

WEST MIDLANDS FIRE AND CIVIL DEFENCE AUTHORITY

26TH JULY, 2004

1. STANDING ORDERS OF THE AUTHORITY

Joint report of the Clerk and Chief Fire Officer.

RECOMMENDED

THAT the Authority adopt the Standing Orders as set out in the Appendix.

2. PURPOSE

To consider a review of the Authority's Standing Orders, which set out the procedural rules by which the Authority transacts its business. The Standing Orders were last reviewed in 1994. This review aims to bring the document up to date, to adopt a plain english style and apply good practices in accordance with the principles of the modernisation agenda.

3. BACKGROUND

- 3.1 Under the provisions of the Local Government Act 1972, the Authority is required to adopt Standing Orders setting out the procedural rules by which the Authority (and its Committees) conduct business. Members will be aware that under the provisions of the Local Government Act 2000, constituent local authorities are required to adopt a Constitution. Not all of the provisions of the Local Government Act 2000 apply to the work of this Authority, however, the Authority has previously given an undertaking to apply good practices arising from the modernisation agenda to its own governance arrangements.
- 3.2 The procedural standing orders were last reviewed by the Authority in 1994. During the past year, officers have taken the opportunity to review the Standing Orders, to clarify practical issues relating to the transaction of the Authority's business and to reflect changes that have taken place in recent years. The review has focused on the need to bring the document up to date in a more plain english style rather than on the need for any substantial changes to the way in which the Authority conducts its business. A revised draft of the Standing Orders is set out in the Appendix. This document takes account of guidance issued to local authorities generally by the Secretary of State with regard to model council constitutions.
- 3.3 The adoption of the revised Standing Orders will not in itself result in any significant changes in the way in which the Authority (or its Committees) presently conduct their business. The document does, however, provide for clarity on a number of procedural matters and reflects the practical day to day issues relating to the operation and transaction of the Authority's business.

3.4 The Authority's attention is drawn to the following points and issues:-

Standing Order No 1 – Standing Orders

Standing Order No. 1(3)(b). This clarifies the number of Members that are required to support the suspension of Standing Orders at an Authority meeting. The existing Standing Order refers to at least half of the Members of the Authority being present. The revised draft addresses the situation if there are vacancies on the Authority by clarifying that 14 Members are required to support such a suspension.

Standing Order No. 1(6). There is currently no provision for a Member to challenge an interpretation made by the person presiding at a meeting. This would provide for any such challenge to be made after the meeting in writing to the Monitoring Officer.

Standing Order No. 2 – Annual Meetings of the Authority

The Annual Meeting of the Authority is normally held in June in accordance with legal requirements. Standing Order No. 2(1) will now provide for special or emergency circumstances arising (eg: the change in the date of the municipal elections).

Standing Order No. 3 – Extraordinary Meetings of the Authority

This Standing Order clarifies the process and procedure for convening additional meetings of the Authority over and above those included in the programme of ordinary meetings.

Standing Order No. 4 – Person Presiding at Meetings of the Authority

This Standing Order provides for absence of the Chair and Vice-Chair at a meeting of the Authority. In such circumstances, the Authority would need to elect a person to preside for the duration of that meeting. The Standing Order also refers to circumstances where the Chair (or person presiding) might be required to exercise a casting vote.

Standing Order No. 5 – Quorum of Meetings of the Authority

A quorum at an Authority meeting is equivalent to a quarter of the number of voting Members (ie: 7 Members). This Standing Order provides for circumstances if no quorum is present at the time specified for the start of an Authority meeting. The meeting should start within 15 minutes of the time specified on the agenda and if there is still no quorum present after this time, the meeting should be postponed. The same principle applies if a meeting is adjourned part of the way through due to the lack of a quorum.

Standing Order No. 6 – Order of Business at Authority Meetings

This Standing Order sets out the arrangements for the ordering of business at meetings of the Authority. Provision is made under 6(k) for opposition

business and the Standing Order sets out the process involved and the requirement for opposition groups to give prior notice to the Clerk (at Sandwell Council House, Oldbury) to ensure that the item can be included on the agenda.

The Chair may withdraw items from the agenda if appropriate, however, the reasons for the withdrawal should be recorded in the minutes.

Standing Order No. 7 – Written Notices of Motion from Members at Authority Meetings

This Standing Order sets out the requirements and the procedure for Members wishing to submit written notices of motion to the Authority. Members are required to give prior notice to the Clerk (at Sandwell Council House, Oldbury) to ensure that the item can be included on the agenda. The Standing Order also deals with the process to be followed at the meeting.

