, by 12 noon on the Monday when the Fire Authority meets on the following Thursday).
  - (c) The Service Solicitor may reject a question if it:
    - exceeds 150 words in length;
    - is not about a matter for which the Fire Authority has a responsibility, or which affects Derbyshire;
    - asks the Fire Authority to act in a way that is ultra vires (outside its powers), unlawful or illegal;
    - is defamatory, frivolous or offensive;
    - is substantially the same as a question which has been put at a Fire Authority Meeting in the past six months; or
    - requires the disclosure of confidential or exempt information.
  - (d) A member of the public may ask one supplementary question, arising from the answer in the original question, at the meeting.
  - (e) There shall be a limit of 15 minutes upon the duration of the public question time at anyone meeting, with no more than three minutes being allocated to each question.
  - (f) Any question not considered at the meeting shall receive a written response.
  - (g) Subject to the time limit for public question time, a member of the public may only ask up to three questions per meeting.
  - (h) Copies of the questions will be circulated to all Members and will be made available to the public attending the meeting.
- (4) The Clerk will enter each question in a book open to public inspection. Rejected questions will include reasons for rejection.

## **6. Motion and Amendments Generally**

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.
- (2) A Member may not propose or second a motion or amendment on which they are disqualified from voting.

## **7. Amendments to Motions**

- (1) An amendment shall be relevant to the motion and shall be either:
  - (a) To refer a subject of debate to a committee or sub-committee for consideration or reconsideration
  - (b) To leave out words
  - (c) To leave out words and insert or add others
  - (d) To insert or add words

but such omission, insertion or addition of words shall not only have the effect of negating a motion.

- (2) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be 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.

## **8. Alterations or Withdrawal of Motion or Amendment**

- (1) A proposer of a motion may, with the concurrence of the seconder and the consent of the meeting, alter the motion if the alterations such that it could properly be affected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment shall if required by the Chair be put in writing and handed to him/her before the consent of the meeting to the alteration is sought.
- (2) A proposer of a motion or of an amendment may, with the concurrence of the seconder; and the consent of the meeting, withdraw the motion or amendment which they have proposed, and no Member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
- (3) The giving or refusal of the consent of the meeting to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

## **9. Conduct of Members**

- (1) A Member shall direct their speech to the Chair and to the question under discussion or to a personal explanation or to a point of order and shall not impute motives or use offensive expressions to or about any other Member.
- (2) If any Member in the opinion of the Chair misconducts himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, or by tedious repetition or unbecoming language in their speech, the Chair or

any other Member may move “that the Member named be not further heard”, and such motion if seconded shall be put and determined without discussion.

- (3) If the Member named continues their misconduct after a motion under the last previous paragraph has been carried, the Chair shall either:
  - (a) move “that the Member named do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or
  - (b) adjourn the meeting for such period as they in their discretion shall consider expedient.

## **10. Points of Order and Explanations**

- (1) A Member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision, and the Member shall specify the Standing Order or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- (2) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

## **11. Next Business etc.**

- (1) A Member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another Member, unless the Chair considers that the matter has been insufficiently discussed, move “that the Authority proceed to the next business” or, if there is no other business to be transacted, “that the Authority adjourn”.
- (2) The proposer of such a motion may speak thereon but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion.
- (3) On the seconding of the motion, the Chair shall first give the mover of the original motion an opportunity to speak on it and then put to the vote the motion to proceed to the next business or to adjourn the meeting.
- (4) If that motion is carried, the original motion shall be considered as withdrawn.

## **12. Adjournment of Debate**

- (1) A Member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another Member, move that the debate be adjourned to that hour or occasion.

- (2) If the Member does not specify an hour or occasion, the motion shall be deemed to intend that the debate shall be resumed at the next ordinary meeting of the Authority.
- (3) The proposer of such a motion may speak thereon but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion except that the mover of the original motion may speak on it.
- (4) On the resumption after adjournment of an interrupted debate, the Authority shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Standing Orders.

### **13. Closure**

- (1) A Member may at the conclusion of the speech of another Member move “that the question under discussion be now put” (which is referred to in these Standing Orders as “the closure”).
- (2) The proposal and seconding of the closure shall be formal and without comment and there shall be no debate on it. The closure shall be put immediately to the vote unless it appears to the Chair that the proposition to which it is sought to apply the closure has not been sufficiently discussed.
- (3) If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion subject to the mover of the original motion, first having a right of reply.

### **14. Appointments by the Authority**

Where three or more persons are nominated for any position to be filled or appointments or nominations to be made and there is not a majority in favour of any one person, the person having the least number of votes shall be disregarded and a fresh vote taken and so on until there is a majority in favour of one person.

