

**WEST MIDLANDS FIRE AND  
RESCUE AUTHORITY**

**STANDING  
ORDERS  
OF  
THE  
AUTHORITY**

# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

## **STANDING ORDERS**

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## **PART 1 – PRELIMINARY**

### **1. Standing Orders**

- (1) Only the Authority can change or revoke these Standing Orders.
- (2) The Authority shall not consider any motion to change or revoke any of these Standing Orders until it has received a written report from the Monitoring Officer.
- (3) Apart from this Standing Order, the other Standing Orders may be suspended during a meeting of the Authority provided that either:-
  - (a) notice of intention to move such a suspension has been included in the agenda for the meeting; or
  - (b) at least 14 Members of the Authority support the suspension.
- (4) No motion to suspend any of these Standing Orders shall be considered if the effect of adopting the motion would be to contravene any legal provision, regulation or other statutory requirement.
- (5) The ruling of any person presiding at any meeting to which these Standing Orders apply, concerning the interpretation or application of any of these Standing Orders, shall not be challenged at that meeting.
- (6) Any challenge to the ruling of the person presiding at any meeting to which these Standing Orders apply concerning the interpretation or application of any of these Standing Orders shall be made in writing, to the Monitoring Officer, after the meeting.
- (7) A copy of these Standing Orders shall be provided to every Member of the Authority.

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

### **2. Annual and Ordinary Meetings Of The Authority**

- (1) Unless special or emergency circumstances arise, the annual meeting of the Authority shall be held during June on a date, time and in a venue to be decided by the Authority.
- (2) Other ordinary meetings of the Authority for the transaction of general business shall be held on dates, times and in venues to be decided by the Authority.
- (3) Where it becomes necessary (for whatever reason) to change the date, time or venue of a meeting of the Authority, the Clerk shall make the necessary arrangements following consultation with the Chair of the Authority and the Leader of the Main Opposition Group.

### **3. Extraordinary Meetings Of The Authority**

- (1) Meetings of the Authority, which are in addition to the programme of ordinary meetings, may be called by:-
  - (a) the Authority itself;
  - (b) the Chair of the Authority (or in his/her absence or inability to act, the Vice-Chair);
  - (c) the Clerk/Monitoring Officer.
- (2) A minimum of any three Members of the Authority may request the Chair of the Authority (or in his/her absence the Vice-Chair), to call an extraordinary meeting of the Authority. Such a request must be in writing and signed by the Members concerned. The request may be presented to the Chair by leaving it for him/her with the Clerk.

- (3) The Clerk shall arrange for the additional meeting to be held within 21 days of the receipt of the request. If, after such a request has been made, and for whatever reason no meeting has been called within seven days, the Members concerned shall inform the Clerk of their intention to call an extraordinary meeting of the Authority, the business to be transacted and the date and time of the meeting. The Clerk will ensure that the proper notices of the meeting are published and sent.
- (4) An extraordinary meeting of the Authority shall only be called if it is to consider business for which the Authority has responsibility or functions and which affects the area of the Authority, or part of it, or the inhabitants of the area, or some of them.

#### **4. Person Presiding at Meetings of the Authority**

- (1) The Chair of the Authority shall preside at meetings of the Authority. In his/her absence, the Vice-Chair of the Authority shall preside at meetings of the Authority.
- (2) Any power of the Chair in relation to the conduct of a meeting of the Authority may be exercised by the person presiding at that meeting.
- (3) If it is necessary to choose a Member to preside in the absence of the Chair and Vice-Chair, or for any other reason, the Clerk shall invite the Authority to nominate a Member to preside at that meeting.

Such a nomination, and any amendments, shall be moved and seconded and put to the vote (see Standing Order No. 22).

- (4) If discussion arises about the choice of a person to preside at a meeting, the Clerk shall regulate that discussion, and maintain order at the meeting, until such time as a person is appointed to preside.

- (5) In the case of an equality of votes, the person presiding at any meeting of the Authority, who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

## **5. Quorum of Meetings of the Authority**

- (1) Seven Members who are eligible to vote shall form the quorum of the Authority. No business shall be transacted at any meeting of the Authority unless a quorum is present.
- (2) No meeting of the Authority shall commence unless there is a quorum present. If a meeting has not started within 15 minutes of the time specified on the summons and agenda, the meeting shall be postponed.

All business which would have been considered at that meeting shall stand referred to the next ordinary meeting of the Authority, unless arrangements are made for an extraordinary meeting of the Authority or the business is dealt with as a matter of urgency.

- (3) If during any meeting of the Authority, the person presiding declares that there is not a quorum present, the meeting shall be adjourned for 15 minutes.
- (4) If, after 15 minutes, there is still no quorum present, the meeting shall be adjourned. All business which has not been completed shall stand referred to the next ordinary meeting of the Authority, unless arrangements are made for an extraordinary meeting of the Authority or the business is dealt with as a matter of urgency.

## **6. Order Of Business at Authority Meetings**

- (1) As a general rule, the order of business at meetings of the Authority shall be:-
  - (a) At the annual meeting, and at any other meeting which is the first after the office of Chair has become vacant, to elect a Chair;

- (b) At the annual meeting, and at any other meeting which is the first after the office of Vice-Chair has become vacant, to elect a Vice-Chair;
- (c) in the absence of both the Chair and Vice-Chair to appoint a person to preside at the meeting;
- (d) to receive any apologies for absence;
- (e) to receive any declarations of interests by Members and employees of the Authority;
- (f) to receive announcements from the person presiding;
- (g) to approve as a correct record the minutes of previous meeting(s) of the Authority;
- (h) to receive any petitions under Standing Order 8;
- (i) to consider any other specific items of business included at this point in the summons and agenda;
- (j) to receive minutes, reports and recommendations from any of the Committees, Panels or Fora established by the Authority;
- (k) to deal with any opposition business:

The leader of an opposition group on the Authority shall be required to notify the Clerk not later than 12 noon on the sixth working day before the day of the Authority meeting, but not including the day of the meeting itself, of that group's intention to raise opposition business.

