

**STANDING ORDERS RELATING TO THE
BUSINESS AND PROCEEDINGS OF THE AUTHORITY**

1 MEETINGS OF THE AUTHORITY

- 1.1 The Authority shall hold an Annual Meeting during April or on such other day, prior to 30 June, as agreed by the Authority. The first items of business on the agenda for the Annual Meeting shall be the appointment of a Chairman and a Vice-Chairman for the ensuing year.¹
- 1.2 Any Member who wishes to be considered for appointment as Chairman and/or Vice-Chairman of the Police Authority shall, unless it is impracticable to do so, not less than 10 days before the Annual Meeting or at any meeting at which an interim appointment is to be made, submit to the Chief Executive a statement setting out the reasons why they should be considered for appointment. The Chief Executive will arrange for all statements received from Members to be circulated not less than 5 days before the Annual Meeting.
- 1.3 The Chairman may call a special and/or extraordinary meeting of the Authority at any time (Local Government Act 1972, Schedule 12, paragraphs 3(i) and 6a(1) (as amended)).
- 1.4 Three Members of the Authority can request, in writing, that an extraordinary meeting be called. If the Chairman refuses this request, or the extraordinary meeting is not called within seven days of the request being presented to him, any three Members may call an extraordinary meeting of the Authority (Local Government Act 1972, Schedule 12, paragraph 3(2)).
- 1.5 Meetings of the Authority shall be held on regular basis as determined by the Authority.

2 CHAIRMAN OF THE MEETING

- 2.1 If both the Chairman and Vice-Chairman are absent from a meeting, the Members present shall appoint a Member to act as Chairman for the meeting.
- 2.2 Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

¹ The Criminal Justice and Police Act 2001, Section 104, provides for “anything authorised or required to be done by, to or before their Chairman may be done by, to or before any Vice-Chairman of the authority”. In these Standing Orders, this will only apply in the absence of the Chairman.

3 QUORUM

- 3.1 No business shall be transacted at any meeting of the Authority or one of its Committees unless at least one quarter of the whole number of Members is present.
- 3.2 If during a meeting, the Chairman declares that there is not a quorum present, the meeting shall be adjourned.

4 MINUTES OF THE AUTHORITY

- 4.1 Where minutes of a previous meeting are submitted for approval as a correct record, the Chairman shall move that those minutes be approved.
- 4.2 No motion or discussion shall take place on the minutes, except on their accuracy, and any matter concerning their accuracy shall be raised as an amendment.
- 4.3 If no matter is raised, or if it is, then as soon as it has been disposed of, the minutes shall be approved as a correct record and signed by the Chairman.

5 ORDER OF BUSINESS

- 5.1 The normal order of business, which may be varied by the Chairman at his discretion or by resolution of the Authority, shall be:-
- (a) to choose a person to preside if the Chairman is absent;
 - (b) Chairman's announcements;
 - (c) to approve the minutes of the last meeting;
 - (d) to dispose of any business remaining from any previous meetings;
 - (e) to consider reports from the Chief Constable, Chief Executive and the Treasurer or other officers;
 - (f) to consider any Motions submitted in accordance with Standing Order 6;
 - (g) to consider the proceedings of any Committees, Panels or other meetings;
- 5.2 No discussion shall be allowed at a meeting of the Authority on any matter which is not included in the meeting agenda, except as otherwise provided in these Standing Orders and in the Local Government (Access to Information) Act 1985.
- 5.3 Business may be transacted which is not included in the meeting agenda, due to circumstances which shall be specified in the minutes, if the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.

6 NOTICES OF MOTION

- 6.1 Any Member may submit a motion for consideration by the Authority by giving written notice to the Chief Executive at least ten clear working days before the meeting. Every motion shall be relevant to some matter in relation to which the Authority has powers or duties.
- 6.2 The Chief Executive shall then send out with the agenda a copy of the motion.
- 6.3 The Member who gave the original notice may withdraw a motion by notifying the Chief Executive in writing.

7 **RULES OF DEBATE**

7.1 **Motions and Amendments**

A motion or an amendment, including one to which Standing Order 6 applies, can only be discussed if it has been proposed and seconded.

7.2 **Secunder's Speech**

A Member when seconding a motion or amendment may, if he states at the time, reserve his speech until a later period of the debate.

7.3 **Only One Member to Speak at a Time**

A Member when speaking shall address the Chairman. If two or more Members seek to speak, the Chairman shall ask one to speak.

7.4 **Content of Speeches**

A Member shall direct his speech to the issue under discussion or to a personal explanation or to a point of order.

