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DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY

NOTE: text shown in ***bold italics*** is taken from [the Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(as amended\)](#).

STANDING ORDERS

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DEFINITIONS

In these Standing Orders, unless indicated otherwise:

"Chief Fire Officer" is the person duly appointed by the Authority as the executive, operational and administrative head of the Devon and Somerset Fire and Rescue Service and shall include such officers of the Service as the Chief Fire Officer specifically authorises for the purposes of this Scheme of Delegations.

"The Clerk" is that person so appointed by the Authority for the purpose of constitutional and administrative tasks related to the business of the Authority.

"Constituent authorities" means Devon County Council, Somerset County Council, Plymouth City Council and Torbay Borough Council.

"Devon and Somerset Fire and Rescue Authority" ("the Authority") is the body corporate constituted in accordance with the "Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006" (as amended) (hereafter referred to as the Order).

"Devon & Somerset Fire & Rescue Service", ("the Service"), comprises all staff employed to ensure that the statutory functions of the Authority are effectively and efficiently discharged;

The "Executive Board" (EB) comprises those Service Directors who, together with the Treasurer to the Authority, set the strategic direction of the Devon & Somerset Fire & Rescue Service ("the Service") and provide the most senior officer level of decision making on strategic planning and policy to deliver the organisation's purpose and vision;

"Member" is any councillor from the constituent authorities duly appointed to serve on the Authority. It also includes any Police & Crime Commissioner and any co-opted Member appointed by the Authority;

"Members' Code" means the Members' Code of Conduct approved by the Authority, as required by the Localism Act 2011 and Regulations made under that Act.

"Monitoring Officer" is that person duly appointed by the Authority to discharge those functions specified in Section 5 of the Local Government and Housing Act and who will have responsibility for providing or procuring appropriate legal advice and assistance to the Authority and its Officers to ensure compliance with all legal, statutory and judicial processes.

"Non-uniformed" means a member of staff whose employment terms are conditioned under the National Joint Council for Local Government Services (the "Green Book").

"Officer" shall mean all employees of the Authority including uniformed and non-uniformed staff of the Devon & Somerset Fire & Rescue Service.

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The “Service Leadership Team” (SLT) comprises those uniformed Area Managers and non-uniformed Heads of Department responsible for the day-to-day running of the Service and making recommendations to the Executive Board on strategic change, based on service delivery and support experience and feedback.

“Treasurer” is that person duly appointed by the Authority with responsibility for the administration of the Authority’s financial affairs.

“Uniformed” means a member of staff whose employment terms are conditioned under the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (the “Grey Book”) OR the National Joint Council for Brigade Managers of Fire and Rescue Services Constitution and Scheme and Conditions of Service (the “Gold Book”) as appropriate.

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PART I - STANDING ORDERS RELATING TO MEETINGS OF THE FULL AUTHORITY

1. APPOINTMENT OF MEMBERS BY CONSTITUENT AUTHORITIES

- (1) *Each constituent authority must, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas'***
- (2) *Each representative appointed by a constituent authority [under paragraph 1 above] must be appointed from its own members.***
- (3) *Members of the Authority will come into office on the date of their appointment and hold office for such period as the appointing constituent authority determines subject to:***
 - (a) *a Member of the Authority may resign by giving notice in writing to that effect to the Clerk to the Authority;***
 - (b) *any Member who ceases to be a Member of the appointing constituent authority will at the same time cease to be a Member of the Authority;***
 - (c) *a person will be disqualified from being a Member of the Authority if he holds any paid office or employment (other than the office of Chair or Vice-Chair) appointments to which are or may be made by the Authority, any Committee or Sub-Committee of the Authority or by a Joint Committee or Board on which the Authority is represented***
 - (d) *if a Member of the Authority resigns, becomes disqualified or otherwise ceases to be a Member before the expiry of his/her term of office, the appointing constituent authority will arrange for a replacement who will come into office on the date of appointment and, unless the replacement resigns, becomes disqualified or otherwise ceases to be a Member, will hold office for the remainder of the period for which their predecessor would have held office had they not resigned, become disqualified or otherwise ceased to be a Member;***

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- (e) ***if a Member of the Authority resigns, becomes disqualified or otherwise ceases to be a Member WITHIN SIX MONTHS OF THE EXPIRY OF THEIR TERM OF OFFICE, the appointing constituent authority will not be required to appoint a replacement UNLESS, on the occurrence of the vacancy (or vacancies if simultaneous) the total number of unfilled vacancies on the Authority EXCEEDS one third of its total Membership.***
- (4) The Clerk to the Authority will, within five days of receipt of notice of resignation in accordance with Paragraph (a) above of this Standing Order, notify this in writing to the Chief Executive of the appropriate appointing constituent to enable a replacement appointment to be made in accordance with Paragraph (d) above of this Standing Order (and subject to Paragraph (e) above of this Standing Order).

2. APPOINTMENT OF A POLICE & CRIME COMMISSIONER

- (1) ***The Authority may appoint a relevant police and crime commissioner to be a member of the Authority, but the Authority may only make such an appointment in response to a request from the commissioner.***
- (2) ***If the Authority receives a request from a relevant police and crime commissioner, it must:***
 - (a) ***consider the request;***
 - (b) ***give reasons for its decision to agree or refuse the request; and***
 - (c) ***publish those reasons in such manner as it thinks appropriate.***
- (3) ***Where a relevant police and crime commissioner:***
 - (a) ***is appointed as a member of the Authority; and***
 - (b) ***arranges, under Section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf***

then the person attending the meeting on behalf of the commissioner may speak at that meeting but:

 - (a) ***may not vote; and***
 - (b) ***is not to be treated as a member of the Authority for any other purpose.***

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- (4) ***A relevant police and crime commissioner appointed in accordance with this Standing Order:***
- (a) ***comes into office on the date of that appointment; and***
 - (b) ***continues to be a Member of the Authority until the commissioner's term of office comes to an end in accordance with Section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act"), subject to (c) below;***
 - (c) ***if a vacancy in the office of the relevant police and crime commissioner arises in accordance with Section 59 of the 2011 Act before the end of that term, the commissioner ceases to be a Member of the Authority on the date on which the vacancy in the office is regarded as occurring under Section 59(1) of the 2011.***
- (5) ***The provisions of Standing Order (a) and (c) apply to any relevant police and crime commissioner appointed in accordance with this Standing Order***

3. CHAIR AND VICE CHAIR

- (1) ***The Authority will elect a Chair and may elect a Vice-Chair from among its Members.***
- (2) Any person elected as Vice-Chair must:
- (a) if the Chair is a Member appointed by a constituent authority, be from a different constituent body to the person elected as Chair; or
 - (b) if the Chair is a Police and Crime Commissioner, not be another Police and Crime Commissioner.
- (3) ***The Chair and, if elected, Vice-Chair will (subject to the conditions in Standing Order 1) hold office for such periods not exceeding one year as the Authority may determine and will remain in office until his/her successor becomes entitled to act as Chair or Vice-Chair.***
- (4) ***Paragraph (3) above of this Standing Order will not prevent any person who holds or has held office as Chair or Vice-Chair, as the case may be, from being elected or re-elected to those offices.***
- (5) ***On a casual vacancy occurring in the office of Chair (and/or Vice-Chair if so elected) the Authority will elect from among its members a person to replace the Chair and may so elect a person to replace the Vice-Chair as the case may be.***

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- (6) ***The election to replace the Chair under Paragraph (5) above of this Standing Order will take place not later than the next ordinary meeting of the Authority following occurrence of the casual vacancy.***
- (7) If the Chair is absent from any meeting of the Authority then the Vice-Chair (if present) will preside.
- (8) If both the Chair and the Vice-Chair are absent from any meeting of the Authority, then those Members present and voting will elect from amongst themselves a person to preside at the meeting who may subsequently exercise any power or duty of the Chair in relation to the conduct of the meeting.