The Clerk shall indicate on the agenda if any items are to be treated as opposition business.

The discussion of such business at a meeting shall be limited to 15 minutes, however, this may be extended with the agreement of the person presiding.

- (l) to consider notices of motion given by Members under Standing Order No. 7;



- (m) any other items of business, not on the agenda, but which the person presiding is of the opinion should be considered at the meeting as a matter of urgency.
- (2) With the exception of (a) to (g) above, the order of business can be varied:-
  - (a) at the direction of the person presiding;
  - (b) by resolution of the Authority. Such a motion may be moved, seconded and put to the vote without discussion.

The Chair may, without debate, withdraw items from the agenda if he/she deems it appropriate to do so. The Chair shall state the reason for the withdrawal of the item which shall be recorded in the minutes of the meeting.

- (3) Subject to any directions given by the Chair (or in his/her absence the Vice-Chair) the items of business for any meeting of the Authority shall be arranged in such order as the Clerk thinks will ensure the effective transaction of business. The Clerk shall be authorised to structure the agenda of the Authority meeting in accordance with any instructions given by the Authority.

## **7. Written Notices of Motion from Members at Authority Meetings**

- (1) Any Member of the Authority may give notice of not more than one motion for consideration at any meeting of the Authority. Such a motion may be considered at the request of that Member without prior reference to a Committee of the Authority.

However, this shall not preclude any Member from submitting a second and unrelated motion in circumstances where a motion by that Member, raised under this Standing Order, was deferred from a previous meeting.

- (2) The Chair of the Authority may give notice of more than one motion for consideration at any meeting of the Authority.

- (3) Unless the person presiding at any meeting of the Authority is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Authority shall:-
- (a) be given in writing and signed by the Member or Members who propose to move the motion;
  - (b) state the date of the Authority meeting at which it is proposed to be moved;
  - (c) be delivered to the Clerk not later than 12 noon on the sixth working day before the day of the Authority meeting, but not including the day of the meeting itself.
- (4) Motions will be listed on the agenda in the order of which notice was received by the Clerk unless the Member giving notice states in writing that they propose to move it to a later meeting or withdraw it.
- (5) The Clerk shall only accept notices of motion which relate to matters for which the Authority has responsibility or functions and which affects the area of the Authority, or part of it, or the inhabitants of the area, or some of them. The Clerk shall keep a record of the date and time at which every motion is delivered to him/her. That record shall be open to inspection by the public.
- (6) A motion shall only be moved by the person who has submitted it or by another Member nominated by the person prior to the commencement of the meeting.
- (7) Unless a Member requests otherwise under paragraph (1) above a motion, notice of which has been received, shall stand referred to the appropriate Committee.

Such motions shall be moved, seconded (without discussion) put to the vote and, if approved, referred to the next meeting of the appropriate Committee.

If any question arises as to where the motion is to be referred, it shall be determined by the person presiding at the meeting.

- (8) Where a Member has given notice of his/her intention to move a motion under this Standing Order which relates to any matter which has already been determined by a Committee, or an officer acting under delegated powers, such a motion shall not seek to amend the decision.
- (9) The mover of a motion, under this Standing Order, may speak in support of that motion for no more than 10 minutes.

At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply for not more than 5 minutes.

If an amendment is moved, the mover of the original motion shall have a right of reply of not more than 5 minutes at the close of the debate on the amendment, but shall not otherwise speak on the amendment.

- (10) Where notice of a motion has been given and has been included on the agenda for a meeting of the Authority, but the motion has not been moved and seconded (for whatever reason) nor deemed to have been referred to a Committee, that motion shall lapse.
- (11) Where a meeting of the Authority is cancelled, postponed or adjourned to a later date under Standing Order 5, any unconsidered motions will be considered at the next meeting of the Authority or at a later meeting selected by the Member proposing the motion.

## **8. Presentation of Petitions to Meetings of the Authority**

- (1) Petitions can be presented by Members if they relate to matters for which the Authority has responsibility or functions and which affect the area of the Authority, or part of it, or the inhabitants of the area, or some of them.
- (2) Any Member wishing to present a petition to the Authority shall:-
- satisfy him/herself that the petition is relevant to be received;

- give notice to the Clerk before the meeting at which the petition is to be presented;
  - notify the Clerk of the name and address of the person who has organised the petition.
- (3) At meetings of the Authority, the presentation of a petition shall be limited to not more than 3 minutes and shall be confined to summarising the purpose of the petition, stating to which Committee he/she feels it should be referred, the number of signatories and any further relevant supporting remarks.
- (4) Petitions shall be presented in the order of which notice of them was given to the Clerk. Any question as to where a petition should be referred shall be determined by the Clerk.
- (5) The right of Members of the public to speak at meetings of the Authority shall be at the discretion of the person presiding.

## **9. Consideration of Reports and Recommendations At Meetings of the Authority**

- (1) Reports and recommendations will be submitted for consideration by the Authority in accordance with the agreed scheme of delegation and terms of reference of committees. Any Member of the Authority shall be entitled to ask questions and the Authority may discuss matters arising from the reports and recommendations.
- (2) Members shall be allowed to move any motions which are relevant to the reports and recommendations under consideration.
- (3) Where a Member moves a motion under paragraph (2) above, relating to any matter which has been determined by a Committee or an officer acting under delegated powers, such a motion shall not seek to amend the decision.

