

# Fire Authority Constitution Amendments

## Report of the Chief Fire Officer

For further information about this report please contact Simon Hardiman, Chief Fire Officer, on 01743 260201 or Anthea Lowe, Clerk to the Fire Authority, on 01952 383219.

### 1 Executive Summary

This report sets out proposed amendments to the Fire Authority's constitution for the Fire Authority's consideration and agreement.

### 2 Recommendations

The Fire Authority / Committee is asked to:

- a) Note the report; and
- b) Approve the proposed changes to the Authority's Standing Orders as detailed in the report.

### 3 Background

In accordance with the Fire Authority's Standing Order 7(2) for the Regulation of Proceedings and Business, the Fire Authority is required at least annually to review the constitution and composition of any committees or sub-committees, which it has appointed.

At the Fire Authority meeting held on 14 June 2023, a discussion took place with regard to the committee composition and the allocation of seats to political groups. It was agreed that this would be brought back to the Authority for further consideration following discussion at Chair's Briefing

### 4 Changes to Terms of Reference

During the Fire Authority meeting on 14 June 2023, there appeared to be some confusion between Members about how the voting for Committee Chairs and Vice Chairs should be undertaken.

As a consequence of this, a further meeting was held with the Chair of the Fire Authority, the Chief Fire Officer, the Head of HR and Administration and the Executive Support Officer on 26 June 2023 at which the points set out below were raised.

The Fire Authority's current Standing Orders for the Regulation of Proceedings and Business are attached at the Appendix to the report for reference.

**1. Election of Committee Chairs and Vice-Chairs**

Standing Order 7(3) states that "Any committees or sub-committees appointed by the Fire Authority shall consider the election of a Chair and appointment of a Vice-Chair as the last item of business on the agenda of the annual meeting of the Authority.

This paragraph was added to the Standing Orders in 2013 following suggestion from Members as a pragmatic way of dealing with this business and avoiding the wait for the next meetings of the two main committees.

As this process caused confusion at the Fire Authority meeting in June 2023, it is proposed therefore to require political groups to provide details of their nominees for any and all positions on the Fire Authority ahead of the annual meeting, as set out below:

The election, and appointment, of Chairs and Vice-Chairs shall be done as the last item of business on the agenda, as is already specified in Standing Orders. The Standing Orders will be modified to make it clear that political groups should provide their nominees for any and all positions on the Fire Authority to the Clerk, no later than 24 hours before the annual meeting.

**Members are asked to approve the above amendments to the Standing Orders.**

**2. Guidance on the conduct of business at all Fire Authority meetings**

The Chair raised a concern that there was no clear guidance for the conduct of business at all Fire Authority meetings.

The Authority's Standing Orders for Proceedings and Business sets out how business should be conducted. This applies to both full Authority meetings and Committee meetings.

**Therefore, there is no recommendation needed to address this concern.**

**3. Annual Meeting business**

The Chair suggested that the Annual Meeting of the Fire Authority be held with the business of the meeting being limited to the election of the Chair and Vice-Chair of the Authority and constitutional issues, mirroring the way in which both constituent Local Authorities operate.

The topics would include things such as the appointment of Members to Committees, the review of Terms of Reference and the review of Standing Orders.

**Officers will therefore limit the matters brought to the Annual Meeting to those required by law and those necessary for the ordinary functioning of Authority business.**

**4. Election of Chair to be conducted by Clerk**

The election of the Chair of the Fire Authority at the Annual Meeting is usually conducted by the Member that holds the office of Chair at the start of that meeting.

To ensure a more open and transparent process, it is recommended that Standing Orders should be amended to include reference in Standing Order 2 – Election of Chair and Vice-Chair that the election of the Chair of the Authority at the Annual Meeting will be conducted by the Clerk to the Fire Authority instead of the Member that holds the office of Chair at that time.

**Therefore the Clerk will conduct the election of the Chair going forwards.**

**5. Power for Chair to have a second, or casting, vote**

This is set out in Standing Order No 19 – Voting / Recording of Votes which sets out guidance on the Chair's Casting Vote and the process for Voting on Appointments should there be more than two nominations for a position and no clear majority of votes in favour of one person.

**Therefore, there is no recommendation needed to address this concern.**

**6. Power of Chair to suspend or adjourn a meeting under certain conditions**

Standing Order 13 – Rules of Debate for Authority Meetings and Standing Order 16 – Disorderly Conduct both refer to adjournment of a meeting in specific circumstances. Standing Order 13 relates to the debate of motions and the motions that can be moved during a debate. Standing Order 16 relates to the adjournment of a meeting in order to deal with disorderly conduct by a member of the Authority.

