

Review of Scheme of Delegation to Officers and of Standing Orders

Report of the Clerk

For further information about this report please contact Sharon Lloyd, Corporate Services Manager, on 01743 260210 or Sue Kembrey, Clerk and Monitoring Officer to the Authority, on 01952 383200.

1 Purpose of Report

To agree the additional amendments to the Scheme of Delegation to Officers and Standing Orders for the Regulation of Proceedings and Business, which stand adjourned from the last meeting of the Fire Authority following the further review requested by Members at the Annual Meeting in July.

2 Recommendations

The Fire Authority is requested to agree the proposed amendments to the Scheme of Delegation to Officers and Standing Orders for the Regulation of Proceedings and Business, as set out at paragraph 3 of this report.

3 Proposed Amendments

Following the Fire Authority's decision to carry out a further review of Standing Orders the views of Members were sought and these have been incorporated in the proposals, which follow. These proposals were taken to, and stand adjourned from, the last meeting of the Fire Authority in accordance with Standing Order Number 30.

Scheme of Delegation to Officers

At 2.1.1 delete:

'three main Committees – Finance and Performance Management, Personnel' and add:

four main committees – Strategy and Resources, Audit and Performance Management, Human Resources



At 3.6 delete:

' , when the Authority Solicitor is acting on behalf of their primary employer, namely Borough of Telford & Wrekin, and there is a conflict of interest.' This enables the Authority Solicitor to delegate his/her powers when, for instance, he/she does not have the resources available to carry out the delegated powers.

Between current 3.5 and 3.6 add:

To provide a Certificate of Opinion regarding politically restricted posts under section 3 of the Local Government and Housing Act 1989

Standing Orders for the Regulation of Proceedings and Business

Add 1.9:

If neither the Chair nor the Vice-Chair is available he/she may nominate a member to respond on his/her behalf.

This may be necessary, if, as is the case this year, both Chair and Vice-Chair are appointed from the same authority.

At 5.2 add:

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.

This has already been agreed by Members but this additional wording provides absolute clarity, as at the very beginning of Standing Orders it is stated that: "Any reference in these Standing Orders to the Authority shall, where the sense allows, be deemed to refer also to its committees."

Between existing 6.1 (b) and (c) add:

To receive any declarations of interest from Members.

Between existing 6.1 (c) and (d) add:

To receive any questions, statements or petitions, raised under Standing Order 14, from Members of the public.

These items already appear on all Fire Authority agendas but have not been enshrined in Standing Orders.

At 7.4 delete:

'the Joint Consultative Committee and'

This Committee was disbanded some time ago.

Delete 10.3 and 10.4 and replace with:

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.*
- Comments on this Standing Order have been raised by several Members, as it is not thought to be in the spirit of openness and transparency that a person, of whom a question has been asked, may decline to answer.

Add 11.4:

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.

This has always been the case but it has not been explicitly set down in Standing Orders.

Delete 13.15 and 13.16 and replace with:

Point of Order

13.15 *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

13.16 *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.*

At 14.1:

Replace 'Finance and Performance Management' with 'Strategy and Resources', add 'Audit and Performance Management Committee' and replace 'Personnel' with 'Human Resources'

Delete all of existing 19 and replace with:

Majority

19.1 *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

- 19.2 *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

- 19.3 *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

- 19.4 *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

- 19.5 *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

- 19.6 *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.*

At **STANDING ORDER NO 20** delete (**INCLUDING SUBSTITUTE MEMBERS**).

At 20.2 delete:

'of any panel or committee' and 'whether as a Member or Substitute'
The Authority abolished substitutes some time ago. It has appointed additional Members for both the Health Panel and Appeals Committee to ensure that there will be a quorum for all meetings. This proposed change in wording should, however, ensure that the rules of natural justice are followed.

At 20.4 after 'Local Government and Housing Act 1989' add:
and sections 100 and 105 of the Local Government Act 2000



At 20.5 before 'A meeting of the Authority' add:
Where an Independent Member of the Standards Committee fails, throughout a period of six months from the date of their last attendance, to attend any meetings of that Committee, then the Chair of the Committee shall be advised or the Chair of the Fire Authority, where the non-attendance relates to the Chair of the Standards Committee.

Delete 31 and replace with:
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.
There was some confusion on this issue at the last meeting of the Authority. The proposed amendment is intended to provide absolute clarity.

4 Financial Implications

There are no financial implications arising directly from this report.

5 Legal Comment

The proposed changes to the Scheme of Delegation to Officers and Standing Orders are lawful and the Fire Authority has the power to act as proposed in this report.