### **PART 3 – COMMITTEES**

#### **10. Appointment of Committees**

- (1) Subject to the provisions of the Local Government Act 1972, and other relevant legislation, the Authority shall decide at its annual meeting which Committees shall be appointed for the ensuing year. The Authority shall decide the terms of reference of those Committees, the number of voting Members to be appointed and whether the Committees are to have delegated powers.
- (2) Following the receipt of a report from the Clerk, the Authority may, at any time during the year, make changes to the terms of reference, functions and political composition of any of its Committees.
- (3) Whenever the Authority resolves, or is required by statute, Government or legal directive to review the allocation of seats on Committees between political groups, the Clerk shall, as soon as practicable, submit a report to the Authority showing what allocation of seats would, in his/her opinion, best meet the requirement for the allocation of seats on Committees to be in proportion to the political composition of the Authority.
- (4) Every Committee constituted by the Authority shall continue in being, exercising the functions allocated to it, until such time as it is disestablished by the Authority.
- (5) Any person appointed to serve on a Committee shall continue to serve on it until such time as his/her appointment is terminated by the Authority or if he/she resigns or becomes disqualified for any reason. A Member will automatically cease to be appointed to any of the Authority's Committees if he/she ceases to be a Member of the Authority.
- (6) So far as the law permits, the Authority may decide whether or not persons who are not elected Members should be appointed to serve on any of the Committees of the Authority and whether those persons should be treated as voting or non-voting Members or advisors.
- (7) The Authority may establish other Panels and Fora to act in an advisory capacity. Any such Panels and Fora shall not be regarded as ordinary committees for the purposes of Section 15 of the Local Government and Housing Act 1989.

- (8) Whenever an appointment of a voting Member of a Committee is to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment is to be terminated in accordance with such wishes, then the Proper Officer shall make arrangements to deal with the matter accordingly.
- (9) Sub-Committees shall be appointed only with the prior approval of the Authority.

## **11. Substitute Members**

- (1) In appointing Members to Committees, Panels and Fora, the Authority may make arrangements for the appointment of named substitute Members to attend meetings in the absence of ordinary Members.
- (2) Where the appointment is to a body external to the Authority, a substitute may only be appointed where the rules governing that organisation permit.
- (3) Substitute Members may attend meetings in that capacity only:
  - (a) to take the place of the ordinary Member for whom they are the designated substitute;
  - (b) where the ordinary Member will be absent for the whole of the meeting except, in the case of a quasi-judicial body, a Member is required to withdraw for, or cannot attend to hear a particular case, where substitution will be permitted;
  - (c) after they or the Member they are substituting for has provided the Clerk with notice of the substitution before the start of the meeting in question;
  - (d) where an adjourned meeting is reconvened and it is essential for that substitute Member to continue to attend to comply with the spirit of natural justice. In such instances, the ordinary Member may not attend other than as an observer.

(4) Substitute Members will have all the same powers and duties of any ordinary Member of the committee but will not be able to exercise any additional powers or duties which may be exercisable by the person they are substituting.

## **12. Meetings of Committees**

- (1) The Authority may set the date, time and place of ordinary meetings of Committees.
- (2) If the date, time or place of the ordinary meetings of a Committee are not set by the Authority, a Committee may agree those details itself. However, the person who has been appointed to Chair the Committee (or the Chair of the Authority in his/her absence) may set the details of the first ordinary meeting of the Committee in any particular year.
- (3) The person who has been appointed as the Chair of a Committee may cancel or change any of the details of programmed meetings of the Committee concerned. This is subject to a requirement to consult (so far as practicable) with the lead spokesperson of the main opposition group represented on the Committee. This paragraph shall not apply to a special meeting called under the provisions of paragraphs (5) to (7) below.
- (4) The person appointed as the Chair of a Committee or, in their absence, the Vice-Chair may call a special meeting of the Committee at any time.
- (5) One quarter of the voting Members of a Committee, or any two voting Member of that Committee (whichever is the greater) may request the Chair of a Committee to call a special meeting. Such a request must be in writing and signed by the Members concerned. The request may be presented to the Chair of the Committee by leaving it for him/her with the Clerk.
- (6) If, after such a request has been made and for whatever reason no meeting has been called within seven days of the request, the Members concerned shall inform the Clerk of their intention to call a special meeting, the business to be transacted and the date and time of the meeting.

- (7) Within 7 days, the Clerk shall arrange a suitable venue, issue the summons and agenda for the meeting and shall publish the necessary notices of the meeting.
- (8) No special meeting shall be called unless it is to consider a matter which falls within the terms of reference of that Committee.

### **13. Persons Presiding At Meetings of Committees**

- (1) The Authority may appoint a Member to preside at meetings of a Committee and a person to preside in his/her absence. If the Authority does not make an appointment itself, a Committee shall elect, from amongst its Membership, a person to preside at its meetings and a person to preside in his/her absence.
- (2) If both the appointed persons referred to in (1) above are absent, the Committee shall choose, from amongst its Membership, a person to preside at that meeting.
- (3) If it is necessary to choose a person to preside, the Clerk shall invite the Committee to nominate a Member to preside at that meeting.

Such a nomination and any amendments shall be moved and seconded and put to the vote (see Standing Order No. 22).

- (4) All legal powers in relation to the conduct of a meeting may be exercised by the person appointed to preside at that meeting.
- (5) If discussion arises about the appointment of a person to preside at a meeting, the Clerk shall regulate that discussion and maintain order at that meeting, until such time as a person is appointed to preside.
- (6) In the case of an equality of votes, a person presiding at any meeting of a Committee who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.



#### **14. Quorum of Committees**

- (1) No business may be transacted at any meeting to which these Standing Orders apply unless a quorum is present.

The quorum is equal to one quarter of the total number of voting Members or at least 2 voting Members (whichever is the greater).