There is no specific reference within the Standing Orders to the Chair having the power to suspend or adjourn a meeting under any other conditions. The law requires that the meeting also gives its consent to the Chair to adjourn.

**It is therefore recommended that Standing Order No 4 – Chair of Meeting be amended to read as follows:**

**Standing Order No 4  
Chair of Meeting**

- 1** 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.
- 2** ***Notwithstanding anything contained in these Standing Orders, the Chair shall have the discretion to order an adjournment at any meeting where the circumstances justify or require that course and the meeting consents.***

**7. Police and Crime Commissioner (PCC)**

The PCC, or their representative, has been attending Fire Authority meetings since October 2016, following discussion and a formal written invitation from the then Chair of the Authority but there is no formal recognition of this in the Authority's Standing Orders which are currently silent on the issue of the PCC's attendance and expected conduct at Authority meetings.

The wording below is taken from Hereford & Worcester Fire and Rescue Authority's Standing Orders for the Conduct of Business. **It is recommended that similar wording is added to this Authority's Standing Orders to avoid any complications in the future, for example if a new PCC is elected**

- 1** ***Copies of the agenda, reports and minutes of the meetings of the Authority shall be sent to the Police & Crime Commissioner for West Mercia at the same time as they are sent to Members of the Authority***
- 2** ***The Police & Crime Commissioner for West Mercia (or in their absence the Deputy Police & Crime Commissioner) is not a member of the Authority but may:***
  - (a) attend any meeting of the Authority***
  - (b) participate in the discussion and debate on any matter under consideration by the Authority in accordance with Standing Order 13 but shall not vote nor move or second any motion or amendment***
  - (c) ask a question in accordance with Standing Order 10.1***
- 3** ***Standing Order 16 (Disorderly Conduct) and Standing Order 21 (Interests of Members in Contracts and other matters) shall apply to the Police & Crime Commissioner (or Deputy Police & Crime Commissioner) if present as they apply to Members.***

**4** *The Police & Crime Commissioner (and their Deputy) shall comply with the Authority's code of conduct except section 8 (registration of disclosable pecuniary interests) which is not applicable.*

**8. Move from Member Handbook to Constitution**

Having looked at other Combined Fire and Rescue Authorities, they have moved away from the Member Handbook format to a constitution document which captures all Authority and governance documents in one place.

**It is recommended that the same is done for this Authority, with the Member Handbook format being scrapped and a constitution document developed in its place.**

**5 Conclusions**

It is hoped that the proposed changes will bring further clarity to the orderly conduct of Authority meetings.

The Fire Authority is recommended to note the report and approve the proposed changes to the Authority's Standing Orders as detailed in the report.

**6 Financial Implications**

There are no financial implications arising from this report.

**7 Legal Comment**

The Authority has a duty to ensure that its Standing Orders are regularly reviewed and updated. It is considered best practice to do so. By considering these changes, the Fire Authority is demonstrating that it is complying with its legal duties. Specific legal requirements are set out within the body of the report.

**8 Equality Impact Assessment**

There are no equality or diversity implications arising from this report. An e-EQIA is not, therefore, required.

**9 Appendix**

Shropshire and Wrekin Fire and Rescue Authority  
Standing Orders for the Regulation of Proceedings and Business

**10 Background Papers**

There are no background papers associated with this report.



**Standing Orders for the Regulation  
of Proceedings and Business**

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**Standing Orders for  
the Regulation of Proceedings and Business of  
Shropshire and Wrekin Fire and Rescue Authority**

Any reference in these Standing Orders to the Authority shall,  
where the sense allows, be deemed to refer also to its committees.