### **15. Voting**

- (1) Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by show of hands, or, at the discretion of the Chair, by voices.
- (2) In taking the votes on any proposition, those Members only shall be entitled to vote who are present in the room when the proposition is put from the Chair.
- (3) After a proposition is put from the Chair but before the vote is taken, any three Members by show of hands may require that the voting shall be recorded in the minutes of the meeting to show whether each Member present gave their vote for or against that proposition or abstained from voting.

- (4) Where immediately after a vote is taken at a meeting of the Authority any Member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast their vote for the question or against the question or whether they abstained from voting.
- (5) Votes in a budget decision meeting are to be recorded in the minutes of the meeting to include the names of those voting for the decision, against the decision, or abstaining from voting. A 'budget decision meeting' is defined as an item where a calculation is made, or precept issued.

## **16. General Disturbances**

- (1) If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If they continue the interruption the Chair shall order their removal from the room. In case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.
- (2) If, in the opinion of the Chair, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in him/her, may without the question being put, suspend the meeting for a period not exceeding 30 minutes.

## **17. Canvassing of and Recommendations by Members**

- (1) Canvassing of Members of the Authority, or any committee or sub-committee of the Authority, directly or indirectly for any appointment under the Authority shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any form of application.
- (2) A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority or the Chief Fire Officer/Chief Executive with an application for appointment.

## **18. Relatives of Members or Employees**

- (1) A candidate for any appointment under the Authority who knows that they are related to any Member or employee of the Authority shall disclose that relationship in their application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
- (2) Every Member and senior officer of the Authority shall disclose to the Clerk any relationship known to him/her to exist between him/herself and any person whom they know is a candidate for an appointment under the Authority.
- (3) The purport of this Standing Order shall be included in any form of application.



- (4) For the purpose of this Standing Order “senior officer” means any officer so designated by the Authority.

## **19. Record of Attendances**

Every Member attending a meeting of the Authority, or of any of its committees or sub-committees of which they are a Member, shall sign their name in the attendance book or sheet provided for that purpose.

## **20. Sealing and Attestation of Documents**

- (1) The common seal of the Authority shall be kept in a safe place in the custody of the Clerk and the Monitoring Officer.
- (2) The common seal of the Authority shall be affixed to a document only on the authority of
- (a) A resolution of the Authority
  - (b) A resolution of a committee or sub-committee which the Authority has empowered to authorise the use of the seal
  - (c) A decision by the Authority, or by a duly authorised committee, sub-committee or officer, to do anything where a document under the common seal is necessary to complete the action
- (3) The affixing of the common seal shall be attested by the Clerk and Monitoring Officer or the person authorised by him/her. An entry of every sealing shall be made and numbered consecutively in a book kept for the purpose and shall be signed by the person who shall have attested the seal.
- (4) 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 Local Government Act 1972 (authentication of documents) shall be the Clerk and Monitoring Officer.

## **21. Petitions**

Any petition signed by ten or more members of the public and not received to be dealt with under a procedure regulated by law shall be reported to the Authority or appropriate committee or sub-committee as quickly as possible. At the request of the petitioners, they will be given the opportunity to meet the Chair of the Authority or Committee Chair, as appropriate, or nominee.

## **22. Recordings at Meetings**

- (1) The right to record, film and broadcast meetings of the Authority is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings. The term “record” means any form of audio, visual or electronic recording. Any person wishing to

record a meeting in any format whatsoever is encouraged to contact the Clerk before the start of the meeting.

- (2) The person making the recording may move around, however, in doing so they must ensure that there is minimal or no disruption to the proceedings of the meeting.
- (3) Where the press or public are excluded from a meeting or part of a meeting owing to the confidential nature of the business to be transacted, recording of that meeting or that part of the meeting will not be permitted.
- (4) The specific filming of other members of the public, vulnerable adults, children or young people under the age of 18 cannot take place unless appropriate consent has been obtained. The Authority requests that all recording is overt, that is, clearly visible to anyone in the meeting.