7.5 **When a Member May Speak Again**

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 he last spoke, to move a further amendment;
- (c) if his first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he spoke was carried;
- (d) in exercise of a right of reply given by paragraph 7.11 or 7.13 of this Standing Order;
- (e) on a point of order referring to the specific Standing Order;
- (f) by way of personal explanation; and
- (g) to move one of the motions specified in paragraph 7.12 (b), (c), (d), (e) or (f) of this Standing Order, when the procedure in those

paragraphs shall be followed.

(Note: At Committees & Panels, Members may, at the discretion of the Chairman, speak more than once.)

7.6 Amendments to Motions

An amendment shall be relevant to the motion and any omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.

7.7 Number of Amendments

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 completed. The Chairman 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.

7.8 Status of Amendments

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall replace the original motion and shall become the motion upon which any further amendment may be moved.

7.9 Alterations to Motions or Amendments

A Member may, with the agreement of the seconder, alter a motion or amendment of which he has given notice or moved.

7.10 Withdrawal of Motion

A motion or amendment may be withdrawn by the mover with the consent of his seconder.

7.11 Right Of Reply

The mover of the motion shall have 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 have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

7.12 Motions Which May Be Moved During Debate

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

- (a) to amend the motion;
- (b) to adjourn the meeting;

- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) to suspend Standing Orders;
- (f) that the question be now put;
- (g) that a Member be not further heard;
- (h) by the Chairman under Standing Order 8.1 that a Member leaves the meeting;
- (i) a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.

7.13 Closure Motions

A Member who has not spoken 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 Chairman shall proceed as follows:-

- (a) *on a motion to proceed to next business* - unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion his right of reply under Standing Order 7.11, 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 opinion the matter before the meeting has been insufficiently discussed, he 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 right of reply before putting his motion to the vote;
- (c) *on a motion to adjourn the debate or the meeting* - if in his opinion the matter before the meeting has been insufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.

7.14 Points Of Order

A Member may raise a point of order or personal explanation, and shall be entitled to be heard immediately. 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 he considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him which may appear to have been misunderstood in the current debate.

7.15 Ruling of Chairman on a Point of Order

The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

7.16 Respect for the Chair

Whenever the Chairman intervenes during a debate a Member speaking at that time shall cease speaking and the Authority shall be silent.

8 GENERAL DISTURBANCE

8.1 In the event of general disturbance which in the opinion of the Chairman makes the orderly dispatch of business impossible, the Chairman may, without question, put a motion to adjourn the meeting for such period as he considers necessary.

8.2 If a Member or a member of the public interrupts the meeting the Chairman shall warn him. If he continues the interruption the Chairman shall order his removal from the meeting. In case of general disturbance in any part of the meeting room open to the public the Chairman shall order that part of the room to be cleared.

9 RECESSSION OF PRECEDING RESOLUTION

No motion to rescind any resolution passed within the preceding twelve months, and no motion or amendment to the same effect as one which has been negated within the preceding twelve months, shall be proposed unless notice is given in pursuance of Standing Order No 6 bearing the names of at least three Members of the Authority. When such a motion has been disposed of by the Authority, a similar motion cannot be proposed within a further period of six months. This order shall not apply to motions moved in pursuance of the recommendations of a Committee.

10 VOTING

10.1 Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by a majority of Members present by show of hands or, at the discretion of the Chairman, by voices. (Note: In the case of an equality of votes the person presiding at a meeting shall have a second or casting vote - Local Government Act 1972, Schedule 12 paragraph 39(2)).

10.2 Before the vote is taken, three Members, by show of hands, may request that the voting be recorded in the minutes of the meeting.

10.3 Where two or more persons are nominated for a position to be filled by the Authority or Committee (including any paid appointment and any chairmanship) the vote shall be taken by ballot. If more than two

persons are nominated and no person receives more than half the votes given, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a clear majority is given in favour of one person.

11 URGENT APPROVALS

- 11.1 If a matter is so urgent that it cannot wait until the next meeting of the Authority or appropriate Committee the Chief Constable, Chief Executive and/or the Treasurer (following consultation with the other named officers) may take the necessary action, provided he has first obtained the written support of the Chairman of the Authority.
- 11.2 In the absence of the Chairman, the Chief Executive and/or the Treasurer (following consultation with the other named officers) may take the necessary action, provided he has first obtained the written support of the Vice-Chairman of the Authority.
- 11.3 In the absence of both the Chairman and Vice-Chairman, at least three Members of the Authority should be consulted and a consensus view obtained.
- 11.4 The Chief Executive shall be notified of any action taken under this Standing Order and shall report on the matter to the next meeting of the Authority.

12 DISCLOSURE OF CONFIDENTIAL INFORMATION

- 12.1 Subject to the provision of Section 100 of the Local Government Act 1972 (as amended), all Authority, Committee and Panel reports/papers and all documents marked as "restricted", "exempt" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Authority's business.
- 12.2 No Member shall disclose to any person, other than a Member of the Authority, any matter coming to his knowledge by virtue of his office as a Member of the Authority where such disclosure would prejudice the interest of the Authority or would be contrary to the law.