**Standing Order No 1  
Meetings of the Authority**

- 1 The annual meeting of the Shropshire and Wrekin Fire Authority (“the Authority”) shall be held on a day and at a time to be fixed by the Authority between 1 March and 30 June in each year.
- 2 In addition to the annual meeting of the Authority and any extraordinary meetings convened by the Chair or by Members of the Authority, in accordance with paragraph 1 of Schedule 12 of the Local Government Act 1972 (the 1972 Act), meetings for the transaction of general business shall be held in each year at such intervals upon such days as the Authority may at its annual meeting (or other appropriate meeting) determine, unless otherwise ordered by the Authority and subject to any lawful alteration, which special circumstances may render desirable.
- 3 The annual meeting, any extraordinary meeting and other meetings of the Authority shall be held at such venues and at such times as the Authority may from time to time determine.
- 4 Subject to the statutory provisions allowing for urgent meetings, at least 5 clear working days before the meeting of the Authority:
  - (a) Notice of the time and place of the intended meeting shall be published at:  
The Shirehall, Shrewsbury;  
Addenbrooke House, Telford; and  
Brigade Headquarters, Shrewsbury.
  - (b) A summons to attend the meeting, specifying the business proposed to be transacted and signed by the Clerk to the Authority shall be left at or sent by post to the usual place of residence of every Member.
- 5 Meetings of the Authority shall be called by the Monitoring Officer who shall be responsible for the preparing of the agenda and the order of the business.
- 6 An item of business may not be considered at a meeting of the Authority unless either:



- (a) A copy of the agenda including the item (or copy of the item) has been open to inspection by the public in pursuance of paragraph 5 above for at least 5 clear working days before the meeting or, where the meeting is convened at shorter notice in cases of urgency in accordance with the provisions of the Local Government Act 1972, from the time the meeting is convened; or
  - (b) By reason of special circumstances, which shall be specified in the minutes, the person chairing the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 7 The Chair of the Authority may cancel or rearrange the date of a meeting at any time before the agenda has been published, if he/she feels there is insufficient business to justify the meeting or there is some other good reason why it would not be appropriate to hold the meeting on the day originally proposed.
- 8 A Chair's Report shall be prepared following each meeting of the Authority and shall be sent to each of the constituent authorities. The Chair shall answer any questions regarding any of the Reports, put by the constituent authority of which he/she is a Member. The Vice-Chair shall answer any questions regarding the Reports, put by the constituent authority of which he/she is a Member.
- 9 If neither the Chair nor the Vice-Chair is available he/she may nominate a member to respond on his/her behalf.

### **Standing Order No 2 Election of Chair and Vice-Chair**

1. The Authority shall at its Annual Meeting elect a Chair and appoint a Vice-Chair, who shall, unless he/she resigns that office, continue in office until immediately after the election of the Chair and appointment of Vice-Chair at the next Annual meeting.
2. On a casual vacancy occurring in the office of chairman or vice-chairman, the Authority shall elect from its members a person to replace the chairman, and may so elect a person to replace the vice-chairman, as the case may be.
3. The election to replace the chairman shall take place not later than the next following ordinary meeting of the Authority.

### **Standing Order No 3 Powers of Vice-Chair**

- 1 The provisions of Section 5(3) of the 1972 Act shall not apply except in those cases:

- (a) where by reason of illness, absence from the area of the Authority or from the relevant meeting of the Authority, it is not possible or practicable for the Chair to act; or
- (b) where the office of Chair is vacant; or
- (c) where the Chair has authorised the Vice-Chair either specifically or generally to exercise the Chair's powers under the said section.

**Standing Order No 4  
Chair of 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.

**Standing Order No 5  
Quorum**

- 1 If during any meeting of the Authority the Chair or any Member of the Authority queries whether or not there is a quorum present the Clerk to the Authority shall call over and record the names of the Members of the Authority who are present in the meeting and if it appears that there is not a quorum present the meeting shall stand adjourned to a time to be fixed by the Chair, or if s/he does not fix a time, to the next ordinary meeting of the Authority.
- 2 A quorum for a meeting of the Authority shall be one-third of the total number of Members of the Authority including at least one Member from each constituent Authority (in practice this shall be 5 Members). The requirement for a quorum to include at least one Member from each constituent authority shall not apply to committees or sub-committees of the Authority.

**Standing Order No 6  
Order of Business**

- 1 Except as otherwise provided by paragraph (2) of this standing order, the order of business at every meeting of the Authority shall be:
  - (a) To choose a person to preside if the Chair and Vice-Chair are absent.
  - (b) To deal with any business required by statute to be done before any other business.
  - (c) To receive any disclosable pecuniary interests from Members
  - (d) To receive any questions, statements or petitions, raised under Standing Order 14, from members of the public.