4. QUORUM

- (1) ***The quorum for meetings of the Authority will be one third of the whole number of Members or such greater number as the Authority will determine.***
- (2) If, at the end of 30 minutes from the designated start time for the meeting, a quorum is not present the meeting will not take place and consideration of any business on the agenda for the meeting will be adjourned to a date and time fixed by the Chair or, if the Chair does not fix a date and time, to the next ordinary meeting of the Authority.
- (3) If during any meeting of the Authority the Chair - after counting the number of Members present - declares that there is not a quorum present the meeting will stand adjourned. The consideration of any business not transacted will be adjourned to a date and time fixed by the Chair at the time the meeting is adjourned or, if the Chair does not fix a time, to the next ordinary meeting of the Authority.

5. MEETINGS OF THE AUTHORITY – GENERAL PROVISIONS

- (1) Meetings of the Authority will be held at its headquarters, Clyst St. George, Exeter or at such other place as may from time to time be determined by the Clerk.
- (2) If the Chair considers that severe weather conditions or some other unforeseen circumstance warrant it, they may postpone for a period of not more than 14 days the date fixed for a meeting of the Authority.
- (3) No meeting will be held on the date of any full election to any of the constituent authorities.

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- (4) At least five clear working days before any meeting of the Authority a notice of its date, time and place, signed by the Clerk to the Authority, will be published.
- (5) At least five clear working days before any meeting of the Authority a summons to attend signed by the Clerk to the Authority will be sent to every Member of the Authority by an appropriate method. The summons will specify the date, time and place of the meeting and the business to be transacted including - as appropriate - the minutes of the last meeting together with such reports as are available.
- (6) Want of service of a summons on any Member will not affect the validity of the meeting.
- (7) When meetings are open to the public, any person attending may report (i.e. film, photograph or make an audio recording) on the meeting and use any communication method, including the internet, to publish, post or otherwise share the results of such reporting activity.
- (8) The display within the meeting room of any publicity/campaign material by the public (including employees or representative bodies of the Devon & Somerset Fire & Rescue Service) is not permitted.
- (9) The provisions of Part 5A of the Local Government Act 1972 as amended (Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees) **do not** apply to meetings of Working Parties/Task and Finish Groups.
- (10) No Working Party or Task and Finish Group will exercise any delegated power or duty or incur expenditure.

6. ANNUAL MEETING

- (1) The Authority will each year, following the Annual Meetings of the constituent authorities, hold an Annual Meeting on such a date as it will determine and in accordance with any relevant legislative provisions. This meeting will:
 - (a) Elect a person to preside if neither the Chair or Vice-Chair of the Authority is present;
 - (b) Appoint a Chair for the forthcoming municipal year;
 - (c) Appoint a Vice-Chair for the forthcoming municipal year;
 - (d) approve as a correct record and sign the Minutes of the last ordinary Meeting of the Authority and any extraordinary meeting held following the date of the last ordinary meeting;

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- (e) consider Matters of Urgency as determined by the Chair in accordance with Section 100B(4)(b) of the Local Government Act 1972 (**NOTE:** the reason for the urgency shall be duly recorded in the minutes of the meeting);
- (f) consider revisions etc. (where required) to Authority procedural documents (Standing Orders; Financial Regulations etc.);
- (g) approve the Committee structure etc. (including Terms of Reference) to operate for the Authority for the forthcoming municipal year and make appointments to the Committees etc. in accordance with Standing Order 30 below;
- (h) appoint Chairs and Vice-Chairs to standing Committees in accordance with Standing Order 34 below;
- (i) subject to Standing Order 7, make appointments to Outside Bodies for the forthcoming municipal year;
- (j) approve dates for meetings of the Authority and its standing Committees for the forthcoming municipal year.

7. APPOINTMENTS TO AUTHORITY CONTROLLED COMPANIES

Neither the Authority Chair nor Vice-Chair is eligible for appointment by the Authority to serve as a director of any company controlled by the Authority.

8. ORDINARY MEETINGS

- (1) Ordinary meetings of the Authority take place in accordance with the programme approved at the Authority's Annual Meeting, provided that any such details may be varied at a subsequent meeting (subject to approval by a majority of Members present and voting).
- (2) Ordinary meetings will:
 - (a) elect a person to preside if the Chair and Vice-Chair are absent;
 - (b) sign as a correct record the minutes of the last meeting(s) of the Authority (whether an ordinary, extraordinary and/or the Annual Meeting, as the case may be).;
 - (c) consider Matters of Urgency as determined by the Chair in accordance with Section 100B(4)(b) of the Local Government Act 1972 (**NOTE:** the reason for the urgency shall be duly recorded in the minutes of the meeting);
 - (d) answer questions/receive petitions submitted by the public in accordance with Standing Order 13;
 - (e) receive any address(es) by representative bodies in accordance with Standing Order 14;

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- (f) answer questions asked by Members of the Authority in accordance with Standing Order 15;
 - (g) dispose of any business (if any) remaining from the last meeting;
 - (h) receive and consider minutes, reports and recommendations of Committees/Sub-Committees/Working Parties **(SEE ALSO PARAGRAPH (4) BELOW OF THIS STANDING ORDER AND STANDING ORDER 16)**;
 - (i) fill vacancies on Committees or other bodies;
 - (j) consider Motions notice of which have been given in accordance with Standing Order 17, in the order in which notice has been received.
 - (k) consider other business, if any, specified in the summons, including the consideration of any reports submitted to the meeting.
- (3) The Chair of the Authority (or person so presiding at the Authority meeting) may, at their discretion, vary the order of business.
- (4) Any Member wishing to move an amendment to a minute of any Committee/Sub-Committee/Working Party will give written notice to the Clerk to the Authority at least two clear working days prior to the Authority meeting stating their name, the Committee/Sub-Committee/Working Party and relevant minute number. These details, together with the text of the proposed amendment and the name of the seconder, will be produced in a printed Order Paper to be circulated at the meeting. In the case of a “starred” minute (dealing with a matter on which a Committee or Sub-Committee ONLY has delegated power to act), no amendment may be considered unless so determined by one third of Members present and voting at the meeting of the Authority (known as “removing the star”). **(SEE ALSO STANDING ORDERS 16 AND 18 BELOW)**

9. BUDGET MEETING

The Authority will each year, in addition to its Annual and Ordinary Meetings, hold a meeting to consider and determine reports relating to the setting of its budget for the forthcoming financial year, consistent with existing legislative requirements. The meeting may also consider any other general business as necessary.

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10. EXTRAORDINARY MEETINGS

- (1) Those listed below may request the Clerk to call an extraordinary meeting (i.e. additional to an ordinary meeting) to be held:
 - (a) the full Authority by a resolution passed by a majority of Members present and voting;
 - (b) the Chair of the Authority;
 - (c) any five Members of the Authority if they have signed a requisition presented to the Chair and the Chair has refused or has failed to call a meeting within seven days of the presentation of the requisition; and
 - (d) the Monitoring Officer.
- (2) Any extraordinary meeting of the Authority shall deal only with the business as specified in the summons for that meeting.

11. ATTENDANCE AT MEETINGS

- (1) All Members present during the whole or part of a meeting must sign their names in the attendance register to be provided by the Clerk (or his/her designated representative) prior to the conclusion of every meeting to assist with the record of attendance.
- (2) Apologies for absence shall be recorded in the minutes of the meeting.
- (3) Failure by any Member of the Authority to attend any of its meetings during a six month consecutive period from the date of their last attendance will, unless the failure was due to some reason approved by the Authority before the expiry of that period, result in the Member being “named” for non-attendance in the minutes of the next appropriate meeting of the Authority and the relevant appointing constituent authority notified accordingly.

12. MINUTES OF THE AUTHORITY

- (1) Subject to Paragraph (4) below of this Standing Order, the Chair will move that the minutes of the previous meeting be signed as a correct record.
- (2) No motion or discussion will take place upon the minutes except upon their accuracy and any matter concerning their accuracy will be raised by an amendment.
- (3) If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chair will sign the minutes.