6 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

7 Appendices

Appendix A

Scheme of Delegation to Officers

Appendix B

Standing Orders for the Regulation of Proceedings and Business



8 Background Papers

Shropshire and Wrekin Fire Authority:

Annual Meeting 18 July 2007, Report 8 - Review of Scheme of Delegations to Officers and of Standing Orders, and Minutes of that meeting

17 October 2007 Report 6 - Review of Scheme of Delegations to Officers and of Standing Orders, and Minutes of that meeting

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	*
Capacity		Member Involvement	
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial		Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	*



Scheme of Delegation to Officers

- 1 Conditions of Delegations**
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Shropshire and Wrekin Fire Authority

Delegations to Officers

This scheme grants delegated powers to the Chief Fire Officer, Authority Solicitor and Treasurer (“the Chief Officers”) under section 101 of the Local Government Act 1972 and any other enabling powers.

1 Conditions of Delegations

- 1.1 It is the duty of Chief Officers to whom the exercise of powers is delegated to keep members of the Authority properly informed of activity arising within the scope of the delegated powers given to them.
- 1.2 In exercising delegated powers a Chief Officer shall consult with such other officers as is appropriate in the circumstances and shall have regard to any advice given.
- 1.3 It shall always be open to a Chief Officer to seek authority or guidance from the Authority and to elect not to exercise delegated powers; or to consult with Members on the exercise of delegated powers.
- 1.4 This Scheme does **not** delegate:
 - a) any matter reserved to the Authority;
 - b) any matter which may by law not be delegated to an officer;
 - c) any matter which would involve expenditure (whether capital or revenue) in excess of the relevant budgetary provision for that matter or in contravention of Financial Regulations.
- 1.5 The exercise of delegated powers by a Chief Officer shall be in accordance with:
 - a) the policies of the Authority and their decisions from time to time;
 - b) the Authority’s Standing Orders and Financial Regulations from time to time in force.
- 1.6 The term “officer” means the holder of post named as having delegated powers or duties under this scheme.

2 Delegations to Chief Fire Officer

2.1 General

- 2.1.1 To make a formal response on behalf of the Authority to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive without reference first to the Authority when the timescale does not allow, after consultation with the Chair and Vice-Chair of the Authority and Chairs of the three main Committees – Finance and Performance Management, Personnel and Standards (if relevant).
- 2.1.2 To control all matters of day-to-day administration of the Fire and Rescue Service, which shall include taking and implementing decisions that are:
- a) concerned with maintaining the operational effectiveness of those services;
 - b) matters incidental to the discharge of the Authority's functions, which fall within a policy decision taken by the Authority.
- 2.1.3 To make, issue and serve such notices, orders, statements and other documents as may be necessary or appropriate for those purposes or to give effect to, or carry out, any decision of his/her under powers delegated to him/her under this Scheme.
- 2.1.4 To submit comments on any town and country planning matter, building regulations, safety of sports grounds and other applications or licences, where the Authority is a consultee, statutory or otherwise.

2.2 Enforcement of Legislation

- 2.2.1 To exercise all the powers of the Authority as an enforcement authority under relevant legislation. Without prejudice to the generality of this provision he/she may in particular carry out the following:
- 2.2.2 Authorise the commencement of criminal proceedings (after consultation with the Authority Solicitor) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake;
- 2.2.3 Take appropriate action on behalf of the Authority under The Regulatory Reform (Fire Safety) Order 2005;
- 2.2.4 Designate persons as Inspectors under Article 26 of the Fire Safety Order;
- 2.2.5 Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order:
- a) to enter any premises which he has reason to believe it is necessary for him to enter for the purpose mentioned above and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be effected without the use of force;

- b) to make such inquiry as may be necessary for any of the following purposes—
 - i) to ascertain, as regards any premises, whether the provisions of this Order or any regulations made under it apply or have been complied with; and
 - ii) to identify the responsible person in relation to the premises;
- c) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records (including plans)—
 - i) which are required to be kept by virtue of any provision of this Order or regulations made under it; or
 - ii) which it is necessary for him to see for the purposes of an examination or inspection under this article, and to inspect and take copies of, or of any entry in, the records;
- d) to require any person having responsibilities in relation to any premises (whether or not the responsible person) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this article;
- e) to take samples of any articles or substances found in any premises which he has power to enter for the purpose of ascertaining their fire resistance or flammability; and
- f) in the case of any article or substance found in any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is, in the circumstances, necessary).

2.3 Personnel

- 2.3.1 To ensure that nationally and locally agreed conditions of service are properly implemented.
- 2.3.2 After consultation with the Treasurer to authorise the implementation of any nationally agreed pay award in respect of all employees, subject to any element of discretion being referred to the Authority for consideration.
- 2.3.3 To decide upon all personnel issues which do not necessitate changes in the approved establishment.
- 2.3.4 To vary the grading of individual non-uniformed posts up to (but not including) Assistant Chief Officer (including progression within and between grades), having regard to the national job evaluation scheme and in consultation with the relevant trade union(s).