- (e) To approve as a correct record and sign the minutes of the last meeting of the Authority.
  - (f) To deal with any business expressly required by statute to be done.
  - (g) To receive communications sent to the Chair or the Clerk to the Authority and to take such action thereon as may be deemed necessary.
  - (h) To dispose of business (if any) remaining from the last meeting.
  - (i) To answer any questions asked under Standing Order 10.
  - (j) To receive and consider reports, minutes and recommendations of committees and to pass such resolutions thereon as may be deemed necessary.
  - (k) To consider motions in the order in which notice has been received.
  - (l) To receive the Clerk to the Authority's report and to pass such resolutions thereon as may be deemed necessary.
  - (m) To authorise the sealing of documents in accordance with Standing Order 26.
  - (n) Other business, if any, specified in the summons.
  - (o) To consider any item not on the Agenda which by reason of special circumstances the Chair is of the opinion should be considered as a matter of urgency under the provisions of section 100 B (4) (b) of the 1972 Act.
- 2 The Chair may at any meeting vary the order of business, but such a variation shall not displace business falling under items (a), (b), (c) and (d) in paragraph 1 of this Standing Order.
- 3 At least annually in addition to the statutory and other business the Agenda shall include an item to consider the constitution of committees and sub-committees and their membership.

### **Standing Order No 7**

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

- 1 The Authority may at any meeting appoint such committees and sub-committees as it thinks fit and shall determine the number of Members to serve on each such committee or sub-committee.
- 2 The Authority shall at least annually review the constitution and composition of any committees or sub-committee which have been appointed - see Standing Order 6.3 above.

- 3 Any committees or sub-committees appointed by the Authority shall consider the election of a Chair and appointment of a Vice-Chair as the last item of business on the agenda of the annual meeting of the Authority.
- 4 When appointing committees the Authority shall determine the overall number of seats on each committee and allocate numbers of seats to political groups in accordance with the Local Government and Housing Act 1989 and regulations made under that Act.

### **Standing Order No 8**

#### **Notices of Motion**

- 1 Notice of every motion, other than a motion which under Standing Order 9 may be moved without notice, shall be given in writing, signed by a proposer and seconder and delivered during normal office hours at least seven clear days before the next meeting of the Authority to the Clerk to the Authority at the office of the Clerk to the Authority by whom it shall be dated and numbered in the order in which it is received.
- 2 The Clerk to the Authority shall set out in the summons for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such a notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting, or has since withdrawn it in writing.
- 3 If a motion set out in the summons is not moved either by the Member who gave notice thereof or by some other Member on his/her behalf it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.
- 4 (a) If the subject matter of any motion of which notice has been duly given comes within the province of any committee or committees it shall, upon being moved and seconded, stand referred without discussion to such committee or committees, or to such other committee or committees as the Authority may determine, for consideration and report.  
  
(b) The Chair, if s/he considers it convenient and conducive to the despatch of business, may allow the motion to be dealt with at the meeting of the Authority at which it is brought forward.
- 5 Every motion shall be relevant to some matter in relation to which the Authority has powers or duties or which affects the Authority.
- 6 The Chair shall have the power to exclude any notice of motion which is not relevant to the Authority or which s/he feels may bring the Authority into disrepute if discussed.

**Standing Order No 9**  
**Motions and Amendments which may be moved without notice**

The following motions and amendments may be moved without notice:

- 1 Appointment of a Chair of the meeting at which the motion is made.
- 2 Motions relating to the accuracy of the minutes.
- 3 That an item of business specified in the summons has precedence.
- 4 That the matter be referred to a committee.
- 5 Appointment of a committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.
- 6 Adoption of reports and recommendations of committees or officers and any consequent resolutions.
- 7 That leave be given to withdraw a motion.
- 8 Extending the time limit for speeches.
- 9 Amendments to motions.
- 10 That the Authority proceed to the next business.
- 11 That the question be now put.
- 12 That the debate be now adjourned.
- 13 That the Authority do now adjourn.
- 14 Authorising the sealing of documents.
- 15 Suspending Standing Orders, in accordance with Standing Order 31.
- 16 A motion under Section 100A of the Local Government Act 1972, to exclude the public or press.
- 17 That a Member under Standing Order 16 be not further heard or do leave the meeting.
- 18 Requesting a Member to leave under Standing Order 21 (disclosable pecuniary interest).
- 19 Giving consent of the Authority where the consent of the Authority is required by these Standing Orders.