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- (4) Nothing in this Standing Order will require the Chair, at an extraordinary meeting, to sign the minutes of the last ordinary meeting of the Authority.

13. QUESTIONS AND PETITIONS BY THE PUBLIC (EXCLUDING EMPLOYEES AND REPRESENTATIVE BODIES OF THE DEVON & SOMERSET FIRE & RESCUE SERVICE)

General

- (1) Each agenda for meetings of the Authority will include an item for public questions and petitions. The time allowed for this will not exceed 20 minutes (except at the discretion of the Chair).
- (2) Questions and petitions may only be put by persons who are permanent residents of the geographical counties of Devon and Somerset.
- (3) Petitions and questions (including supplementary questions where allowed by the Chair) will be restricted to one per member of the public per meeting.
- (4) For processing purposes, petitions will be categorised using the following criteria:
 - (a) Petitions relating to an Authority public consultation;
 - (b) Petitions on standalone subjects for which the Authority has responsibility or which affects the Authority.

Scope of questions and petitions

- (5) Questions ***must***:
 - (a) relate to a matter which is already included on the agenda for the Authority meeting at which it is to be raised;
 - (b) not be defamatory, frivolous or offensive;
 - (c) not be substantially the same as a question which has been put at a meeting of the Authority in the past six months; and
 - (d) not require the disclosure of confidential or exempt information.
- (6) Petitions ***must***:
 - (a) relate to a matter for which the Authority has a responsibility or which affects the Authority;
 - (b) not be defamatory, frivolous or offensive;
 - (c) not be substantially the same as a petition which has been put at a meeting of the Authority in the past six months;

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- (d) have attracted a minimum of 50 signatories. All signatories must have permanent residence in the area served by the Authority;
and
- (e) not require the disclosure of confidential or exempt information.

Submission of questions and petitions

- (7) Questions (which must relate to subject matter already included on the agenda for the meeting at which it is to be raised) must be submitted in writing (including e-mail) to the Clerk to the Authority at least two clear working days before the meeting. The Clerk reserves the right to edit any question, in consultation with the author, to bring it into an appropriate form prior to circulation to the Authority.
- (8) Petitions may be submitted to the Authority in the following ways:
 - (a) On paper
 - (b) Electronically by e-mail
- (9) In every case, petition organisers must identify themselves and provide such details as will assist the Authority to make contact to discuss the petition. If the lead signatory wishes to relinquish their role then another signatory can and must be elected as lead signatory.
- (10) Petitions relating to an Authority public consultation must be submitted by the closing date of the consultation, to allow for inclusion in the reporting process.
- (11) Petitions on subjects not subject to public consultation must be submitted to the Clerk to the Authority by midday, at least two clear working days before the Fire Authority meeting at which the matter is to be presented.

Acceptance of a petitions and questions

- (12) The Authority reserves the right to assess the authenticity of any petition by verifying each signatory to it. To facilitate this, petitions must include details of:
 - (a) Name
 - (b) Address
 - (c) Contact number or email address
- (13) Where a petition meets the above criteria it will usually be accepted by the Authority and the following process will be initiated:
 - (a) Where a petition relates to an Authority public consultation it will be taken into account and reported along with other the consultation results.

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- (b) Where a petition relates to a standalone subject the petition organiser will be allowed to speak in support of the petition for no more than 2 minutes at the Authority meeting, subject to the discretion of the Chair. The Authority may either refer the matter which is the subject of a petition without debate to a relevant committee, take it into consideration if it relates to an item on a current or forthcoming agenda (at the time that item is to be considered), or note it.

- (14) The Clerk to the Authority has discretion, following consultation with the Chair, to reject any question or petition which does not accord with the terms of this Standing Order.

Asking Questions at a meeting

- (15) The Chair will invite the correspondent to introduce (not repeat in full) their question to the Authority. The correspondent has a maximum of 2 minutes in which to do so, subject to the discretion of the Chair. If the correspondent is unable to be present at the meeting, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the correspondent's behalf, indicate that a written reply will be given or decide, in the absence of the correspondent, that the question will not be dealt with.

Supplemental question

- (16) Supplementary questions (a maximum of 2 minutes for each) will be allowed at the discretion of the Chair.

Written answers

- (17) Any question not able to be dealt with adequately during public question time, will be dealt with by a written answer.

Reference of question to a committee

- (18) Unless the Chair decides otherwise, no discussion will take place on any matter raised during public question time, but any Member may propose that the matter be referred to the appropriate committee of the Authority for consideration.

Availability of questions and petitions

- (19) Brief details of the subject matter of any petition(s) to be considered, together with copies of all questions from the public received prior to the meeting (and any answers to be given where appropriate), will be circulated to all Members of the Authority and will be made available to the public attending the meeting.

A public record

- (20) A summary record of questions asked, replies given and petitions accepted will be made in the minutes of the Authority's meeting.

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14. ADDRESSES BY REPRESENTATIVE BODIES

- (1) The Authority will not receive questions or petitions either from its employees or recognised employee representative bodies, for which separate industrial relations processes exist. In the event of representative bodies wishing to address a meeting of the Authority prior permission in writing must be sought of the Chair to the Authority – via the Clerk to the Authority - at least two clear working days prior to the date of the meeting to be addressed. The request for permission must clearly identify:
 - (a) the precise nature and content of the address to be made, which must (making the necessary changes) fall within the scope of petitions as set out in Standing Order 13 above; and
 - (b) the name(s) of those to attend the meeting to make the address. This will be restricted to a maximum of three delegates per representative body.
- (2) The delegate(s) from a representative body with permission to address a meeting of the Authority will limit the address to a maximum of ten minutes. The Authority may either refer the matter which is the subject of an address without debate to a relevant committee, take it into consideration if it relates to an item on a current or forthcoming agenda (at the time that item is to be considered), or note it.
- (3) Subject to Paragraph (1) above of this Standing Order, only one address per representative body per meeting will be allowed.
- (4) In the event of more than one representative body wishing to address a meeting of the Authority, then maximum time permitted for all addresses will not exceed twenty minutes.
- (5) A summary record of addresses delivered will be made in the minutes of the Authority's meeting.

15. QUESTIONS BY MEMBERS

- (1) A period of no more than 30 minutes will be allocated at each Authority meeting for questions and supplementary questions.
- (2) Any Member of the Authority may ask:
 - (a) the Chair of the Authority;
 - (b) the Chair of any Committee/Sub-Committee/Working Party appointed by the Authority (or Working Party appointed by a Committee/Sub-Committee of the Authority);
 - (c) any Member appointed by the Authority to an outside body

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a question on any matter which affects the Authority/Committee/Sub-Committee/Working Party/Outside body in question.

- (3) The text of any such question will be submitted in writing to the Clerk not less than two clear working days before the meeting at which the Member proposes to ask the question subject to Paragraphs (4) and (6) below of this Standing Order.
- (4) Members may, without prior notice, ask questions of Chairs of Committees, Sub-Committees and Working Parties on the Minutes of those bodies when the Minutes are presented to the Authority for adoption in accordance with Standing Order 16.
- (5) Questions and written answers (where provided) will be printed in order of receipt and circulated amongst Members at the commencement of the meeting. The Clerk will arrange for copies of questions and answers to be sent to Members not present at the meeting.
- (6) The Chair may allow the asking of a question which has not been submitted as required by Paragraph (2) above of this Standing Order if the Chair considers that it relates to urgent business. The text of any such question will, if possible, be delivered to the Clerk to the Authority not later than 12.00noon on the working day immediately before the meeting at which the question is to be asked.
- (7) An answer may take the form of:
 - (a) a direct oral answer at the meeting;
 - (b) where the desired information is already published, a reference to that publication; and
 - (c) where the reply cannot conveniently be given orally, a written reply will be circulated to the questioner within seven working days of the meeting at which the question was asked (**NOTE:** in this event, an interim answer may be given.)
- (8) After a question has been replied to the Member who asked it may ask one supplementary question for the purpose of clarifying the reply given. A supplementary question will be confined to the substance of the original question and will not introduce any new matter.
- (9) Every question will be put and answered without discussion.
- (10) No motion will be moved in relation to any question or answer.
- (11) If the Chair considers a question is unsuitable in form, frivolous or derogatory to the dignity of the Authority (s)he will have the right to rule the question out of order.