The only exception to the above is in respect of meetings of the Standards Committee, where the quorum shall be 3 persons, including the Independent Chair.

- (2) No meeting shall commence unless there is a quorum present. If a meeting has not started within 15 minutes of the time specified on the agenda, the meeting shall be postponed.
- (3) If during any meeting of a Committee, the person presiding declares that there is not a quorum present, the meeting shall be adjourned for 15 minutes.
- (4) If after 15 minutes there is still no quorum, the meeting shall be adjourned.
- (5) All business which has not been completed at a meeting which has been postponed or adjourned shall stand referred to the next ordinary meeting, unless arrangements are made for a special meeting to consider that business or the business is dealt with as a matter of urgency.

#### **15. Committee Business Raised At Members' Request**

- (1) Any Member of a Committee may give notice of not more than one item for consideration at any meeting of the Committee.
- (2) Unless the person presiding at any meeting is of the opinion that an item should be considered as a matter of urgency, notice of every item for consideration at a meeting proposed by a Member of a Committee shall:-
  - (a) be given in writing and signed by the Member concerned;
  - (b) state the name of the Committee to which the item should be referred;

- (c) be delivered to the Clerk at least 14 days before the date of the next scheduled meeting of the Committee concerned;

The Clerk shall arrange for the matter to be included on the agenda for that meeting.

- (3) The Clerk shall only accept matters which fall within the terms of reference of the Committee concerned.

## **16. Order of Business in Committees**

- (1) As a general rule the order of business shall be:-
  - (a) at any meeting after the office(s) have become vacant, to appoint a person to preside at meetings of the Committee (and a person to preside in his or her absence);
  - (b) to appoint a person to preside at the meeting if both of the people appointed under (a) above are absent;
  - (c) to receive apologies for absence;
  - (d) disclosure of interests by Members and employees of the Authority;
  - (e) to approve, as a correct record, the minutes of previous meeting(s);
  - (f) all items of business which have been, or are deemed to have been, referred to the Committee by the Authority or by another Committee, Panel or Forum;
  - (g) business raised at Members' request under Standing Order 15;
  - (h) all reports submitted to the Committee by any Chief Officer;
  - (i) any items of business directed to be included by the Chair of the Committee;

- (j) any other item of business, not on the agenda, but which the person presiding is of the opinion should be considered at the meeting as a matter of urgency.
- (2) With the exception of (a) to (e) above, the order of business can be varied:-
  - (a) at the direction of the person presiding;
  - (b) by resolution of the Committee;

The Chair may, without debate, withdraw items from the agenda if he/she deems it appropriate to do so. The Chair shall state the reason for the withdrawal of the item which shall be recorded in the minutes of the meeting.

- (3) Subject to any directions given by the person appointed to preside at a meeting of a Committee, the items of business for that meeting shall be arranged in such order as the Clerk thinks will best ensure the effective transaction of business.

## **17. Arrangements to Act in Matters of Urgency**

- (1) The Authority shall make arrangements for its function to be discharged, in cases of urgency, as follows:-
  - (a) by delegation to the Executive Committee which shall deal with all matters of an urgent nature which cannot be reasonably delayed until the next ordinary meeting of the Authority or appropriate Committee; or
  - (b) in cases of extreme urgency, by delegation to a Chief Officer.

This Standing Order shall not apply to the functions which are properly undertaken by the Appointments Committee, the Audit Committee, the Standards Committee, or the Appeals Committee or the Disciplinary Committee.

- (2) Where a Chief Officer proposes to act on a matter of urgency, such action must be within approved Authority policy. A Chief Officer proposing to act under these arrangements must:-

- (a) seek the agreement of the Clerk that he/she is satisfied that the matter in question constitutes a genuine matter of urgency, that all other avenues for the determination of the matter have been exhausted and that the urgency has not arisen due to a failure to finalise reports in time under normal procedures;
  - (b) consult the Chair and Vice-Chair of the Authority on the action the Chief Officer proposes to take.
- (3) The Chief Officer concerned shall record the urgent circumstances which make it necessary for action to be taken before the next ordinary meeting of the Authority or relevant Committee concerned.
- (4) Where action is taken under any of these circumstances, a report of that action, including a note of the circumstances which made it necessary, must be reported to the next ordinary meeting of the Authority.

## **18. Reference-up of Decisions**

- (1) Any Committee may resolve to refer a matter to the Authority for determination. Any Committee may refer a matter to another Committee in accordance with the terms of reference and scheme of delegations approved by the Authority.
- (2) This Standing Order shall not apply to the business of quasi-judicial bodies when they are considering individual matters before them. However, such bodies shall be required to refer any issues which are contrary to Authority policy or do not fall within their terms of reference, in accordance with (1) above.

## **PART 4 – CONDUCT OF MEETINGS**

### **19. Confirmation of Minutes as a Correct Record**

- (1) The person presiding shall put the question that the minutes submitted to the meeting be approved as a correct record.
- (2) No discussion shall take place on the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised or, if it is raised then as soon as it is disposed of, the minutes shall be confirmed and signed in due course.
- (3) Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

### **20. Rules of Debate**

These rules of debate apply to meetings of the Authority and all of its Committees.

#### **Speeches**

- (1) While a Member is speaking, the other Members shall not speak, unless raising a point of order or a point of personal explanation.
- (2) Whenever the person presiding rises or issues a clear instruction of intent during a debate, Members shall resume their seats and the meeting shall be silent.
- (3) If two or more Members ask to speak, the person presiding shall decide the order in which they may address the meeting.

- (4) When speaking, a Member shall address the person presiding.
- (5) A Member shall direct his/her speech to the matter under discussion, or to a personal explanation or a point of order.