## **Standing Order No 10**

### **Questions**

- 1 A Member of the Authority may ask the Chair of a committee any question on an item of the report/minutes of the committee when that item is under consideration by the Authority.
- 2 A Member of the Authority may, if 2 clear working days' notice in writing has been given to the Clerk to the Authority and such notice is signed by a Member, ask the Chair of the Authority or the Chair of any committee any question on any matter in relation to which the Authority has powers or duties or which affects the Authority.
- 3 Every question shall be put and answered without discussion by
  - (a) a direct oral answer; or
  - (b) reference to a publication of the Authority containing the desired information; or
  - (c) a written answer circulated within 14 days to all Members of the Authority.
- 4 A Member asking the question shall have the right to respond to an oral answer from the Chair, the response being constrained to the answer given. Supplementary questions may not be put.
- 5 The Chair shall have the right to sum up and bring the matter to a conclusion.
- 6 No other Members shall be permitted to respond or put supplementary questions.
- 7 Answers and responses shall be limited to 3 minutes.

## **Standing Order No 11**

### **Minutes**

- 1 The Chair shall put the question that the minutes of the meeting of the Authority held on the .....day of .....be agreed and signed as a correct record.
- 2 No discussion shall take place upon the minutes, except upon their accuracy, and 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 has been disposed of, the Chair shall sign the minutes then or at the conclusion of the meeting in question.
- 3 The minutes of any extraordinary meetings shall be presented to the next ordinary meeting and not to another extraordinary meeting.

- 4 Where an extraordinary meeting is called there shall be no requirement to sign the minutes of the previous ordinary meeting at that extraordinary meeting. Those minutes shall be taken to the next ordinary meeting for agreement and signature.

### **Standing Order No 12 Expressions of Dissent**

No protest or expression of dissent shall be entered upon the minutes of the Authority or its committees provided that if, in the opinion of a Member, it is being proposed that the Authority or a committee shall make a decision which is ultra vires or otherwise illegal s/he may ask that s/he shall be dissociated from such a decision and a record of his/her request shall be made in the minutes of the Authority or the committee.

### **Standing Order No 13 Rules of Debate for Authority Meetings**

#### **Motions and Amendments**

- 1 A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 8, it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put into the meeting.

#### **Secunder's Speech**

- 2 A Member when seconding a motion or amendment may, if s/he then declares his/her intention to do so, reserve his/her speech until later in the debate.

#### **Only one Member to speak at a time**

- 3 A Member when speaking shall address the Chair. If two or more Members indicate they wish to speak by raising their hand, the Chair shall call on one to speak; the other or others shall then wait to be called to speak by the Chair. While a Member is speaking the other Members shall remain silent, unless wishing to make a point of order or in personal explanation in which case the Chair will call that Member to speak.

#### **Content and Length of Speeches**

- 4 A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. A Member moving a resolution or amendment shall not speak for more than 10 minutes in support thereof and no other speech shall exceed 5 minutes, except by consent of the Authority.

#### **When a Member may speak again**

- 5 A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
  - (a) to speak once on an amendment moved by another Member;

- (b) if the motion has been amended since s/he last spoke, to move a further amendment;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which s/he spoke was carried;
- (d) in exercise of a right of reply given by paragraph 12 of this Standing Order;
- (e) on a point of order;
- (f) by way of personal explanation;
- (g) to move in so many words 'That the question be now put'; or
- (h) at the discretion of the Chair.

#### **Amendments to Motions**

6 An amendment shall be relevant to the motion and shall be:

- (a) to refer a subject of debate to a committee for consideration or reconsideration; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words.

7 Subject to paragraph 8 below, only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

8 The Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Authority's business.

9 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.

#### **Alteration of a Motion**

10 A Member may with the consent of the Authority signified without discussion:

- (a) alter a motion of which s/he has given notice; or
- (b) with the further consent of his/her seconder alter a motion which s/he has moved,



if (in either case) the alteration is one which could be made as an amendment thereto.

**Withdrawal of Motion**

- 11 A motion or amendment may be withdrawn by the mover with the consent of his/her seconder and of the Authority, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

**Right of Reply**

- 12 The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment provided that, if that amendment becomes the substantive motion, the mover shall have a right of reply to the debate on that motion.

- 13 When a motion is under debate, no other motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to postpone consideration of the motion;
- (c) to adjourn the meeting;
- (d) to adjourn the debate;
- (e) to proceed to the next business;
- (f) that the question be now put;
- (g) that a Member be not further heard;
- (h) by the Chair under Standing Order 16.2 that a Member do leave the meeting; or
- (i) a motion under Section 100A of the Local Government Act 1972 to exclude the public or press.