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- (12) In Paragraphs (9) to (11) above of this Standing Order the word "question" will also include a supplementary question.

16. MINUTES OF COMMITTEES/SUB-COMMITTEES/WORKING PARTIES SUBMITTED TO THE AUTHORITY

- (1) Minutes of Committees/Sub-Committees/Working Parties are submitted to the Authority for adoption. They will be “moved” formally by the relevant Committee/Sub-Committee/Working Party Chair and put to the Authority for consideration. When all matters have been dealt with – **SEE STANDING ORDER (4) ABOVE** – the Chair of the Committee/Sub-Committee/Working Party will then ask the Authority to adopt the minutes as a whole (together with any amendments the Authority has agreed) without further discussion.
- (2) The Committee Chair or any other Member moving the minutes will exercise a right of reply to any amendment moved under Standing Order (4).

17. MOTIONS REQUIRING NOTICE TO BE GIVEN

- (1) Subject to Standing Order 20 below, any Member may submit a Notice of Motion for consideration at an Authority meeting on any matter for which the Authority has powers or duties. Subject to the exceptions listed at Standing Order 18, such Notices must be in writing, signed by the Member(s) giving notice, and must be received by the Clerk to the Authority at least ten clear working days before the meeting at which the Motion is to be considered. Upon receipt, Notices of Motion will be dated and recorded by the Clerk to the Authority. This record will be open to inspection.
- (2) Notices properly received will be set out on the agenda for the meeting at which they are to be considered, in the order in which they have been received unless subsequent written notification has been received from the member giving Notice of the intention either to withdraw the Motion completely or for it to be considered at a later meeting. Such notices may also be accompanied by an associated officer paper as necessary.

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- (3) If a Motion set out in the agenda is not moved - either by the Member who gave notice or by some other Member (with the written consent of the Member who originally gave notice) – and seconded it will be treated as lapsed and will not be moved without fresh notice in accordance with Paragraph (1) above of this Standing Order.
- (4) If the subject matter of any Motion of which notice has duly been given comes within the province of any Committee/Sub-Committee/Working Party of the Authority it will, upon being formally moved and seconded, be referred without discussion to the appropriate Committee/Sub-Committee/Working Party for consideration and report back to the next meeting of the Authority - provided that the Chair may, if they consider it convenient and conducive to the despatch of business or sufficiently urgent, allow the Motion to be dealt with at the meeting at which it is brought forward.
- (5) The following will apply to Motions referred in accordance with Paragraph (4) above of this Standing Order:
 - (a) the Member who proposed the Motion will receive notice of the meeting of the Committee/Sub-Committee/Working Party at which it is to be considered and be entitled to attend and speak (but not vote) on the Motion;
 - (b) the Committee/Sub-Committee/Working Party will report on its consideration of the Motion and any recommendation made by it to the next meeting of the Authority;
 - (c) the Motion will be set out in full in the minutes of the Committee/Sub-Committee/Working Party along with any recommendation made;
 - (d) in the event of the Committee/Sub-Committee/Working Party failing to make a recommendation, the original Motion served under this Standing Order may be moved by the Member who originally gave notice or by another Member with such Member's written consent.
- (6) No Member will be permitted to submit more than one Motion requiring notice to any one meeting of the Authority.

18. MOTIONS NOT REQUIRING PRIOR NOTICE

- (1) The following motions and amendments may be moved without prior notice:
 - (a) appointment of a Chair at the meeting at which the Motion is made;
 - (b) Motions relating to the accuracy of the minutes in accordance with Standing Order 12(2) above;

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- (c) to vary the order of business;
 - (d) subject to Standing Orders 8(4) and 15(10) above, Motions arising from the business to be considered at any meeting of the Authority;
 - (e) that leave be given to withdraw a Motion;
 - (f) Extending the time limit for speeches;
 - (g) to proceed to next business;
 - (h) that the question be now put;
 - (i) to adjourn a debate;
 - (j) to adjourn a meeting;
 - (k) subject to the provisions of Standing Order 54, to suspend a particular Standing Order or Standing Orders;
 - (l) that a Member named under Standing Order 24 be not further heard or do leave the meeting.
- (2) No motion will be discussed at a meeting unless it has been duly proposed and seconded.

19. MOTIONS AFFECTING PERSONS EMPLOYED BY THE AUTHORITY – DECISION TO EXCLUDE PUBLIC AND PRESS

If any question arises at any meeting of the Authority (or any Committee/Sub-Committee appointed by the Authority) as to the appointment, dismissal, salary, superannuation, conditions of service, or conduct of any officer employed or appointed by the Authority such question will not be discussed until the Authority (or Committee/Sub-Committee as the case may be) has decided whether or not to exclude the press and public in accordance with Section 100A(4) of the Local Government Act 1972.

20. MOTIONS FOR RESCISSION OF PREVIOUS DECISIONS

- (1) No Motion which seeks to rescind any decision made by the Authority within the preceding six months nor any Motion or amendment to the same effect as one which has been negated within the preceding six months may be proposed unless written notice, signed by at least five Members of the Authority, is provided to the Clerk to the Authority at least ten clear working days before the meeting at which the Motion is to be considered.

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- (2) Any written notice so received will be set out on the agenda for the meeting at which it is intended it should be considered. If the Motion as set out in the agenda is not moved - either by the Member who gave notice or by some other Member (with the written consent of the Member who originally gave notice) – and seconded it will be treated as lapsed and will not be moved without fresh notice in accordance with Standing Order (1) above and subject to (3) below.
- (3) When any such Motion or amendment has been considered and disposed of by the Authority it will not be competent for any Member to propose a similar motion within a further period of six months.
- (4) Provided that this Standing Order will not apply to Motions moved in pursuance a recommendation either of a Committee or an officer (as contained in a report to the Authority).

21. AGENDA ITEMS

- (1) Subject to (2) below, any Member may request that an item relating to the work of the Authority be placed on the agenda for a forthcoming meeting. Such a request must be in writing, setting out the precise details of the issue(s) to be raised, and must be received by the Clerk at least ten clear working days before the date of the meeting at which it is to be raised. Wherever practicable, the item will be considered in conjunction with a written report prepared by the appropriate officer(s).
- (2) No such item will be placed on the agenda for a forthcoming meeting if the outcome could be that, if approved, the item would rescind a previous decision made within the last six months.

22. RULES OF DEBATE

- (1) Subject to Paragraphs (10), (11), (18) and (19) below of this Standing Order, no Member may speak more than once on any matter under consideration at a meeting of the Authority except at the discretion of the Chair.
- (2) All Motions or amendments will be presented to the meeting by the mover and duly seconded before being discussed or put to the meeting.
- (3) A Member may not propose or second any motion or amendment on a matter for which they are disqualified from voting.
- (4) For the purpose of clarity, the Chair or the Clerk may require any Motion for which prior notice is not required (as specified in Standing Order 18) to be put into writing at the time that the Motion is proposed.