13 DECLARATION OF INTEREST

- 13.1 If any Member of the Authority has a personal or prejudicial interest within the meaning of Sections 8 and 10 of the Police Authority's Code of Conduct, the Member shall declare such an interest. In the case of a personal interest, the Member must declare it and say what the interest is before any meeting where the issue is to be discussed, or as soon as it becomes apparent. The Member will, however, still be able to take part in the meeting and vote, unless the interest is also a prejudicial interest.

13.2 In the event of a Member declaring a prejudicial interest, he must declare what the interest is (if he has not already done so), and withdraw from the meeting whilst the matter is under consideration by the Authority, unless:-

- (a) the disability to discuss that matter imposed upon him by the Section has been removed by the Standards Committee under Section 3 of the Relevant Authorities (Standards Committee)(Dispensations) Regulations 2002; or
- (b) the Authority invites him to remain; or
- (c) the matter in which the interest is under consideration by the Authority is part of the minutes of a Committee or Panel and is not itself the subject of debate.

13.3 The Chief Executive will record such an interest in the minutes of the meeting and the register of Members' interests.

13.4 The CIPFA Code of Practice requires the Authority's annual accounts to include a note about any material transactions between the Authority and related parties.

13.5 Related parties include:-

- (a) Members of the Authority
- (b) Chief Officers including ACPO level police officers, the Chief Executive, and the Treasurer
- (c) Members of the close family of, or same household, as a Member or Chief Officers
- (d) Partnerships, companies, trusts or other bodies in which the Member, Chief Officer, member of their close family or same household, has a controlling interest

14 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

14.1 Canvassing of Members of the Authority directly or indirectly for any appointment of staff by the Authority, shall disqualify the candidate concerned for that appointment. The substance of this paragraph of this Standing Order shall be included in any form of application and in any advertisement for such an appointment.

14.2 A Member of the Authority shall not solicit for any person any appointment of staff by the Authority, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority or the Chief Constable with an application for appointment.

15 RELATIVES OF MEMBERS OR EMPLOYEES

15.1 A candidate for any appointment by the Authority who knows that he is related to any Member or employee of the Authority or any police

officer in the Cheshire Constabulary shall disclose that relationship in his application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice.

15.2 Every Member, Senior Officer of Cheshire Constabulary and Senior Officer of the Authority shall disclose to the Chief Executive any relationship known to him to exist between himself and any person whom he knows is a candidate for an appointment within the Authority.

15.3 For the purpose of this Standing Order "Senior Officer of Cheshire Constabulary" means any officer of the rank of Superintendent and above, and, "senior officer" means any officer being paid in accordance with the Principal Officer range of salaries or above. Persons shall be deemed to be related if they are married/partners or directly related to each other.

16 **RECORD OF ATTENDANCE**

Every Member attending a meeting of the Authority, or of any of its Committees or Panels, is required to sign the attendance register.

17 **APPOINTMENT OF COMMITTEES AND PANELS**

The Authority may appoint such Committees as it requires for the discharge of its functions and appoint such Panels and scrutiny groups as it requires to consider and report on issues to the Authority.

18 **MEMBERS AND CHAIRMAN OF COMMITTEES AND PANELS**

18.1 The Members and the Chairman of each Committee or Panel shall normally be appointed by the Authority at its Annual Meeting for the ensuing year.

18.2 All Members of the Authority are entitled to attend all meetings of Committees and Panels (except Selection Committee) but only Members of the appropriate Committee are entitled to vote.

18.3 The Chairman of the Authority will be an ex-officio member of all Committees and Panels

19 **MEETINGS OF COMMITTEES AND PANELS**

19.1 The Authority shall determine a timetable for ordinary meetings of all Committees and Panels.

19.2 The Chairman of a Committee/Panel or the Chairman of the Authority may request a special meeting to be called at any time.

20 **PROCEEDINGS OF COMMITTEES AND PANELS**

In addition to those Standing Orders which expressly relate to Committees Standing Orders 2, 3, 4, 5, 7 (except those parts which relate to speaking more than once), 8, 9, 10, and 16 shall apply with any necessary modification to Committees and Panels.

21 VARIATION AND REVOCATION OF STANDING ORDERS

Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority.

22 SUSPENSION OF STANDING ORDERS

22.1 Subject to Standing Order 21, any of the preceding Standing Orders may be suspended as regards any business at the meeting of the Authority or a Committee where its suspension is moved.

22.2 A motion to suspend any of the preceding Standing Orders shall not be moved unless there shall be present at least one-third of the whole membership of the Authority or a Committee as the case may be.

24 INTERPRETATION OF STANDING ORDERS

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