- 14 A Member may move without comment at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Authority do now adjourn", on the seconding of which the Chair shall proceed as follows:

- (a) on a motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed, the Chair

shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;

- (b) on a motion that the question be now put: unless in his/her opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his/her right of reply under paragraph 12 of this Standing order before putting his/her motion to the vote;
- (c) on a motion to adjourn the debate or the meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion s/he shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

#### **Point of Order**

- 15 A Member may raise a point of order at any time. The Chair will hear him/her immediately. A point of order may relate only to an alleged breach of these Authority Standing Orders or the law. The Member must state the Standing Order or law and the way in which he/she considers it has been breached. The ruling of the Chair on the matter will be final and shall not be open to discussion or debate.

#### **Personal Explanation**

- 16 A Member may make a personal explanation at any time. A personal explanation may relate only to some material part of an earlier speech made by a Member, which appears to have been misunderstood in the present debate, or to refute personal allegations. The ruling of the Chair on the admissibility of a personal explanation will be final and shall not be open to any debate or discussion.

#### **Respect for Chair**

- 17 Whenever the Chair speaks during a debate a Member then speaking shall be silent.

### **Standing Order 14**

#### **Public Participation at Meetings**

##### **Questions, Statements and Petitions**

- 1 Provision shall be made on the public part of the Agenda of each ordinary and, at the Chair's absolute discretion, special meetings of the Authority, of the Strategy and Resources Committee, and of the Standards, Audit and Performance Committee for members of the public ('a person') to participate in accordance with the rules below.
- 2 If items to be discussed are of a confidential nature or are classified as exempt, namely they relate to the financial or business affairs of the Authority, then the public and press can be excluded for this part of the meeting if it is

the case that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. (See Section 9 of the Members' Handbook)

- 3 For the purposes of this standing order, a person shall include any elector living within Shropshire and any other party with interests within Shropshire. It will exclude any employee of the Authority in relation to any matter connected with their employment; any representative of an employee or group of employees; any person in a contractual relationship with the Authority in relation to any matter connected with that contract; any elected member of any local authority on a matter concerning that local authority or (unless the Chair determines otherwise) any person appointed or engaged to speak on behalf of another.
- 4 Written, facsimile or e-mail notice of questions, statements or petitions must be given to the Clerk by 5 pm three clear working days before the relevant meeting.
- 5 Normally, a maximum of three matters will be received and the total period of public participation may be up to 10 minutes. If notice is received of more than three matters to be raised at the same meeting, matters discussed will be at the discretion of the Chair. Matters shall only be permitted if they relate to an item on the Agenda, and will be taken at the relevant time. No questions, which seek any information of a personal nature or confidential information, shall be answered.
- 6 No person shall be permitted to ask more than one question at any meeting and it shall be in the absolute discretion of the Chair to decide whether a person has in fact asked more than one question on any given occasion.
- 7 The Chair shall be entitled to refuse to allow a question to be put to the meeting, if, in the Chair's opinion, that question has previously been asked and answered and there has been no subsequent change in circumstances, or in his/her opinion it would risk the defamation of any individual, relates to confidential or exempt information, relates to an individual or personal dealings with the Authority or is considered to be frivolous or vexatious. The Chair shall advise Members in general terms of such a refusal.
- 8 A person submitting a question after three questions have already been received from other persons shall be offered the option of a written reply. The opportunity to discuss more than three items remains at the discretion of the Chair.
- 9 A person may address the Authority or committee with regard to questions, statements or petitions him/herself for a period not exceeding three minutes and the remarks shall relate only to the issues in respect of which notice has been given. The Chair shall have discretion to extend the participation period at the expiry of the 10-minute period to allow completion of the question in progress or to terminate the participation period prior to the expiry of the 10-minute period.

- 10 Any question shall be directed at the Chair who may reply orally at the meeting or in writing following the meeting or who may decline to reply. A reason for declining to reply must be given. The Chair may ask another Member of the Authority or committee or an officer to reply on his behalf.
- 11 The Chair shall, without response, receive any petition although the person presenting a petition of 10 or more signatures may speak to it.
- 12 Where a group is raising a question or making a statement at the meeting a representative must be nominated to speak on behalf of the group at the meeting.
- 13 No response need be made to statements but Members of the Authority or committee can allude to them in the course of the consideration of the relevant item on the agenda.
- 14 With the express permission of the Chair and within the overall time allowed, a supplementary question from the member of the public or spokesperson may be permitted and Members of the Authority or committee may put questions to the member of the public.
- 15 In accordance with Standing Order 32, the Chair's ruling on the construction or application of this Standing Order shall be final and not open to debate or challenge.