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- (5) Motions or amendments not seconded or which are withdrawn will not be entered into the minutes.
- (6) A Member, when seconding a Motion or amendment, may (if they then declares their intention to do so) reserve their speech until a later part of the debate.
- (7) A Member when speaking will address the Chair. Only one Member will speak at a time and will not be interrupted by another Member unless the interruption is to advance a point of order or personal explanation.
- (8) A Member will direct their speech to the issue under discussion or to a personal explanation or point of order.
- (9) A speech by mover of a Motion will not exceed five minutes except by consent of the Authority. Subject to Paragraphs (18) and (19) below of this Standing Order (dealing with right of reply), no other speech will exceed five minutes except by consent of the Authority.
- (10) A Member may advance a point of order or personal explanation and be entitled to be heard immediately. A point of order will relate to an alleged breach of a Standing Order or statutory provision which will be specified by the Member along with the way in which the Member considers it has been broken. A personal explanation will be confined to some material part of a former speech by the Member concerned which may appear to have been misunderstood in the present debate.
- (11) A Member who has spoken on any Motion will 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 they last spoke, to move a further amendment;
 - (c) if their first speech was on an amendment moved by another Member, to speak on the main issue whether or not the amendment on which they spoke was carried;
 - (d) in exercise of a right of reply under Paragraphs (18) and (19) below of this Standing Order;
 - (e) on a point of order;
 - (f) by way of personal explanation BUT the Member will confine their remarks strictly to such explanation (see also Paragraph (10) of this Standing Order above).
- (12) An amendment will be relevant to the Motion and will be either:

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- (a) to refer the Motion to a future meeting (or meeting of a Committee/Sub-Committee/Working Party appointed by the Authority) for consideration;
- (b) to delete words, insert words or both

provided that such deletion or insertion will not have the effect of introducing a substantially new proposal into or negating the Motion before the Authority.

- (13) An amendment may not be moved to a Motion which only refers a matter to a Committee/Sub-Committee/Working Party or officer for report and such a Motion will not be open for discussion by the Authority.
- (14) Only one amendment may be moved and discussed at a time and no further amendment will be moved until the amendment under discussion has been disposed of.
- (15) If an amendment is lost, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended will replace the original Motion and may be subject to further amendment.
- (16) A Member may, with the consent of the Authority signified without discussion:
 - (a) alter a Motion of which they have given notice;
 - (b) with the consent of their seconder, alter a Motion which they have movedif in either case the alteration is one which could be made as an amendment.
- (17) Any Motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Authority (which will be signified without discussion) and no Member may speak upon it after the Member has asked permission for its withdrawal unless such permission was refused.
- (18) The mover of a Motion has a right of reply at the close of the debate on the Motion, immediately before it is put to the vote. The right of reply will be limited to a maximum of three minutes. If an amendment was moved, the mover of the original Motion will also have a right of reply (maximum of three minutes) at the close of the debate on the amendment and will not otherwise speak on the amendment. After such reply, no other Member will speak on that amendment.

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- (19) The mover of the amendment has a right of reply to the debate on their amendment immediately before the mover of the Motion exercises his/her right of reply. The right of reply of the amendment mover will be limited to a maximum of three minutes.
- (20) When a Motion is under debate no other Motion will be moved except the following:
- (a) to amend the Motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to next business;
 - (e) that the question be now put;
 - (f) that a Member be not further heard;
 - (g) by the Chair under Standing Order 24(2)(a), that a Member do leave the meeting;
 - (h) a Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.
- (21) A Member who has not already spoken in a debate may move, without comment, at the conclusion of a speech of another Member "that the Authority proceed to 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 will proceed as follows:
- (a) on a motion "to proceed to next business" unless, in the opinion of the Chair, the matter before the meeting has been insufficiently discussed, the Chair will put to the vote the motion "to proceed to next business and if this is passed the Authority will proceed to the next business" without giving the mover of the original Motion (or amendment) a right of reply;
 - (b) on a motion "that the question be now put" unless, in the opinion of the Chair, the matter before the meeting has been insufficiently discussed, the Chair will put to the vote the motion "that the question be now put" and if this is passed the mover of the original Motion (or amendment) will be entitled to exercise a right of reply under Paragraphs (18) or (19) above of this Standing Order before the Motion (or amendment) is put to the vote;

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- (c) on a motion to adjourn the debate or meeting unless, in the opinion of the Chair, the matter before the meeting has been insufficiently discussed and cannot reasonably be discussed sufficiently on that occasion, the Chair will put the adjournment motion to the vote without giving the mover of the original Motion (or amendment) a right of reply.
- (22) With the exception of Members of the Authority and subject to Standing Orders 13 and 14 above, only officers duly appointed to the Authority, or other invited guest(s), may speak at any of its meetings when called upon to do so by the Chair.
- (23) The ruling of the Chair on the rules of debate and their interpretation of Standing Orders will be final and no debate on the Chair's decision will be allowed.
- (24) Whenever the Chair speaks during a debate, any other Member then speaking will cease and the Authority will be silent.

23. REGISTRATION AND DISCLOSURE OF INTERESTS

- (1) Members **MUST** notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of being appointed to the Authority or, if the interest arises subsequently, within 28 days of becoming aware of the interest.
- (2) Where any Member present at any Authority meeting (including Committee etc. meetings) is aware that they have either a disclosable pecuniary interest, personal interest or non-registerable interest in **any matter being considered or to be considered at the meeting then**, unless the Member concerned has a current and relevant dispensation in relation to the matter, the Member concerned **must**:
 - (a) **disclose** at that meeting, by no later than commencement of consideration of the item in which the Member has the interest or, if later, at the time at which the interest becomes apparent to the Member, the existence of and – for anything other than a “sensitive” interest – the nature of that interest; **and then**
 - (b) **withdraw** from the room or chamber during consideration of the item in which the Member has the relevant interest.
- (3) Where a dispensation has been granted to a Member either by the Authority or its Monitoring Officer in relation to a relevant interest, then the Member concerned must act in accordance with any terms and conditions associated with that dispensation.

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- (4) Where a Member declares at a meeting a disclosable pecuniary or personal interest which they have not previously included in their Register of Interests then they **must**, within 28 days of the date of the meeting at which the declaration was made, ensure that their Register is updated to include details of the interest so declared.

24. DISORDERLY CONDUCT BY MEMBERS

- (1) If at a meeting any Member of the Authority misconducts them self 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, will be put and determined without debate.
- (2) If the Member named continues their misconduct after a Motion under Paragraph (1) above of this Standing Order has been carried the Chair will either:
 - (a) move "*that the Member named do leave the meeting*" in which case the motion will be determined without seconding or debate; or
 - (b) adjourn the meeting until such time as the Chair considers it appropriate to continue.
- (3) If a motion under Paragraph (a) above of this Standing Order is carried the Chair will order the Member named to retire from the remainder of the meeting and if the Member named refuses to do so the Chair may order their removal from the meeting.
- (4) In the event of a general disturbance which, in the opinion of the Chair, renders the due and orderly despatch of business impossible, the Chair - in addition to any other power vested in them - may without question adjourn the meeting until such time as the Chair considers it appropriate to continue.

25. DISTURBANCE BY MEMBERS OF THE PUBLIC

If a member (or members) of the public interrupts the proceedings at any meeting the Chair will warn them. If the interruption continues, the Chair will order those responsible for the disturbance to be removed from the meeting.

26. VOTING

- (1) Voting will normally be by simple show of hands, with matters decided by a majority of members present and voting thereon. In the case of an equality of votes, the person presiding at a meeting will have a second or casting vote.

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- (2) If requested by a majority of those present, the voting on any matter will be by roll call and the result will be recorded in the minutes so as to show how each Member present and voting voted. The name of any Member present and not voting will also be recorded.
- (3) Any Member may, even where a simple vote is taken, request that their particular vote on a particular matter be recorded.

27. VOTING ON APPOINTMENTS

- (1) Every candidate nominated to represent the Authority in any capacity or for any position to be filled by it will be openly proposed and seconded. If the number of nominations does not exceed the number of vacancies the vote will be taken and, provided there is a majority in favour, the duly nominated candidate(s) appointed.
- (2) Where there are more than two persons nominated for one position and of the votes given there is no clear majority in favour of any one person, the name of the person having the least number of votes will be struck off the list and a fresh vote taken. This process will be repeated until a majority of votes is given for one person. This process will also apply where there are several positions to be filled with more than one person nominated for each position.
- (3) Any Member present at a meeting may move without notice that a vote on an appointment be undertaken by secret ballot. If seconded and duly approved by a majority of those present and voting, a secret ballot will be held for the appointment in question.
- (4) Voting will be by show of hands unless it is resolved to hold a roll call vote in accordance with Standing Order (2) OR a secret ballot in accordance with paragraph (3) above.
- (5) In the case of an equality of votes where the person presiding does not exercise a second or casting vote the matter will be determined by lot.