- 2.3.5 To make and terminate appointments of uniformed and non-uniformed staff up to (but not including) posts designated Assistant Chief Officer.
- 2.3.6 To ensure that the Fire Authority's disciplinary policy and procedures, based on the Advisory, Conciliation and Arbitration Service (ACAS) best practice guidance, are properly applied and enforced.
- 2.3.7 In the following matters the Chief Fire Officer shall consult the Chair of the Authority before exercising delegated powers:
 - a) Approving visits abroad by officers on official business and the expenses thereof.
- 2.3.8 To take decisions in connection with legislation relating to firefighters' pensions, after having consulted with the Treasurer on budgetary implications and the Authority Solicitor on any legal basis.
- 2.3.9 To comply with the duties and obligations of the Pension Scheme Managers, as required by the Welfare Reform and Pensions Act 1999.

2.4 Management of Land and Property

- 2.4.1 To manage and maintain land and property daily, whether owned or leased.
- 2.4.2 To approve generally the acquisition of land and property and all associated transactions, estimated at a cost of up to £3,000.
- 2.4.3 To deal with any urgent matters, not otherwise delegated, in consultation with the Treasurer, Chair and Vice-Chair.

3 Delegations to the Authority Solicitor

- 3.1 To take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning the Authority and incur expenditure in connection therewith.
- 3.2 To institute on behalf of the Authority such proceedings or take such other steps as he/she may consider necessary to:
 - a) secure the payment of any debt;
 - b) recover possession of any land;
 - c) enforce the performance of any obligations due to the Authority and to take such steps as he/she may consider necessary to enforce any judgement or order obtained in any such proceedings after consultation with the Chair of the Authority;
 - d) sign or affix the Authority's seal to documents necessary to give effect to property matters dealt with pursuant to these delegated powers.
- 3.3 To enter a defence to any claim brought against the Authority.

- 3.4 To execute and issue all legal documents necessary to implement decisions made by the Authority or its committees or officers in pursuance of delegated powers, except where another officer has been authorised to take such action or the Clerk has authorised him/her to do so.
- 3.5 To authorise any person to appear on behalf of the Authority in any court, tribunal or inquiry on any matter relating to the business of the Authority.
- 3.6 The above powers may be delegated to a solicitor other than the Authority Solicitor, when the Authority Solicitor is acting on behalf of their primary employer, namely Borough of Telford & Wrekin, and there is a conflict of interest.

4 Delegations to the Authority Treasurer

- 4.1 To undertake all matters of day-to-day financial administration for the service, in accordance with the Standing Orders and Financial Regulations of the Authority.
- 4.2 In agreement with the Chief Fire Officer, and after consultation with the Chair and Vice Chair, in cases of urgency to approve virement, supplementary revenue and capital votes not otherwise covered by the Treasurer's delegated authority. Action taken under this delegation must be reported to the next meeting of the Authority.

4.3 Supplementary Revenue Votes

- 4.3.1 To approve supplementary revenue votes for items which are of a formal, unavoidable or relatively small amount and which are not inconsistent with approved budgetary policy and which:
 - a) result from pay awards or price increases not taken into account in approved revenue votes;
 - b) result from expenditure arising from the mandatory implementation of Acts of Parliament or other government directives;
 - c) relate to goods, services or other expenses which were budgeted for and properly ordered or committed in the previous year but which, owing to delays in delivery or execution, have to be accounted for in the following year. (It is implicit that the original budgetary provision should remain unspent at the end of the year of provision);
 - d) are urgently necessary to maintain existing services and cannot reasonably be met from appropriate approved revenue votes;
 - e) do not exceed £10,000 in total for any one purpose and do not entail significant expenditure in subsequent years.

- 4.4 Virement (i.e. the transfer of sums approved for a specified purpose to another purpose) may be authorised by the Treasurer in accordance with Financial Standing Orders provided:
- a) there are no greater consequential revenue effects in later years;
 - b) the proposals are not inconsistent with approved budgetary policy and the overall budget situation;
 - c) that it does not involve the transfer of sums between votes where the activities in one of the votes are outside the control of the Authority, e.g. debt charges, pensions;
 - d) that it does not involve the transfer of sums to the appointment of staff or other purpose which will commit the Authority to a significant additional level of expenditure in future years or which will initiate new policies or the extension of existing policies.

4.5 Supplementary Capital Votes

- 4.5.1 To approve supplementary capital votes subject to the limitations set out in Financial Standing Orders.