#### **Authority and Committee Agenda and Reports**

- 16 So far as is practicable, relevant Authority and committee agenda and reports will be given to all persons attending the meeting, with the exception of reports, which are exempt under the Local Government Act 1972 or confidential by order of a Government Minister.

#### **Disturbance by Members of the Public**

- 17 The Chair shall warn a member of the public who interrupts the proceedings at any meeting. If the interruption continues, the Chair may order that person's removal from the meeting room. In case of general disturbances in any part of the meeting room open to the public the Chair may order that part to be cleared.

### **Standing Order No 15**

#### **Motions affecting persons employed by the Authority**

If any question arises at a meeting of the Authority as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Authority, such question shall not be the subject of discussion until the Authority or committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act 1972 shall be exercised.

## **Standing Order No 16 Disorderly Conduct**

- 1 If any Member of the Authority is, in the opinion of the Chair, misconducting 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, the Chair or any other Member may move “That the Member named be not further heard”, and the motion if seconded shall be put and determined without discussion.
- 2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall:
  - (a) either 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 the Chair considers expedient.
- 3 In the event of general disturbance which makes the due and orderly dispatch of business impossible, the Chair may, in addition to any other power vested in him/her adjourn the meeting for such period as the Chair considers expedient.
- 4 A Member or Members of the Authority named in a motion carried under this Standing Order shall comply with such motion immediately.

## **Standing Order No 17 Disturbance by Members of the Public**

If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If s/he continues the interruption the Chair may order his/her removal from the meeting room. In case of general disturbance in any part of the meeting room open to the public the Chair may order that part to be cleared.

## **Standing Order No 18 Rescission of Preceding Resolution**

- 1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 8 bears the names of at least five Members of the Authority, in accordance with the requirements of Standing Order No. 8- Notices of Motion. When any such motion or amendment has been disposed of by the Authority it shall not be open to any Member to propose a similar motion within a further period of six months.
- 2 This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

## **Standing Order No 19**

### **Voting/Recording of Votes**

#### **Majority**

- 1 Any matter shall be decided by a simple majority of those Members voting and present in the room at the time the question was put.

#### **Chair's Casting Vote**

- 2 If there are equal numbers of votes for and against, the Chair shall have a second or casting vote. There shall be no restriction on how the Chair chooses to exercise a casting vote. It may be cast for or against the proposal or the Chair may decide not to use it. In the latter case the motion would not be carried.

#### **Show of Hands**

- 3 Unless a recorded vote is demanded under Standing Orders 19.4 or 19.5, the Chair will take the vote by a show of hands, or, if there is no dissent, by the affirmation of the meeting.

#### **Recorded Vote**

- 4 If three Members demand it, the names of those for and against the motion or amendment and of those abstaining from voting will be taken down in writing and entered into the minutes.

#### **Right to require Individual (Named) Vote to be Recorded**

- 5 Where any member requests it immediately after a vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

#### **Voting on Appointments**

- 6 If there are more than two people nominated for any position to be filled (including any Chair or Vice-Chair) and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The voting may take place by ballot, if the Authority so determines, and, in the case of equality of votes for two or more candidates, then the Chair shall have a second or casting vote in accordance with Standing Order 19.2.

## **Standing Order No 20**

### **Attendances**

#### **Record of Attendances**

- 1 Every Member of the Authority attending a meeting of the Authority or of any of its committees or sub-committees of which s/he is a Member shall sign his/her name in the attendance book or sheet.

### **Appeal Hearings**

- 2 Any Member, who has been involved with a decision, shall not be permitted to sit on any subsequent panel or committee dealing with an appeal against such a decision.

### **Attendances in the absence of a Quorum**

- 3 The Clerk to the Authority shall keep a record of the attendances of Members of the Authority at Authority meetings and at meetings of each of the committees of the Authority or of the sub-committees or working parties thereof, whether there be a quorum or not.

### **Records of other attendances and approved duties**

- 4 The Chief Financial Officer of the Authority or other person authorised for the time being to make any payments to Members of the Authority under Section 18 Local Government and Housing Act 1989 and section 100 of the Local Government Act 2000 or any regulations made thereunder shall keep such records of the attendances, approved duties, conferences, meetings, visits and other occasions qualifying for such payments as such officer considers necessary or desirable and Members of the Authority shall supply to such officer such details thereof as s/he reasonably prescribes.

### **Failure to attend meetings**

- 5 Where a Member fails, throughout a period of six months from the date of their last attendance, to attend any meeting of the Authority, then the appropriate Political Group Leader shall be advised of the non-attendance, unless the failure to attend was as a result of some reason approved by, or on behalf of, the Authority or one of the Constituent Authorities before the expiry of that period.