### **Motions**

- (6) A motion shall not be discussed unless it has been moved and seconded except in a Committee of five Members or less where motions do not need to be seconded.
- (7) When seconding a motion, a Member may reserve his/her speech unless a later period of the debate by declaring his/her intention to do so.
- (8) On consideration of a report or a recommendation from another Committee or a Chief Officer, the adoption of the report or recommendation and any resolutions relevant to that adoption may be moved.
- (9) The following motions may be moved at any meeting at which they would be in order:
  - (a) motions to nominate a Member to Chair the meeting;
  - (b) motions to refer an item of business to the next appropriate meeting;
  - (c) motions to refer an item of business to another Committee, Panel or Forum;
  - (d) motions to withdraw an item of business from consideration at that meeting provided that to do so would not contravene any statutory provision;
  - (e) motions relating to the accuracy of the minutes;
  - (f) motions to change the order of business;
  - (g) closure motions under paragraph (14) below;

- (h) motions to exclude the public from a meeting where there is likely to be disclosure of exempt or confidential information;
  - (i) motions giving consent of the meeting where it is required under these Standing Orders;
  - (j) motions concerning the prevention of disorderly conduct;
  - (k) motions to record appreciation or condolences;
  - (l) motions concerning the constitution of Committees;
  - (m) motions to suspend any of these Standing Orders (see Standing Order 1).
- (10) When any motion has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.
- (11) With the consent of the meeting, signified without discussion, a Member may:
- (a) alter a motion which he/she has moved; or
  - (b) with the further consent of the seconder, alter a motion which has been moved and seconded.
- (12) With the consent of the seconder (if he/she is still present) and of the meeting, signified without discussion, the mover of a motion may withdraw it. No Member shall speak on a motion which has been withdrawn.

### **Motions Which May Be Moved During a Debate**

- (13) When a motion is under debate, no other motion shall be moved except the following:
- (a) to amend the motion;
  - (b) to withdraw the motion;

- (c) a closure motion;
- (d) a motion concerning the prevention of disorderly conduct;
- (e) a motion to exclude the public.

### **Closure Motions**

(14) At the conclusion of a speech by a Member on a motion before a meeting, any Member may move without comment, a motion:-

- that the meeting proceed to the next business;
- that the matter be put to the vote;
- that the meeting is adjourned.

If the closure motion is seconded, then the person presiding shall proceed as follows:

- (a) on a motion that the meeting proceed to the next business or that the matter be put to the vote, the person presiding shall first put the closure motion to the vote, without discussion. If this is passed, the mover of the original motion may exercise his/her right of reply under paragraph (16) below, before the original motion is put to the vote;
- (b) on a motion to adjourn the meeting, the person presiding shall put the adjournment motion to the vote without discussion and without giving the mover of the original motion his/her right of reply on that occasion.

The original motion or remaining business shall then stand over as uncompleted business until the next ordinary meeting, unless arrangements are made for an extraordinary or special meeting to consider that business or the business is dealt with as a matter of urgency.



- (15) If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, he/she may move, from the Chair, that the matter be put to the vote.

### **Right of Reply**

- (16) The mover of any motion has a right of 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 have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment.

The mover of an amendment shall have no right of reply to the debate on that amendment.

For the purposes of this paragraph a person who moves an amendment is not moving a motion.

### **Points of Order or Personal Explanation**

- (17) A Member may ask to speak 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 specified statutory provision or a specified Standing Order or procedural rule, and the way in which the Member raising it considers that it has been broken.

A personal explanation shall be confined to some material part of a former speech by him/her in the current debate which may appear to have been misunderstood.

- (18) The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be challenged at that meeting.

## **Amendments to Motions**

(19) An amendment shall be relevant to the motion and shall either be:-

(a) to refer the matter to the appropriate body or individual, another Committee, Panel or Forum or an officer for consideration (or reconsideration);

(b) to leave out words; or

(c) to insert or add other words;

but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting.

(20) An amendment shall not be discussed unless it has been moved and seconded except in a Committee of five Members or less, where amendments do not need to be seconded.

(21) When seconding an amendment, a Member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.

(22) No amendment shall be moved to an amendment.

(23) When any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.

(24) With the consent of the seconder (if he/she is still present) and of the meeting, signified without discussion, the mover of an amendment may withdraw it. No Member shall speak on an amendment that has been withdrawn.

(25) 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. However, the person presiding may permit two or more amendments to be discussed together (but not voted upon) if circumstances suggest that this would facilitate the proper

conduct of business, and may direct the order in which such amendments are to be put to the vote.

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

### **Consent of the Meeting**

- (27) Where the consent of a meeting is required for anything, that consent may be given either:-
- (a) by the person presiding asking the meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or
  - (b) if objection is raised, or if the person presiding so chooses, by a motion moved, seconded and put to the meeting.

### **Previous Decisions and Motions**

- (28) At a meeting of the Authority, no motion or amendment shall be moved to rescind any resolution which was passed within the preceding six months or which has the same effect as one which has been rejected within that period.

However, such a motion may be moved if:-

- (a) it is a recommendation of a Committee; or
- (b) notice of such motion is given and signed by 7 Members of the Authority in accordance with the timescales set out in Standing Order No. 7.

## **21. Prevention of Disorderly Conduct**

- (1) If the person presiding is of the opinion that any Member has misconducted or is misconducting themselves by persistently disregarding the ruling of the person presiding or by behaving irregularly, improperly or offensively or wilfully obstructing the

conduct of business, he/she shall inform the meeting and may take the following course of action:-

- (a) the person presiding may move that the named Member be not further heard. If seconded, the motion shall be put and decided without comment. If it is carried the Member named shall not speak further at that meeting;
  - (b) if the Member continues to behave improperly, the person presiding may move that the named Member shall leave the meeting. This motion shall not require to be seconded, but shall be put and decided without comment. If it is carried the Member named shall forthwith leave the meeting;
  - (c) at any time, the person presiding may adjourn the meeting for an appropriate period.
- (2) If a Member or Members of the public interrupt the proceedings at any meeting, or in the event of a general disturbance at any meeting, the person presiding may take the following action as appropriate to the circumstances:-
- (a) warn the person(s) concerned;
  - (b) order the person(s) to leave the room;
  - (c) order the person(s) to be removed from the room;
  - (d) adjourn the meeting for an appropriate period.
- (3) The provisions of this Standing Order are additional to any other powers which the person presiding may lawfully exercise.

