

**KENT AND MEDWAY FIRE AND RESCUE AUTHORITY****STANDING ORDERS****1. PREAMBLE**

The Authority is constituted under the Kent Fire Services (Combination Scheme) Order 1997. The Order requires that the 25 Members of the Authority should be appointed by the two constituent authorities, Kent County Council and Medway Council, and in proportion to their respective local government electorates. This results in 21 Members being appointed by Kent County Council and 4 by Medway Council. Members of the Authority are required to undertake to observe the provisions of the Authority's Code of Conduct for Members in the performance of their functions in that office.

**2. ORGANISATION OF THE AUTHORITY**

- 2.1 The Authority shall normally meet four times a year, but additional meetings may be held as the Authority decides. Meetings shall normally be held at Kent Fire and Rescue Service Headquarters.
- 2.2 The Authority may appoint Committees to carry out any aspect of its business except that the decisions on the annual budget and the amount of council tax to be charged each year shall only be taken at a full meeting of the Authority.
- 2.3 The Authority shall determine the size and political composition of its Committees and Panels, and Members shall be appointed to serve on these Committees and Panels by the Clerk, on the nomination of the appropriate political group(s).
- 2.4 Committees shall decide the time, date and place of their meetings.
- 2.5 Committees may not appoint Sub-Committees without the consent of the Authority.
- 2.6 All matters relating to the appointment and terms and conditions of employment of the Chief Executive and such other employees as the Authority may determine shall be dealt with by a Committee, whose Chairman shall be the Chairman of the Authority.
- 2.7 Appeals against officer decisions on individual employees' disciplinary, grievance and pension cases, shall be dealt with by an Appeals Panel, comprised of Members who have had no previous involvement with the case concerned.
- 2.8 The Authority shall elect a Chairman and Vice-Chairman at its annual meeting which shall normally be held in May or June each year, and each Committee shall elect a Chairman and Vice-Chairman at its first meeting after the Authority's annual meeting each year.
- 2.9 A casual vacancy in an office of Chairman or Vice-Chairman of the Authority or one of its committees shall be filled at the next meeting of the body concerned.
- 2.10 The Chairman, or in his or her absence, the Vice-Chairman, of the Authority shall preside at all meetings of the Authority.

- 2.11 If both the Chairman and Vice-Chairman are absent from a meeting of the Authority then a Chairman for the meeting shall be elected from those Members present.
- 2.12 If both the Chairman and Vice-Chairman of a Committee are absent from a meeting of the Committee then a Chairman for the meeting shall be elected from those Members present.
- 2.13 The quorum for a meeting of the Authority shall be one-third of the total number of Members including at least one Member from each of the constituent authorities. The quorum for a meeting of a Committee shall be one half, or in the case of a Committee comprising an odd number, the nearest whole number above one half of the appointed Members.
- 2.14 Any Member of the Authority may attend any meeting of a Committee except that a Committee considering an item of business that is exempt because it relates to the personal affairs of an individual employee, or past or prospective employee, may resolve to exclude Members other than Members of that Committee.
- 2.15 Members exercising their right to attend a meeting under Standing Order 2.14, shall not be entitled to vote and may speak only with the permission of the Chairman.
- 2.16 Members of Committees may appoint substitutes to attend Committee meetings in their place in accordance with a scheme approved by the Authority. Substitutes are not permitted at full Authority meetings.
- 2.17 All meetings of the Authority and its Committees shall be convened by the Clerk or his/her representative, who shall issue the official documents for Members' consideration. The documents shall normally be despatched to Members at least five working days before the meeting.
- 2.18 Any Member of the Authority wishing to include an item on the agenda for a meeting must give notice of it to the Clerk ten days before the meeting. Items must be relevant to the functions of the Authority.
- 2.19 Business that is not specified in the agenda for a meeting may not be introduced without the consent of the Chairman. Where the Chairman decides that there are special circumstances, an item of business not included on the agenda may be considered as a matter of urgency as long as the reason is specified at the time and in the Minutes.
- 2.20 All Members who attend a meeting of the Authority or a Committee shall sign their names in the attendance record for the meeting or otherwise ensure that their attendance is recorded by the Clerk.