A 'meeting of the Authority' includes meetings of the Authority itself, of its committees and panels and outside body attendance, where the Member is a named Member of that body.

## **Standing Order No 21**

### **Interest of Members in Contracts and other matters**

If any Member of the Authority has any pecuniary interest, that Member must declare that they have a pecuniary interest and must withdraw from the room unless the Standards, Audit and Performance Committee grants a dispensation in favour of the Member/s concerned in accordance with the relevant Regulations.

## **Standing Order No 22**

### **Interest of Officers in Contracts**

The Clerk to the Authority shall record in a book to be kept for the purpose brief particulars of any notice given by an officer of the Authority under Section 117 of the 1972 Act of a pecuniary interest in a contract, and the book and such notices shall be open during office hours to the inspection of any Member of the Authority.

### **Standing Order No 23**

#### **Canvassing of, and recommendations by, Members**

- 1 Canvassing of Members of the Authority or any committee of the Authority directly or indirectly for any appointment under the Authority may, if the Authority so decides, disqualify the candidate concerned for that appointment.
- 2 A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not prevent a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

### **Standing Order No 24**

#### **Relatives of Members or Officers**

A candidate for any appointment under the Authority, who knows that s/he is related to any Member or officer of the Authority, shall when making application disclose that relationship to the Clerk to the Authority. A candidate who fails to disclose such a relationship may be disqualified from the appointment and if appointed may be liable to dismissal without notice. Every Member and senior officer of the Authority shall disclose to the Clerk to the Authority any relationship known to him/her to exist between him/herself and any person whom s/he knows is a candidate for an appointment under the Authority.

The Clerk to the Authority shall report to the Authority or to the appropriate committee any such disclosure made to him/her.

### **Standing Order No 25**

#### **Custody of Seal**

The common seal of the Authority shall be kept in a safe place in the custody of the Clerk to the Authority.

### **Standing Order No 26**

#### **Sealing of Documents**

- 1 The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a committee to which the Authority has delegated its powers in this behalf, but a resolution of the Authority (or of a committee where that committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.



- 2 One of the following persons shall be present at the sealing and shall attest the seal:
  - (a) Chair
  - (b) Vice-Chair
  - (c) Clerk to the Authority
  - (d) any other officer authorised by the Clerk

An entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person, who has attested the seal.

### **Standing Order No 27**

#### **Authentication of documents for Legal Proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Authority it shall be signed by the Clerk to the Authority or the Solicitor of the Authority unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such proceedings.

### **Standing Order No 28**

#### **Inspection of Documents**

- 1 A Member of the Authority may, for the purposes of his/her duty as such Member but not otherwise, inspect any document which has been considered by a committee or by the Authority on application to the Clerk to the Authority and if copies are available, shall on request be supplied for the like purposes with a copy of such a document.
- 2 A Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which s/he is professionally interested or in which s/he has a pecuniary interest within the meaning of the Code of Conduct. This Standing Order shall not preclude the Clerk to the Authority or the Solicitor of the Authority from declining to allow inspection of any document which is or in the event of legal proceedings which would, be protected by privilege arising from the relationship of Solicitor and client.
- 3 All reports made or minutes kept by any committee shall, as soon as the committee has concluded action on the matter to which such reports or minutes relate and after they have been approved by the Authority, be open for inspection by any Member of the Authority.

**Standing Order No 29**  
**Inspection of Lands, Premises, etc.**

Unless specially authorised to do so by the Authority or a committee, a Member of the Authority shall not have any right to issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his/her membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

**Standing Order No 30**  
**Variation and Revocation of Standing Orders**

Any motion to add to, vary or revoke these Standing Orders other than for the purpose of compliance with any statutory requirement shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

**Standing Order No 31**  
**Suspension of Standing Orders**

All of these Standing Orders except Standing Order 19 (5) (Right to Require Individual Vote to be Recorded) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Authority are present and the majority of those present is in favour. Suspension can only be for the duration of the meeting.

**Standing Order No 32**  
**Interpretation of Standing Orders**

- 1 The Interpretation Acts shall apply to these Standing Orders.
- 2 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 be final and not open to debate or challenge.
- 3 In these Standing Orders, any reference to a statutory provision, regulations, order or code of conduct shall be construed as a reference to the statutory provision, regulations, order or code of conduct as amended, substituted or extended from time to time.