Standing Order No. 7(1) makes provision for circumstances where business may be deferred from a previous meeting. Standing Order No. 7(6) provides for instances where a Member who has put forward the motion to nominate another Member to move it if he/she is absent.

Standing Order No. 8 – Presentation of Petitions to Meetings of the Authority

This Standing Order sets out the requirements and the procedure for Members wishing to submit petitions (on behalf of their constituents) to the Authority. The Standing Order also deals with the process to be followed at the meeting.

Standing Order No. 9 – Consideration of Reports and Recommendations to Meetings of the Authority

This Standing Order provides for the submission of reports and recommendations to the Authority in accordance with the Authority's scheme of delegation and terms of reference.

Standing Order No. 10 – Appointment of Committees

This Standing Order sets out the framework for the appointment of the Authority's Committees as considered each year at the Annual Meeting. It also deals with the requirement to review proportionality if any changes are made to the Authority's Membership during the year.

Standing Order No. 11 – Substitute Members

This Standing Order formalises the Authority's arrangements for permitting the attendance of substitutes at meetings where the appointed Member is unable to attend. Standing Order 11(2) recognises that the Authority cannot insist on substitution on other bodies where that organisation's rules do not permit this.

Standing Order No. 11(3) clarifies that a Member must substitute for the whole meeting. However, a substitute may attend to take the place of a Member on a quasi judicial body if the appointed Member was precluded from hearing a case (eg: because of a prejudicial interest).

Members are required to notify the Clerk before the start of the meeting of the substitution arrangements.

Standing Order No. 12 – Meetings of Committees

This Standing Order sets out the general arrangements and processes for convening ordinary and special meetings of Committees.

Standing Order No. 13 – Persons Presiding at Meetings of Committees

The appointment of the Chairs and Vice-Chairs of Committees is normally carried out at the Annual Meeting of the Authority. This Standing Order provides for circumstances where the appointed Chair and Vice-Chair may be absent at a Committee meeting. It also refers to the powers of the Chair or the person presiding, including the right to exercise the casting vote.

Standing Order No. 14 – Quorum of Committees

The quorum of Committees is a quarter of the total number of voting Members or at least 2 whichever is the greater. This applies to all Committees except the Standards Committee where the quorum is 3 (including the Independent Chair).

The 15 minute rule applies to Committee meetings in the same way that it applies to Authority meetings (see Standing Order 5 above).

Standing Order No. 15 – Committee Business Raised at Members' Request

This Standing Order gives a Member of a Committee the right to raise an item of business at a meeting of that Committee and sets out the procedure involved. Members are required to give notice of the item to the Clerk (at Sandwell Council House, Oldbury) at least 14 days before the date of the next scheduled meeting of the Committee.

Standing Order No. 16 – Order of Business in Committees

The arrangements for the ordering of business at Committees are similar to the arrangements for meetings of the Authority (see Standing Order No. 6). The Chair of a Committee may withdraw items from the agenda if appropriate, however, the reasons for the withdrawal should be recorded in the minutes.

Standing Order No. 17 – Arrangements to Act in Matters of Urgency

This Standing Order formalises the arrangements that have been in place in the Authority for many years to deal with matters of urgency. If a matter is extremely urgent and cannot be considered by the Authority or a Committee,

a Chief Officer may act following consultation with the Chair and Vice-Chair. This is subject to the proposed action being in accordance with approved Authority policy and to a requirement that the details of the action are reported back to the next available meeting of the Authority.

These urgency arrangements cannot be applied to functions which are discharged by quasi judicial bodies where a specified procedure is required to be followed (eg: the determination of an appeal). The Standing Orders also clarify that urgency provisions should not be invoked due to a failure to finalise reports in time under normal procedures.

Standing Order No. 18 – Reference Up of Decisions

This provides for a Committee to refer a matter to the Authority or another Committee in appropriate circumstances. This would not apply to a quasi judicial Committee considering an individual case under the relevant procedures. However, such a Committee would not be able to take a decision that was contrary to Authority policy without referral to the Authority.

Standing Order No. 19 – Confirmation of Minutes as a Correct Record

This is a standard practice in line with the legal requirements relating to the conduct of Authority and Committee business.