## **22. Voting**

- (1) Unless these Standing Orders or specific legal provisions require otherwise, any matter will be decided by a simple majority of those Members present in the room and eligible to vote at the time the question was put. The person presiding will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

- (2) Immediately after any vote is taken any Member may request the Clerk to record in the minutes of that meeting the way he/she voted (or abstained).
- (3) Immediately before any matter is put to the vote, any Member may request that a named vote be taken. Such a request must be supported by at least five other voting Members, and all six Members shall clearly signify their support of this request.

At the request for a named vote the Clerk shall call upon all voting Members then present to state whether they wish to vote for or against the question then under debate or whether they wish to abstain from voting. A record shall be made in the minutes of that meeting of the way Members voted.

- (4) When a vote is required to appoint or elect Members of the Authority or other persons to positions to be filled by the Authority, nominations to such positions shall be moved, seconded and determined in accordance with the motions and amendments procedure (see Standing Order 20).
- (5) If there are more than two people nominated for any position to be filled 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.
- (6) In the case of an equality of votes, the person presiding at any meeting who is also entitled to vote at that meeting shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

### **23. Attendance Register**

- (1) The Clerk shall keep a record of attendances at meetings.
- (2) It is the responsibility of any Member attending any meeting, either as a voting Member or as an observer, to sign the attendance register for that meeting.

## **24. Observers at Meetings**

- (1) The Chair and Vice-Chair of the Authority may attend the whole of the proceedings of any meeting of any Committee of which they are not ordinary Members. They may speak, but may not vote, at meetings of a Committee of which they are not voting Members. This entitlement shall also apply to the leader of any political group represented on the Authority.
- (2) Any Member of the Authority may attend any meeting of a Committee, to which he/she has not been appointed, to observe the public part of the proceedings of that Committee. Members attending meetings as observers shall not be entitled to vote and shall only speak at such meetings:-
  - (a) on a matter relating to a motion of which he/she gave notice or seconded at an Authority meeting which has been referred to that Committee;
  - (b) with the agreement of the person presiding at that meeting.
- (3) A Member's attendance as an observer during the confidential proceedings of any Committee shall be at the discretion of the person presiding at that meeting, subject to that Member satisfying the person presiding of his/her need to know.

## **PART 5 – DECLARATION OF INTERESTS**

### **25. Members Interests**

- (1) If a Member has any interests to declare in any matters to be discussed at a meeting, they must disclose them orally at that meeting. This requirement applies even if the Member has given a written notice of the interest in accordance with the Members' Code of Conduct as set out in the Appendix to these Standing Orders. The disclosure of an interest should be recorded in the minutes of the meeting at which it is made.
- (2) Members shall be required to declare interests in accordance with any relevant statutory provisions and the Members' Code of Conduct. The question of the participation of a Member in the

discussion of any item where he/she has disclosed an interest shall be determined in accordance with the provisions of the Members' Code of Conduct.

- (3) The requirements for Members to disclose their interests shall apply equally to any co-opted Members, advisors or persons appointed to discharge any functions in connection with a Committee whether they have voting rights or not.
- (4) The Clerk shall be responsible for keeping a register of Members interests and making it open for public inspection during office hours.

## **26. Officers Interests**

- (1) Officers shall be required to declare any 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 may adopt from time to time.
- (2) For the purposes of this Standing Order, an officer shall be considered to have an interest in a matter if, on the assumption that if he/she were a Member of the Authority, the interest would have to be declared at a meeting in accordance with the Member Code of Conduct set out in the Appendix to these Standing Orders.
- (3) Where any employee submits a written report to any meeting on any matter in which he/she has disclosed an interest, the report should contain a separate paragraph in the document setting out the details of the nature of the interest.
- (4) If an employee advises any meeting verbally on any matter in which he/she has disclosed an interest, he/she should state the nature of the interest and this should be recorded in the minutes of that meeting.
- (5) The Chief Fire Officer shall maintain a register of officers interests to be open for inspection during normal office hours.

## **PART 6 – APPOINTMENT AND DISCIPLINE OF STAFF**

### **27. Appointment, Dismissal and Disciplinary Action**

- (1) The appointment of the Chief Fire Officer, the Deputy Chief Fire Officer and all **Directors** shall be made by the Appointments Committee of the Authority. These posts shall be subject to the National Joint Council's scheme of conditions of service for **Brigade Managers of Local Authorities Fire and Rescue Services** as amended from time to time and be subject to the relevant disciplinary regulations which apply to the employee(s) concerned.
- (2) Where the Authority proposes to appoint an officer, as described in (1) above, the Authority:-
  - (a) will draw up a statement specifying:
    - (i) the duties of the officer concerned; and
    - (ii) any qualifications or qualities to be sought in the person to be appointed;
  - (b) will make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) will make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to all applicants for any particular post and to any other person on request.

The Authority will either interview all qualified applicants for the post or select a short list of qualified applicants and interview those on the short list. If no qualified person applies, the Authority shall make arrangements for further advertisement in accordance with (b) above.