### **23. Appointment of Committees and Sub-Committees**

- (1) The Authority shall at the Annual Meeting appoint such committees as it is required to appoint by or under any statute and such other committees as the Authority deems appropriate and shall determine the terms of reference of these committees.
- (2) The Authority may at the Annual Meeting or at any other time appoint such other committees and such sub-committees of committees as are necessary to carry out the work of the Authority.
- (3) Subject to any statutory provision the Authority:
  - (a) shall not appoint any Member of a committee or sub-committee so as to hold office later than the next annual meeting of the Authority.
  - (b) may at any time dissolve a committee or sub-committee or alter its membership. Every vacancy on a committee or sub-committee shall be reported by the Clerk at the first meeting of the Authority after the vacancy has arisen and the Authority may thereupon proceed to fill the vacancy.
- (4) Every committee appointed by the Authority may appoint sub-committees for purposes to be specified by the committee and, subject to these Standing Orders and to any resolution of the Authority, may delegate to any such sub-committee any power or duty delegated to the committee by the Authority.
- (5) Except in the case of an advisory committee or sub-committee, any committee or sub-committee appointed under this Standing Order shall not include persons who are not Members of the Authority, other than as required by statute.
- (6) A committee shall not appoint any Member of a sub-committee so as to hold office later than the next annual meeting of the Authority and may at any time dissolve a sub-committee or alter its membership.

- (7) The Chair and Vice-Chair of the Authority may attend and speak (but not vote) at a meeting of a committee or sub-committee of which they are not Members.
- (8) These Standing Orders shall, with any necessary modification, apply to meetings of committees and sub-committees.

#### **24. Meetings of Committees and Sub-Committees**

- (1) The Chair of a committee or sub-committee or the Chair of the Authority may cause a Special Meeting of the committee or sub-committee to be called at any time.
- (2) A special meeting of a committee or sub-committee shall be called on the request of at least one third of the whole number of Members of the committee or sub-committee by notice in writing signed by them and given to the Clerk and specifying the business for which the meeting is to be called.

#### **25. Proceedings of Committees and Sub-Committees**

- (1) The quorum of every committee and sub-committee, unless a special quorum is otherwise prescribed, shall be at least one third of the whole number of the committee or sub-committee, or two, whichever is the greater number, including at least one Member from each Constituent authority.
- (2) Any Authority Member may attend as an observer at meetings of committees and sub-committees (except those committees and sub-committees which the Authority may from time to time determine for the purposes of this Standing Order) to which they have not been appointed as a member, including meetings or items of business from which the public has been excluded.

If given permission by the Chair of the meeting, a member attending as an observer may speak (but not vote) on any matter.

(Note: The Authority has determined the following as exceptions for the purposes of Standing Order 25(2):

- (a) The Panels constituted by the Chair of the Authority
  - (b) The Standards Committee
  - (c) The procedure to be followed at hearings of any Panels is at Appendix A
- (3) Subject to the provision of Section 100 of the Local Government Act 1972, all committee and sub-committee reports and all documents marked as “confidential”, “exempt” or “not for publication” shall be treated as confidential until they become public in the ordinary course of the Authority’s business.
  - (4) No act of a sub-committee shall have effect until approved by the appointing committee except to the extent that the committee has itself power to act without

the approval of the Authority and the power to act has been conferred upon the sub-committee.

## **26. Substitute Members**

A substitute Member of the Fire & Rescue Authority may take the place of a Member of the Fire & Rescue Authority who is unable to attend a meeting of a committee or sub-committee. Such substitute Members will be accepted on to the committee with power to speak and vote.

## **27. Chair of Committee and Sub-Committee**

- (1) The Chair of a committee, or of any sub-committee which the Authority may from time to time determine for the purposes of this Standing Order, shall be appointed by the Authority in accordance with this Standing Order and may be removed by the Authority or may resign. If the Authority so decides, the appointment of the Chair of a committee or sub-committee may be left for that body itself to decide.
- (2) The appointment of the Chair of a committee or sub-committee shall be conducted in the same way as an appointment is required to be made by the Authority under Standing Order 14.
- (3) Subject to paragraph (1) of this Standing Order, the Chair of a committee or sub-committee appointed by the Authority shall hold office until the next annual meeting of the Authority after their appointment.
- (4) If the Chair of a committee or sub-committee is absent from a meeting of the committee or sub-committee, the Members present shall choose one of their number who is a Member of the Authority to preside over the meeting, subject to paragraph (5) of this Standing Order.
- (5) If the Chair of a committee or sub-committee arrives at a meeting of the committee or sub-committee after the time for which the meeting has been summoned, they shall preside over the meeting after any item of business under discussion on their arrival has been disposed of but not before then.

## **28. Variation and Revocation of Standing Orders**

Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

## **29. Suspension of Standing Orders**

Any of the preceding Standing Orders (with the exception of Standing Orders 3 and 26) may be suspended so far as regards any business at the meeting where its suspension is moved.

### **30. Interpretation of Standing Orders**

The ruling of the Chair as to the construction or application of any of these Standing Orders or as to any proceedings of the Authority shall not be challenged at any meeting of the Authority.