### **3. MOTIONS**

- 3.1 Motions and amendments shall be formally proposed and seconded. They must be worded so that the meeting, if it agrees, can pass them as valid resolutions. If they are not then the Chairman shall rule them out of order.
- a) Motions shall be relevant to the item of business under discussion. They must not seek to rescind in whole or in part any resolution passed within the previous six months.

- b) This Standing Order shall not preclude the Chairman of the meeting from proposing a motion nor the Chief Executive, Clerk or Treasurer from recommending decisions made necessary by changed circumstances since a previous decision was taken.
- 3.2 If requested by the Chairman, the proposer of a motion or amendment must give a written copy of it to the Clerk.
- 3.3 A proposer may withdraw or change a motion or amendment, provided this is agreed by the seconder at the meeting and the meeting consents. A motion may not be withdrawn or changed while a proposed amendment is undecided.
- 3.4 During the debate of a motion or amendment no other substantive motion may be put.
- 3.5 No amendment shall be proceeded with:-
- a) Unless it is relevant to, and consistent with, the motion on which it is moved.
  - b) If it would result in the introduction of a new subject or subjects.
  - c) If it would effectively negate the motion before the meeting.
  - d) If it would have the effect of rescinding a previous resolution.
  - e) If the proposer of the original motion has exercised his or her right of reply.
- 3.6 If an amendment is rejected, further amendments may be proposed on the original motion.
- 3.7 If an amendment is carried, it shall take the place of the original motion and become the substantive motion. This revised motion may be subject to proposals for further amendment provided that they do not revive the original motion.
- 3.8 No further proposals for amendments shall be permitted if an amendment is already before the meeting but has not been dealt with.
- 3.9 If an amendment is not carried, and there are no further amendments, the substantive motion shall be put to the meeting.
- 3.10 Members shall speak no more than once on any report, motion or amendment unless invited to do so by the Chairman or unless they wish to:-
- a) Speak on a point of order, that is a suggestion that a provision of these standing orders or of the law governing the Authority's proceedings is being breached.
  - b) Make a personal explanation.
  - c) Propose or second, without further speaking, that the press and public be excluded from the meeting during consideration of the item of business.
  - d) Exercise a right of reply. (Note: The right of reply does not give the proposer of a motion the right to speak more than once on each amendment).

- 3.11 The seconder of a motion or an amendment may reserve his or her speech until later in the debate on that motion or amendment provided he or she declares their intention to do so. This right lapses if not claimed before the reply by the proposer of the motion.
- 3.12 The following shall apply:-
- a) Any Member, except the proposer or seconder or a Member who has already spoken on a motion or amendment under consideration, may move that “the question now be put” or that consideration be deferred.
  - b) No debate is permitted on a motion that “the question now be put”. Once proposed and seconded the Chairman must put it to the vote immediately.
  - c) If a motion that consideration be deferred is proposed and seconded, a Member who has seconded the motion or amendment under discussion and who has reserved his or her speech may speak; the proposer of the motion may then speak to the motion to defer. No other Member may speak and the Chairman must then put the deferral motion to the vote.
  - d) If a motion “that the question now be put” is carried, a Member who has seconded a motion or amendment under discussion but who has reserved his or her speech may speak; the proposer of the motion may then exercise his or her right of reply. No other Member may speak and the Chairman must then put the motion or amendment to the vote.
- 3.13 If a motion is amended, the proposer of the successful amendment shall not have a right of reply.
- 3.14 A Member who proposes a motion shall have a right of reply at the end of the debate on each amendment and immediately before the motion is put to the vote. In exercising that right of reply the Member may only comment on points made during the debate. (Note: The proposer of an amendment to a motion does not have a right of reply to the debate on the amendment).

#### **4 DECISIONS AND VOTING**

- 4.1 A decision may be taken by consensus, the Chairman stating his or her understanding of the consensus of the meeting. If any Member requests, the question shall be decided by a show of hands by a majority of voting Members present. Immediately after a vote has been taken any Member may ask that the way he or she voted shall be recorded in the Minutes. If one-third of the Members present so request, the way all Members voted shall be recorded.
- 4.2 If the votes for and against are equal, the Chairman shall have a second or casting vote.

#### **5 CONDUCT AT MEETINGS**

- 5.1 Members shall recognise the authority of the Chairman for the conduct of the meeting.