5 Interpretation

- 5.1 In this scheme the powers of the Chair may in the absence or unavailability of the Chair be exercised by the Vice-Chair.
- 5.2 Any reference in this scheme to any enactment shall be deemed to include a reference to any statute incorporated therewith or any Statutory Instrument, Order in Council, Byelaws or other Order made thereunder and any enactment repealing, amending or extending the provisions thereof. Any reference to the Authority shall, where the sense allows be deemed to include references to a Committee.

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Standing Orders for the Regulation of Proceedings and Business

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 31 July 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 3 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 No person shall smoke in the room where any meeting of the Authority is taking place.
- 5 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;
The Civic Offices, 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.
- 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, 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.

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 In the year when the Chair is a Member of Shropshire County Council the Vice Chair shall be a Member of Borough of Telford & Wrekin and vice versa.

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 6 Members). Meetings of committees shall not require a Member from each constituent Authority to be present in order to be quorate.

**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 approve as a correct record and sign the minutes of the last meeting of the Authority.
 - (d) To deal with any business expressly required by statute to be done.
 - (e) To receive communications sent to the Chair or the Clerk to the Authority and to take such action thereon as may be deemed necessary.
 - (f) To dispose of business (if any) remaining from the last meeting.
 - (g) To answer any questions asked under Standing Order 10.
 - (h) To receive and consider reports, minutes and recommendations of committees and to pass such resolutions thereon as may be deemed necessary.

- (i) To consider motions in the order in which notice has been received.
 - (j) To receive the Clerk to the Authority's report and to pass such resolutions thereon as may be deemed necessary.
 - (k) To authorise the sealing of documents in accordance with Standing Order 26.
 - (l) Other business, if any, specified in the summons.
 - (m) 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(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 the Annual Meeting of the Authority 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 its Annual Meeting 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 as the first item of business at its first meeting consider the appointment of a Chair and Vice-Chair.
- 4 When appointing committees (other than the Joint Consultative Committee and the Standards Committee) the Authority shall determine the overall number of seats on each committee and allocate numbers of seats to political groups and to Independent Members in accordance with the Local Government and Housing Act 1989 and regulations made under that Act.
- 5 When appointing the Standards Committee the Authority shall allocate numbers of seats to Authority Members and Independent Members in accordance with the Local Government Act 2000 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 (prejudicial 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, but the person to whom a question has been put may decline to answer.

- 4 An answer may take the form of:
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Authority, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated as soon as may be to Members of the Authority.

**Standing Order No 11
Minutes**

- 1 The Chair shall put the question that the minutes of the meeting of the Authority held on theday ofbe 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.

**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 declare 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.

Points of Order and Personal Explanation

15 A Member may speak on a point of order or in personal explanation, and shall be entitled to be called to speak by the Chair forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way in which h/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.

16 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to 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 Finance and Performance Management Committee, of the Personnel Committee, of the Standards Committee, and of the Health Panel for members of the public ('a person') to participate in accordance with the rules below.
- 2 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.
- 3 Written, facsimile or e-mail notice of questions, statements or petitions must be given to the Clerk by 5pm three clear working days before the relevant meeting.
- 4 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.
- 5 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.
- 6 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. The Chair shall advise Members in general terms of such a refusal.
- 7 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.
- 8 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.

- 9 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.
- 10 The Chair shall, without response, receive any petition although the person presenting a petition of 10 or more signatures may speak to it.
- 11 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.
- 12 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.
- 13 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.
- 14 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

- 15 So far as is practicable, relevant Authority and committee agenda and reports will be given to all persons attending the meeting.

Disturbance by Members of the Public

- 16 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. 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

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- (a) Voting shall be by a show of hands except that any three members of the Authority may, before the vote is taken require the vote to be taken by roll call whereupon the Clerk shall call out the names of Members present and record in the minutes how each Member gave his/her vote.
- (b) Where immediately after a vote is taken at a meeting of a relevant body any Member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether s/he abstained from voting.

In this paragraph “relevant body” means the Authority, a committee or sub-committee of the Authority or a joint committee or sub-committee of such a committee.

Standing Order No 20 Attendances (including substitute Members)

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 of any panel or committee, who has been involved with a decision, whether as a named Member or Substitute, 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 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 Spokesperson 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 personal interest as described in the Authority's Code of Conduct ('Code of Conduct'), in any contract, proposed contract, or other matter, that Member shall declare that interest before any meeting where the contract, proposed contract or other matter, is to be discussed or as soon as it comes to light; and

if any Member of the Authority has any personal interest, which is also a prejudicial interest as described in the Code of Conduct in any contract, proposed contract or other matter, that Member shall declare what the interest is and withdraw from the meeting;

unless in the case of both a personal and prejudicial interest the Standards Committee grants a dispensation in favour of the Member/s concerned in accordance with the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002.

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 prejudicial 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

The Authority may resolve to suspend any of the Standing Orders so far as regards any business at the meeting where its suspension is moved.

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.