28. ACTION IN CASES OF URGENCY

In cases of urgency ONLY the Chief Fire Officer may exercise all rights, powers and duties of the Authority. Before doing so the Chief Fire Officer will consult any other officer of the Authority as may be appropriate and will ALWAYS consult either the Chair or Vice-Chair. The Chief Fire Officer MUST report, for information, any decision taken under this Standing Order to the next ordinary meeting of the Authority. **SEE ALSO STANDING ORDER 29.**

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PART II - STANDING ORDERS RELATING TO COMMITTEES/SUB-COMMITTEES/WORKING PARTIES

29. STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES

All of the Standing Orders in this Part, together with the following Standing Orders from Part I, *will* (making the necessary alterations) apply to Committees and Sub-Committees:

- Standing Order 5;
- Standing Order 8(2)(a) to (d); (h) to (k); and 8(3);
- Standing Order 11;
- Standing Order 12;
- Standing Order 20;
- Standing Order 17;
- Standing Order 18;
- Standing Order 19;
- Standing Order 20;
- Standing Order 22;
- Standing Order 23(2) to (4);
- Standing Order 24;
- Standing Order 25;
- Standing Order 26;
- Standing Order 27;
- Standing Order 28.

30. APPOINTMENT AND COMPOSITION OF COMMITTEES AND WORKING PARTIES

- (1) The Authority may appoint from amongst its Members any Committee or Working Party as it considers necessary to carry out efficiently its work.
- (2) The Authority will decide how many members each Committee will comprise, taking account of the principles set out in Section 15(5) of the Local Government and Housing Act 1989.
- (3) Any casual vacancy arising in the membership of any Committee will be filled at the next ordinary meeting of the Authority.

Revision No. and Date: 1 (30 May 2007); 2 (28 May 2008); 3 (14 July 2009); 4 (3 November 2010); 5 (December 2011); 6 (July 2012); 7 (May 2014); 8 (May 2015); 9 (May 2017); 10 (April 2018); 11 (June 2018); 12 (June 2019); 12A (June 2020 – amended to reflect Remote Meetings Protocol); 12B (August 2020 – clarifying amendment to Standing Order 10(3)); 13 (June 2021)

- (4) The Authority may also appoint Working Parties. Any Working Party so appointed will be **advisory only** and make recommendations as appropriate to the Authority. **No Working Party established may exercise delegated powers or incur expenditure.**

31. APPOINTMENT OF SUB-COMMITTEES/WORKING PARTIES

- (1) Any Committee may:
 - (a) with the approval of the Authority, appoint from amongst its Members Sub-Committees or standing Working Parties;
 - (b) appoint from amongst its Members ad hoc Working Parties/Panels/Task & Finish Groupsfor such purposes as they think will assist the discharge of functions delegated to the Committee by the Authority.
- (2) Membership of such Sub-Committees Parties will be appointed in such a way as to reflect the principles set out in Section 15(5) of the Local Government and Housing Act 1989.
- (3) Casual vacancies occurring in the membership of Sub-Committees will be filled at the next meeting of the appointing Committee.
- (4) Any Sub-Committee may appoint from amongst its Members ad-hoc Working Parties for such purposes as it thinks will assist in the discharge of functions delegated to the Sub-Committee.
- (5) Any Working Party appointed will be **advisory only** and make recommendations as appropriate to its parent Committee/Sub-Committee. **No Working Party established may exercise delegated powers or incur expenditure.**

32. APPOINTMENT OF OTHER WORKING PARTIES OR “TASK AND FINISH” GROUPS

- (1) In addition to any other provisions as set out in this Part of Standing Orders, the Clerk and the Chief Fire Officer will have delegated authority, following consultation with the Authority Chair/Vice-Chair (and/or relevant Committee Chair/Vice-Chair), to establish any Working Party or “task and finish” group as is considered conducive and timely to the work of the Authority.
- (2) Standing Orders 30(4), 31(5), 33(3), 35(3), 36, 38 and 39 of this Part will, making the necessary alterations, apply to any Working Party/Task and Finish Group so appointed.

Revision No. and Date: 1 (30 May 2007); 2 (28 May 2008); 3 (14 July 2009); 4 (3 November 2010); 5 (December 2011); 6 (July 2012); 7 (May 2014); 8 (May 2015); 9 (May 2017); 10 (April 2018); 11 (June 2018); 12 (June 2019); 12A (June 2020 – amended to reflect Remote Meetings Protocol); 12B (August 2020 – clarifying amendment to Standing Order 10(3)); 13 (June 2021)

33. DATES FOR COMMITTEE/SUB-COMMITTEE/WORKING PARTY MEETINGS AND SPECIAL MEETINGS

- (1) Dates for standing Committees of the Authority will be fixed for a twelve month period at the Annual Meeting of the Fire Authority.
- (2) Dates of standing Committees as fixed by the Authority may subsequently be varied (either by cancellation, re-arrangement or addition) by the Clerk, following consultation with the Chair of the Committee/Sub-Committee in question, as necessary to expedite the work of the Committee/Sub-Committee in question.
- (3) Any ad-hoc Committee, Sub-Committee or Working Party appointed by the Authority (and any ad-hoc Working Party appointed by a Committee/Sub-Committee) will meet as soon as practicable after it has been established and thereafter at dates it determines as appropriate to expedite the work of the body.
- (4) Except as provided for in Paragraph (5) below of this Standing Order, no meeting of a standing Committee or Sub-Committee will normally be adjourned to a date earlier than 7 days from the date of adjournment and appropriate notice of the revised date will be given.
- (5) Paragraph (4) above of this Standing Order does NOT apply to adjournments of meetings under Paragraphs (20)(b) and (21)(a) of Standing Order 22, Paragraphs (2)(b) and (4) of Standing Order 24 and Standing Order 25.

34. APPOINTMENT OF CHAIRS AND VICE-CHAIRS TO STANDING COMMITTEES ETC.

- (1) Chairs and Vice-Chairs of standing Committees will be appointed by the Authority at its Annual Meeting and will remain in office until their replacements are appointed or they cease to be a Member of the Authority, in which case a substantive replacement will be appointed at the next meeting of the Authority.
- (2) Paragraph (1) of this Standing Order will not prevent any person who holds or has held office as a Committee Chair or Vice-Chair, as the case may be, from being appointed or re-appointed to those offices.
- (3) If neither the Committee Chair nor Vice Chair is present at any meeting of the Committee, then those Committee Members present and voting will elect from amongst themselves a person to preside at the meeting who may subsequently exercise any power or duty of the Chair in relation to the conduct of the meeting.

Revision No. and Date: 1 (30 May 2007); 2 (28 May 2008); 3 (14 July 2009); 4 (3 November 2010); 5 (December 2011); 6 (July 2012); 7 (May 2014); 8 (May 2015); 9 (May 2017); 10 (April 2018); 11 (June 2018); 12 (June 2019); 12A (June 2020 – amended to reflect Remote Meetings Protocol); 12B (August 2020 – clarifying amendment to Standing Order 10(3)); 13 (June 2021)

35. ELECTION OF CHAIRS AND VICE-CHAIRS OF SUB-COMMITTEES

- (1) At the first meeting of any Sub-Committee appointed in accordance with these Standing Orders, a Chair will be elected (and a Vice-Chair may be elected) from amongst the Members of the body concerned.
- (2) The Chair and Vice-Chair (if so appointed) will – subject to the conditions in Standing Order 1 - remain in office until the appointment of their successor at the first meeting of the Sub-Committee following the Annual Meeting of the Authority in any given year OR until the disbanding of the Sub-Committee, whichever is the earlier.
- (3) Paragraph (2) above of this Standing Order will not prevent any person who holds or has held office as a Sub-Committee Chair or Vice-Chair, as the case may be, from being elected or re-elected to those offices.
- (4) Any casual vacancy occurring in the office of Sub-Committee Chair will be filled at the next ordinary meeting of the Sub-Committee.
- (5) A casual vacancy occurring in the office of Sub-Committee Vice-Chair (if so appointed) may be filled at the next ordinary meeting of the Sub-Committee.
- (6) If neither the Sub-Committee Chair or the Vice-Chair is present at any meeting of the Sub-Committee, then those Sub-Committee Members present and voting will elect from amongst themselves a person to preside at the meeting who may subsequently exercise any power or duty of the Sub-Committee Chair in relation to the conduct of the meeting.