- (3) Subject to paragraphs (7), (8) and (9) below, the appointment, dismissal and taking disciplinary action against any other employee must be carried out by the Chief Fire Officer or by an officer who can lawfully be nominated by him/her. Any such action shall be taken in accordance with any legislative requirements, the Authority's policies and procedures and be subject to any specific rules or regulations which apply to the conditions of service of the employee(s) concerned.

Councillors will not be involved in disciplinary action against any officer below director level ~~except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Authority's procedures or any applicable regulations provide for a right of appeal to Members in respect of disciplinary action.~~

- (4) The Authority will require any candidate for appointment to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Authority, or the partner of such persons.
- (5) No candidate related to a councillor or officer as described above will be appointed without the agreement of the Chief Fire Officer or an officer nominated by him/her.
- (6) The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member of the Authority for any appointment. No Member of the Authority will seek support for any person for any appointment with the Authority.
- (7) The Authority shall make the arrangements for the appointment of:-
- (a) the Clerk under the provisions of the Local Government Act 1985;
  - (b) the Monitoring Officer under the provisions of the Local Government and Housing Act 1989;
  - (c) an officer to be responsible for the proper administration of the authority's financial affairs under the provisions of the Local Government Act 1985 (the Treasurer).

- (8) No disciplinary action in respect of the Chief Fire Officer, Clerk/Monitoring Officer or the Treasurer, except action described in paragraph (9), may be taken by the Authority, or by a committee, a joint committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a designated independent person as set out under this Standing Order.
- (9) The action mentioned in paragraph (8) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect. The decision to suspend shall be made by the Authority.
- (10) If it appears to the Authority that an allegation of misconduct by the Chief Fire Officer, Clerk/Monitoring Officer or the Treasurer as the case may be ('The Relevant Officer') requires to be investigated, the Authority must appoint a person ('the Designated Independent Person').
- (11) The Designated Independent Person must be such person as may be agreed between the Authority and the Relevant Officer or, in default of agreement, nominated by the Secretary of State.
- (12) The Designated Person:
- (a) may direct:-
    - (i) that the Authority terminate any suspension of the Relevant Officer;
    - (ii) that any such suspension must continue after the expiry of the period referred to in paragraph (9);
    - (iii) that the terms on which the suspension has taken place must be varied in accordance with that direction; or
    - (iv) that no steps (whether by the Authority or any committee or officer acting on behalf of the Authority) towards disciplinary action or further disciplinary action against the Relevant Officer, other than steps taken in the presence, or with the agreement, of the Designated Independent Person, are to be taken before a report is made under sub-paragraph (d).

- (b) may inspect any documents relating to the conduct of the Relevant Officer which are in the possession of the Authority, or which the Authority has the power to authorise him or her to inspect;
  - (c) may require any Member of staff of the Authority to answer questions concerning the conduct of the Relevant Officer;
  - (d) must make a report to the Appointments Committee:-
    - (i) stating his or her opinion as to whether (and if so to what extent) the evidence that he or she has obtained supports any allegation of misconduct against the Relevant Officer; and
    - (ii) recommending any disciplinary action which appears to him or her to be appropriate for the Authority to take against the Relevant Officer; and
  - (e) must no later than the time at which he or she makes their report under sub paragraph (d) send a copy of the report to the Relevant Officer.
- (13) The Appointments Committee will, after considering the report of the Designated Person, make a recommendation to the Authority with regard to dismissal or any disciplinary action in respect of the Chief Fire Officer, Clerk/Monitoring Officer or the Treasurer.
- (14) In paragraph (12) 'disciplinary action' and 'designated independent person' have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

## 28. **Arbitration**

- (1) It is in the interests of the Authority for a constructive working relationship to exist between chief officers and authority members, in particular their relationship with the Chair of the Authority.

- (2) If it appears to the Authority that the relationship between the Chief Fire Officer, Clerk/Monitoring Officer or the Treasurer as the case may be ('The Relevant Officer') and the Chair of the Authority has broken down, the Authority must appoint a person ('the Designated Independent Person') to act as Arbitrator to seek to resolve the issues.

## **PART 7 – MISCELLANEOUS**

### **29. Attestation of Documents**

- (1) 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 to the Authority or any officer authorised in writing by him/her.

### **30. Papers and Advice**

- (1) The Clerk shall be responsible for the distribution of papers for all Authority and Committee meetings in accordance with the access to information provisions of the Local Government Act 1972 (as amended). The Clerk shall determine any questions regarding the entitlement of any person to receive such papers.
- (2) At his/her request, the Authority and every Committee shall give a Chief Officer who is concerned with the work of that Committee an opportunity to advise on any matter under consideration either in writing or orally.
- (3) If the Authority considers a matter which has not previously been the subject of consideration or a report to the Authority or relevant Committee, the person presiding shall ensure that the question is not put to the vote before any Chief Officer who has responsibilities relating to the matter has had the opportunity to advise the Authority orally.

### **31. Access to Documents, Information and Land**

- (1) In addition to their legal rights, but subject to certain restrictions, the following persons shall have access to information as follows:-
  - (a) any Member of the Authority may have access to any document held by the Authority or any other information which it is necessary for the Member to have access to for the proper discharge of his/her function as a Member of the Authority or as a Member of any Committee.
  - (b) any co-opted Member or advisor appointed to any Committee may have access to any document or any other information held by the Authority relating to a matter under consideration by a Committee of which he/she is a Member/advisor, which is necessary for that person to properly discharge his/her functions/duties in respect of that Committee;
  - (c) any employee of the Authority may have access to any document or any other information held by the Authority which is necessary for him/her to properly discharge his/her duties as an employee.
- (2) No Councillor or co-opted Member/advisor of a Committee or any employee of the Authority shall be entitled to inspect any document or to have access to any information relating to a matter in which he/she has a personal or prejudicial interest.