- 5.2 Members shall address the Chairman when speaking. Speeches must be relevant to the matter under discussion.
- 5.3 The Chairman may call a Member to order and direct him or her to stop speaking if the Chairman considers that Member's behaviour to be unacceptable.
- 5.4 If a Member disregards the authority or ruling of the Chairman, the Chairman may propose "that the Member (named) leave the meeting". The motion must be seconded by another Member, and put to the vote without discussion. If it is carried, the named Member must immediately leave the room.
- 5.5 If a Member of the public interrupts a meeting, or otherwise behaves improperly or offensively, the Chairman may, as he or she thinks fit, request that person to leave the meeting room and, if necessary, order his or her removal. In the event of a general disturbance, the Chairman may direct that the public be excluded from the meeting room. Nobody so removed or excluded will be permitted to return to the meeting.
- 5.6 No matter relating to a particular officer or employee of the Authority shall be discussed at a meeting of the Authority or a Committee until the meeting has decided whether or not to exclude the press and public under Section 100(A) of the Local Government Act 1972.
- 5.7 Reporting on or recording of a public meeting of the Authority or Committee by members of the press or public is allowed, provided it is done in accordance with the Authority's Regulations on the Rights of the Public to Report on Meetings (*published on the Authority's website*).
- 5.8 The Chairman's ruling on the interpretation and application of these Standing Orders at meetings is final. This includes a ruling on any point of order or explanation.

## **6 INTERESTS**

- 6.1 If any Member has a Disclosable Pecuniary Interest (as defined in the statutory Regulations made under the Localism Act 2011) or an Other Significant Interest (as defined by the Authority's Code of Conduct for Members) in any matter being considered at a meeting of the Authority or one of its Committees or Panels, he or she must act in accordance with the requirements of the Code of Conduct.
- 6.2 Where a Member is present at a meeting of the Authority or one of its Committees or Panels, and has a Disclosable Pecuniary Interest or Other Significant Interest in any matter being considered at that meeting, he or she must withdraw from the meeting room while the matter is being discussed or voted upon, unless:-
- a) a dispensation for the Member concerned in respect of the interest is in effect;
  - b) the Member has only an Other Significant Interest in a matter and wishes to make representations, answer questions or give evidence on that matter at the meeting in accordance with the Code of Conduct.

## **7 ACCESS TO DOCUMENTS**

- 7.1 No Member may disclose to a third party any Authority business or document which is exempt or confidential.

- 7.2 Members have a right to see such documents as are reasonably necessary to enable them to carry out their duties as Members of the Authority on a “need to know” basis so long as they have no improper or extraneous intentions in so doing.
- 7.3 Where a Member has asked to see any document and the request has been refused he or she should seek advice on his or her right of access from the Clerk. If the matter cannot be resolved the Clerk will report to the Authority.
- 7.4 No Member shall ask to inspect any document which relates to a matter in which he or she has a personal or prejudicial interest.

## **8 VALIDATION OF DOCUMENTS**

- 8.1 The Common Seal of the Authority shall be affixed (and witnessed) to any document that requires to be sealed for the purpose of the transaction of the Authority’s business only if it has been authorised by resolution of the Authority, or by the exercise of a function delegated to the Chief Executive, Clerk or Treasurer of the Authority. The affixing of the Common Seal will be attested by the Chief Executive, Monitoring Officer, Clerk or Treasurer or some other person authorised by them, provided that in any transaction relating to land to which The Regulatory Reform (Execution of Deeds and Documents) Order 2005 applies, the Common Seal shall be attested by a Member of the Authority and an authorised signatory.
- 8.2 The Chief Executive, Clerk or Treasurer or any other officer duly authorised in writing by them may sign any agreement or other document not required to be executed under Seal, provided the matter has been approved by the Authority or an employee exercising a function delegated to the Chief Executive, Clerk or Treasurer.

## **9 SUSPENSION OF STANDING ORDERS**

- 9.1 The Authority or a Committee may suspend any of these Standing Orders relating to the procedure to be followed in considering any specific item of business; any such suspension to be the subject of a motion put to a formal vote of the body concerned.

*Adopted by Resolution of the Authority on 15 December 1997 and amended by the Authority on 11 June 1998, 23 September 2004, 10 November 2005, 16 February 2011, 17 October 2012 and 16 October 2014.*