36. CHAIR OF WORKING PARTIES

- (1) In light of their purely advisory nature, Working Parties *may*, at their first or any subsequent meeting, elect a person from amongst the membership of the Working Party to act as Chair. This might be:-
 - until the appointment of a successor to the Chair at the first meeting of the Working Party following the Annual Meeting of the Authority in any given year OR until the disbanding of the Working Party, whichever is the earlier; OR
 - for the duration of each meeting of the Working Party only as the Working Party may determine.

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37. QUORUM OF COMMITTEES/SUB-COMMITTEES/WORKING PARTIES

- (1) Except where otherwise ordered by the Authority, the quorum of every Committee and Sub-Committee will be one third of the whole membership of the body provided that in no case will the quorum be less than three Members.
- (2) In light of their purely advisory nature, there will be no formal quorum requirement for Working Parties.
- (3) If, 30 minutes after the designated start time for a Committee/Sub-Committee meeting (or at any time after the commencement of a quorate meeting) the Chair - after counting the number of Members present - declares that there is not a quorum present then they may rule:
 - (a) that the meeting should proceed as a Working Party, with recommendations as necessary being made to the next ordinary meeting of the Authority; **or**
 - (b) that the meeting will stand adjourned until a date and time fixed by the Chair.

38. SUBSTITUTION AT COMMITTEES ETC.

- (1) Any Member of a Committee or Sub-Committee unable to attend a particular meeting may nominate a substitute to attend in their place from amongst other Members on the Fire and Rescue Authority. The Clerk to the Authority MUST be advised before the start of the meeting of the proposed substitution which will have effect for the whole of the meeting. Subject to these conditions, the substitute Member may speak, vote (where appropriate) and act as they were an ordinary Member of the Committee or Sub-Committee concerned.
- (2) Substitute Members are not delegates of the Members for whom they are substituting and must exercise their personal judgement in participating, where appropriate, in any decision making.

39. OTHER ATTENDANCE AT COMMITTEES AND SUB-COMMITTEES

- (1) Any Member of the Authority may attend all proceedings of any Committee or Sub-Committee of the Authority of which they are not a Member but, except as provided in Standing Order 38 above and Standing Order 40 below, will not be entitled to speak at that meeting except by consent of the Committee or Sub-Committee as the case may be.

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- (2) Any Member of the Authority attending a meeting of a Committee or Sub-Committee of which they are not a member will not have any vote at that meeting and must leave the meeting if requested so to do by the body concerned.
- (3) Speeches by Members attending under this Standing Order will not exceed five minutes except with the consent of the Committee or Sub-Committee.

40. AGENDA ITEMS AT COMMITTEE OR SUB-COMMITTEE MEETINGS

- (1) Any Authority Member who wishes to raise any matter appropriate to any Committee or Sub-Committee for its consideration may do so by giving notice in writing to the Clerk to the Authority at least ten clear working days before the date of the meeting at which it is to be raised. Such notice will contain particulars of the matter which the Member wishes to raise. Wherever practicable, the item will be considered in conjunction with a written report prepared by the appropriate officer(s).
- (2) The Member will then have the right to attend the meeting to explain and discuss the matter, but will not be entitled to vote on it (unless they are a Member of the Committee/Sub-Committee concerned).
- (3) No such item will be placed on the agenda for a forthcoming meeting if the outcome could be that, if approved, the item would rescind a previous decision made within the last six months.

41. DELEGATION

- (1) Every Committee will, except as provided in paragraph (3) of this Standing Order below:
 - (a) have delegated to it the exercise of all the powers and duties of the Authority within its terms of reference (as approved by the Authority) including any powers and duties incidental to or necessarily connected therewith and, for the purpose of exercising such powers and duties, power:
 - (i) to enforce the provisions of any Act, instrument, regulation, by-law or provision;
 - (ii) to institute, defend and conduct any legal proceedings, criminal or civil, or any process before any administrative or other tribunal and to settle any claim.
 - (b) have power (subject to Standing Order (a)) to appoint Sub-Committees with power to act as may be defined by the Committee concerned.

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- (2) Any decision of a Committee or Sub-Committee taken on a matter for which it has delegated power to act under this Standing Order will be known as a “starred” minute and denoted by inserting an asterisk (*) before the minute number. **SEE ALSO STANDING ORDER (4)**
- (3) Every Committee/Sub-Committee appointed will refer the following matters to the Authority for approval:
 - (a) matters relating to the borrowing of money and the setting of the Authority’s budget;
 - (b) matters which relate to a substantial variation in or future development of programmes or services for which the Committee concerned is responsible;
 - (c) matters which raise a question of substantial policy not so far decided by the Authority;
 - (d) matters in which the Authority has established a policy but where the Committee/Sub-Committees decision is at variance with that policy;
 - (e) matters involving expenditure for which budget provision is not made;
 - (f) the formulation of a joint committee with any local authority or other body;
 - (g) matters affecting another Committee/Sub-Committee or upon which another Committee/Sub-Committee is required to be consulted or upon which the approval of another Committee/Sub-Committee is required where there is disagreement between one Committee and the other.
- (4) The Chief Fire Officer (or other relevant officer) will refer the following matters to the Authority or relevant Committee/Sub-Committee:
 - (a) where a substantial policy decision is required;
 - (b) where in the opinion of the Clerk the approval of the Authority (or Committee/Sub-Committee thereof) is required by law or by Standing Orders;
 - (c) whenever important developments or events have occurred or are expected, or important plans affecting the work of the Service are apparent and about which the Authority (or Committee/Sub-Committee thereof) should be informed or whenever the Chief Fire Officer (or other relevant officer) feels that a matter should be brought to the attention of the Authority (or Committee/Sub-Committee thereof);
 - (d) whenever a Committee/Sub-Committee has called for a report on a matter within its reference.

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- (5) In addition to the above Paragraphs of this Standing Order, any exercise of delegated powers and duties will be subject to the following:
- (a) in the case of powers and duties delegated to a Committee, the Committee may submit for confirmation by the Authority any decision and **will do so** if requested by a majority of Members present at the meeting of the Committee concerned;
 - (b) in the case of powers and duties delegated by a Committee to a Sub-Committee, the Sub-Committee may submit for confirmation by the Committee any decision and **will do so** if requested by a majority of Members present at the meeting of the Sub-Committee concerned. The Committee will then be entitled to exercise the powers delegated to the Sub-Committee unless at the meeting of the Committee a majority of those Members then present refer the decision to the Authority for confirmation;
 - (c) in all other cases, will be subject to the provisions as contained in the Authority's approved Scheme of Delegations, Financial Regulations and Contract Standing Orders as the case may be.

42. CONFIDENTIAL PROCEEDINGS

Documents marked "Confidential" and all proceedings of the Authority, Committees and Sub-Committees which have been excluded under Section 100A(4) of the Local Government Act 1972 **must not be disclosed** unless and until they become public in the ordinary course of the Authority's business.

Original Approval Date: 11 April 2007

Revision No. and Date: 1 (30 May 2007); 2 (28 May 2008); 3 (14 July 2009); 4 (3 November 2010); 5 (December 2011); 6 (July 2012); 7 (May 2014); 8 (May 2015); 9 (May 2017); 10 (April 2018); 11 (June 2018); 12 (June 2019); 12A (June 2020 – amended to reflect Remote Meetings Protocol); 12B (August 2020 – clarifying amendment to Standing Order 10(3)); 13 (June 2021)

PART III - CONTRACTUAL MATTERS

43. FINANCIAL REGULATIONS AND CONTRACT STANDING ORDERS

Every Member and Officer of the Authority will comply with all regulations and procedures in respect of the above either as prescribed by statute or as approved by the Authority.