Standing Order No. 20 – Rules of Debate

The rules of debate set out the general principles and protocols on how the Authority and its Committees conduct their business. This Standing Order sets out the rules on the regulation of discussion in accordance with the law and practice of meetings and the procedures adopted the Authority. The rules apply to speeches, motions, amendments and other procedural matters relating to the conduct of meetings. In practice, the Chair of the Authority or a Committee will take responsibility to regulate the discussion and ensure the efficient transaction of business in accordance with these procedural rules.

Standing Order No. 21 – Prevention of Disorderly Conduct

This sets out the procedure to be followed by the Chair in cases where an elected Member or a Member of the public misconducts themselves at a meeting of the Authority or a Committee.

Standing Order No. 22 - Voting

In most cases, the system of voting at the Authority and Committees is by a simple majority determined by a show of hands. The only exception to this is in cases where there are two or more people nominated for any position to be filled by the Authority (see Standing Order 22(5)).

Members may ask for the way in which they voted to be recorded in the minutes. A named vote may be taken provided that six Members in total support the request.

The Chair may exercise a second or casting vote in the event of a tied vote at

any meeting.

Standing Order No. 23 – Attendance Register

This is a standard practice operated by the Authority over many years.

Standing Order No. 24 – Observers at Meetings

This Standing Order clarifies the rights of Members to attend Committees as an observer. All Members of the Authority have a standing invitation to attend meetings of the Executive Committee. The attendance of a Member during the confidential proceedings of a Committee is at the discretion of the Chair of the meeting. For example, it might be inappropriate for observers to attend during the hearing of a disciplinary case unless they could demonstrate a proper reason for wishing to attend.

Standing Order 25 – Members Interests

This Standing Order has been reviewed and redrafted having regard to the adoption of the Members Code of Conduct which is set out as an Appendix to the Standing Orders for ease of reference.

Standing Order No. 26 – Officers Interests

This Standing Order clarifies the duties of Officers to disclose interests in matters being dealt with by the Authority or its Committees. These duties are consistent with the requirement of Members to disclose interests under the Code of Conduct. Officers also have an obligation to declare interests in accordance with their terms and conditions of employment, any relevant statutory provisions and the requirements of any codes of conduct, standing orders or protocols which the Authority might adopt from time to time.

Standing Order No. 27 – Appointment, Dismissal and Disciplinary Action

Local authorities are required to include, in their procedure rules, the provisions contained in the Local Authorities (Standing Orders) (England) Regulations 2001 for the Appointment, Dismissal and Disciplinary Action Against Staff. These procedures represent good practice and it would be appropriate to incorporate these into the draft Standing Orders for this Authority.

Standing Order No. 28 – Attestation of Documents

This is in accordance with the practice of the Authority over previous years.

Standing Order No. 29 – Papers and Advice

This Standing Order supports the role of the Clerk in undertaking Proper Officer functions under the Local Government Act 1972 relating to access to information. It also provides for officers to be given the opportunity to advise the Authority in writing or orally on individual matters on which they have specific responsibilities.

Standing Order 30 – Access to Documents, Information and Land

This Standing Order sets out the rights of Members, Co-opted Members/Advisors and Officers to have access to documents, information or to enter any land or buildings owned by the Authority. This Standing Order does not affect the statutory rights of any individual under other legislation such as the Freedom of Information Act 2000. This Standing Order will be kept under review pending the full implementation of the provisions of that Act with effect from 1st January, 2005.

Standing Order No. 31 – Public Disclosure of Information Relating to Employees

This provides for the Authority or any Committee to exclude the public before discussing any matters relating to employees or officers of the Authority.

Standing Order No. 32 – Delegation of Powers to Chief Officers

This refers to the requirement of the Authority to maintain a register of powers that are delegated to its Chief Officers. This register is open to public inspection (see report elsewhere on the agenda). The Standing Order also refers to the rights of Members to inspect documents relating to actions taken under delegated powers and the need for officers to maintain records of the actions they have taken under such powers.

Standing Order 33 - Definitions

This clarifies various terms used within the revised Standing Orders.

4. **EQUALITY AND DIVERSITY IMPLICATIONS**

There are no direct implications arising from this report.

5. **CORPORATE AIM SUPPORTED**

The principal corporate aim supported by this report is:-

1. To support the Authority in meeting its statutory duties, standards and expectations.

6. **LEGAL IMPLICATIONS**

The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

7. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

F N SUMMERS
CLERK

F J E SHEEHAN
CHIEF FIRE OFFICER