A person has a personal or prejudicial interest in a matter if, on the assumption that if he/she were a Member of the Authority, the interest would have to be declared at a meeting in accordance with the Member Code of Conduct set out in the Appendix to these Standing Orders.

- (3) A Councillor, co-opted Member/advisor or an employee may be refused the right to inspect a document which, in the opinion of the appropriate Chief Officer, it is not necessary for him/her to inspect for the proper discharge of their functions as a Member of the Authority or in relation to a Committee or as an employee, or if there is good reason why such access should be refused.

- (4) The Monitoring Officer shall be responsible for deciding whether any Councillor, co-opted Member/advisor or employee of the Authority shall be entitled to inspect a document or have access to certain categories of information taking account of issues such as their need to know and potential legal restrictions.
- (5) Access to information not in the form of a document need not be given where the cost of providing the information would be unreasonably high or in cases where the period of time required to provide the information would unreasonably disrupt the work of the Authority.
- (6) Where a person exercises their right to inspect a document and the Authority may lawfully make a copy of it, he/she shall be entitled to a copy on request, provided that:-
  - (a) a reasonable charge, at a level to be decided by the Authority, may be made for the copy, unless the appropriate Chief Officer directs otherwise;
  - (b) a copy may be refused if the appropriate Chief Officer considers it impractical to make a copy.
- (7) If any Councillor, co-opted Member/advisor or employee is dissatisfied with any decision of a Chief Officer relating to access to information, he/she may refer the matter to the Executive Committee for consideration. This is additional to any other statutory rights which they may have in relation to access to information.
- (8) No Member of the Authority and no other Member (whether voting or non voting) of a Committee shall have any claim by virtue of his/her position:-
  - (a) to enter any land or buildings occupied by the Authority to which the public do not have access or to which Members of the Authority do not regularly have access except with the permission of the Chief Officer responsible for the service for which the land or buildings are occupied;

- (b) to exercise any power of the Authority to enter or inspect other land or buildings, except where specifically authorised to do so by the Authority;
  - (c) to exercise any other power of the Authority.
  - (d) to issue any order with respect to any works which are being carried out by, or on behalf of the Authority, or with respect to any goods or services which are being, or might be, purchased by the Authority.
- (9) If a Member of the Authority or a co-opted Member/advisor of a Committee wishes to have access to land or buildings to which the public or Councillors do not regularly have access, he/she should apply to the Chief Officer responsible for the service to which the request relates.

The Chief Officer shall determine the request and may attach such conditions as are necessary including that the person be accompanied by an employee.

### **32. Public Disclosure of Information Relating to Employees**

- (1) If any question arises at any meeting about the appointment, promotion, dismissal, salary, pension or conditions of service or about the conduct of any person employed by the Authority, such a question shall not be the subject of discussion until it has been decided whether or not the public should be excluded from the meeting.

### **33. Delegation of Powers to Chief Officers**

- (1) The Clerk shall maintain a register of powers delegated to Chief Officers where such arrangements are made for an unspecified period or a specified period of more than six months. This register shall be open for inspection by the public during office hours.
- (2) A Member of the Authority may inspect any document relating to action taken by Chief Officers under delegated powers subject to

any restrictions on access to information referred to in Standing Order No. 30.

- (3) Where a Chief Officer is given delegated authority to act on any matter, the Authority or a Committee may require that Chief Officer to submit reports as appropriate on the action he/she has taken under those arrangements.
- (4) Every Chief Officer shall be required to maintain a record of the actions taken under their delegated powers as referred to in paragraph (1) above.

### **34. Definitions**

- (1) The Interpretation Act 1978 shall apply to the interpretation of these Standing Orders as it applies for the interpretation of an Act of Parliament.
- (2) In these Standing Orders, unless the context otherwise demands, the following terms have the meaning assigned to them:

“Authority” – the West Midlands Fire and Rescue Authority;

“Chair of the Authority” – the person appointed by the Authority at its annual meeting pursuant to Section 34 of the Local Government Act 1985 to preside at its meetings;

“Vice-Chair of the Authority” – the person appointed by the Authority at its annual meeting to act in the absence of the Chair of the Authority;

“Chief Fire Officer” – the officer appointed as the executive operational and administrative head of West Midlands Fire Service in accordance with the provisions of the Fire Services Act 1947;

“Treasurer” – the officer appointed as having the responsibility for the proper administration of the Authority’s financial affairs pursuant to Section 73 of the Local Government Act 1985;

“Clerk” – the officer appointed as Clerk to the Authority pursuant to Section 34(8) of the Local Government Act 1985;



“Monitoring Officer” – the person appointed as Clerk to the Authority or such other person designated under Section 5 of the Local Government and Housing Act 1989 (designation and reports of Monitoring Officer) or, if that person is unable to act owing to absence or illness, the person nominated as his/her deputy;

“Chief Officer” – the Chief Fire Officer, Clerk or Treasurer;

“Committee” – a Committee of the Authority;

“Employee” – an employee of the Authority or the holder of a paid office under the Authority (excluding Members of the Authority);

“Meeting” – a meeting of the Authority or a Committee as the case may be;

“Member” – in relation to the Authority, a Member appointed by one of the constituent district councils as a Member of the Authority and in relation to any committee a person appointed as a Member of that Committee;

“Person Presiding” – the person entitled, or appointed, to preside at any meeting;

“Political Group” – a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990;

“Leader of a Political or Opposition Group” – the person nominated as such by any political group represented on the Authority;

“Standing Orders” – means these procedural Standing Orders unless otherwise stated;

“Without Comment” – in relation to the moving, seconding or putting of a motion, means without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the Person Presiding) the effect of adopting the motion.

- (2) Any reference in any Standing Order to a numbered paragraph is, unless the context otherwise required, a reference to the paragraph of that Standing Order bearing that number.