Revision No. and Date: 1 (30 May 2007); 2 (28 May 2008); 3 (14 July 2009); 4 (3 November 2010); 5 (December 2011); 6 (July 2012); 7 (May 2014); 8 (May 2015); 9 (May 2017); 10 (April 2018); 11 (June 2018); 12 (June 2019); 12A (June 2020 – amended to reflect Remote Meetings Protocol); 12B (August 2020 – clarifying amendment to Standing Order 10(3)); 13 (June 2021)

PART IV - STAFFING MATTERS

44. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- (1) Canvassing of Members of the Authority (or any Committee/Sub-Committee/Working Party of the Authority) directly or indirectly for any appointment under the Authority will disqualify the candidate concerned for that appointment. This condition will be included in any form of application.
- (2) A Member of the Authority will not solicit for any person any appointment under the Authority but this will not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Authority with an application for employment.

45. RELATIVES OF MEMBERS OR OFFICERS

- (1) A candidate for any appointment under the Authority who knows that they are a relative of any Member or officer of the Authority will, when making application, disclose that relationship to the Chief Fire Officer. A candidate who fails to disclose such a relationship will be disqualified for the appointment and if appointed will be liable to dismissal without notice. Every Member and officer of the Authority will disclose to the Chief Fire Officer any relationship which they know exists between them and any person who they know is a candidate for an appointment under the Authority. The Chief Fire Officer will report to the appointing committee - where relevant - any such disclosure.
- (2) For the purposes of the above, "relative" means spouse, partner (i.e. a member of a couple who live together), parent, parent-in-law, son, daughter, step-son, step-daughter, child of partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse/partner of any of the preceding persons.
- (3) The sense of the above conditions will be included in any form of application.

46. APPOINTMENT OF A CHIEF FIRE OFFICER

- (1) Where it is necessary to appoint a Chief Fire Officer and it is not proposed that this appointment be made exclusively from among existing officers, the Appointments and Disciplinary Committee will arrange:
 - (a) for a statement to be drawn up specifying the duties of the Chief Fire Officer and any qualifications or qualities to be sought in the person to be appointed;

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- (b) for the position to be advertised in such a way as is likely to bring it to the attention of persons qualified to apply for it;
 - (c) for a copy of the statement referred to at (a) above to be sent to any person on request.
- (2) Where the post has been advertised in accordance with (b) above the Appointments and Disciplinary Committee will **either** interview all qualified applicants for the post **or** interview those qualified applicants included on the shortlist for the post with a view to determining an appointment to the post.
- (3) Where no qualified person has applied for a post, the Authority will make further arrangements for advertisement in accordance with paragraph (1)(b) above.

47. DISCIPLINARY ACTION – HEAD OF PAID SERVICE (CHIEF FIRE OFFICER), MONITORING OFFICER AND CHIEF FINANCE OFFICER (TREASURER)

- (1) No disciplinary action in respect of the Authority's Head of the Paid Service (the Chief Fire Officer), its Monitoring Officer or its Proper Financial Officer (the Treasurer), except action described in (2) below, may be taken by the Authority, or by a committee, a sub-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 under the Authority's approved procedure for investigating allegations of misconduct by these officers.
- (2) The action mentioned in paragraph (1) is suspension of the officer concerned 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.

48. PERSONNEL REGULATIONS

Every Committee/Sub-Committee and every officer of the Authority will comply with such personnel regulations as may from time to time be made by the Authority.

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PART V - GENERAL

49. LEGAL PROCEEDINGS

- (1) Both the Chief Fire Officer and the Monitoring Officer, in consultation as necessary with any qualified legal adviser appointed by the Monitoring Officer, are authorised to institute, defend, participate in or settle any legal proceedings in any case where this – in either of their opinions – is necessary:
 - (a) to effect action under common law or any enactment, statutory instruments, order or bye law conferring functions upon the Authority (or in respect of functions undertaken by it) and to lodge an appeal in respect of any such proceedings;
 - (b) to give effect to decisions of the Authority; and/or
 - (c) to protect the Authority's interests.
- (2) For the avoidance of doubt, this authorisation shall extend to the taking of all procedural steps including service of notices - statutory or otherwise - counter-notices and the Laying of Informations.

50. AUTHENTICATION OF DOCUMENTS

Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to, some other person.

51. COMMON SEAL OF THE AUTHORITY

- (1) The Common Seal of the Authority will be kept in a safe place in the custody of the Clerk to the Authority. A decision of the Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will also be affixed to those documents which, in the opinion of the Clerk and acting upon legal advice as necessary, should be sealed. The affixing of the Common Seal will be attested by the Clerk (or other person authorised by him/her).
- (2) Details of every document to which the Common Seal has been affixed will be entered into a register and signed by the Clerk to the Authority (or other person authorised by him/her). The register so maintained may be inspected by any Member of the Authority on giving notice to the Clerk.

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52. INSPECTION OF DOCUMENTS

- (1) Subject to paragraphs (2) and (3) below, a Member of the Authority may, for the purposes of his/her duty as such a Member but not otherwise, on application to the Clerk (or other person authorised by him/her) inspect any document which has been considered by the Authority (or Committee/Sub-Committee thereof) and if copies are available will, on request, be supplied with a copy of the document concerned.
- (2) A Member will not knowingly inspect and will not request a copy of any document relating to a matter in which they are professionally interested or in which they have an interest as provided for by the Code of Conduct
- (3) Paragraph (1) above will not preclude the Clerk (or other person authorised by him/her) from declining to allow inspection of any document if the document discloses confidential or exempt information (within the meaning of the Local Government Act 1972) or is (or - in the event of legal proceedings - would be) protected by privilege arising from the relationship of solicitor and client.
- (4) Subject to paragraph (3) above of this Standing Order, all reports made or minutes kept by any Committee will, as soon as the Committee has concluded action on the matter to which such reports or minutes relate, be open for inspection of any Member of the Authority during normal office hours.

53. INSPECTION OF LANDS, PREMISES ETC.

Unless specifically authorised to do so by the Authority (or Committee/Sub-Committee thereof) a Member of the Authority will not issue any order relating to any works which are being carried out by or on behalf of the Authority **or** claim, by virtue of their Membership, any right to inspect or to enter any lands or premises which the Authority has the power or duty to inspect or enter.

54. SUSPENSION OF AND AMENDMENT TO STANDING ORDERS

- (1) Subject to paragraph (2) below, any of the preceding Standing Orders **except** Standing Orders 1, 2, 3, 4, (3) to (7), (9) and (10), 7, 9, (2), 17, 19, 21(2), 23, (4), (5), 42 to 48 inclusive, and 51 to 53 inclusive may be suspended so far as regards any business at the meeting where suspension is so moved.
- (2) No motion to suspend Standing Orders will be moved without notice (i.e. under Standing Order 18) unless at the meeting in question there are at least half of the whole number of Members of the Authority present.

Revision No. and Date: 1 (30 May 2007); 2 (28 May 2008); 3 (14 July 2009); 4 (3 November 2010); 5 (December 2011); 6 (July 2012); 7 (May 2014); 8 (May 2015); 9 (May 2017); 10 (April 2018); 11 (June 2018); 12 (June 2019); 12A (June 2020 – amended to reflect Remote Meetings Protocol); 12B (August 2020 – clarifying amendment to Standing Order 10(3)); 13 (June 2021)

- (3) Any Motion to add to, vary or revoke these Standing Orders permanently will, when moved and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority for consideration alongside a report to be prepared by the Clerk.
- (4) For the avoidance of doubt, no part of this Standing Order 54 may be suspended.

55. AVAILABILITY OF STANDING ORDERS

Standing Orders may be viewed on the Service website (www.dsfire.gov.uk) and will be made available to all Members of the Authority.

56. INTERPRETATION OF STANDING ORDERS

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