

**Cumbria Police Authority
28 June 2006**

Agenda Item No. 19

Report by the Clerk & Chief Executive

STANDING ORDERS

Attached at Appendix 1 are the Authority's current Standing Orders.

Members are asked to consider the Standing Orders and make any appropriate suggestions for updating them.

RECOMMENDED: That the Authority's Standing Orders detailed in Appendix 1 be approved, subject to any amendments made by Members.

**C R Alcock
Clerk and Chief Executive**

12 June 2006.

Background documents: There are no background papers.

Race and Diversity Implications: None known.

Human Rights Act Implications: None known.

**STANDING ORDERS FOR THE REGULATION OF THE BUSINESS OF THE
POLICE AUTHORITY**

STANDING ORDER 1
Meetings of the Authority

- (1) The Authority shall normally hold an Annual Meeting in June, but in any event between 1st April and 30th June of each year.
- (2) In addition to the Annual Meeting of the Authority, and any Meetings convened by the Chairman or by Members of the Authority, Meetings for the transaction of general business shall be held on such days as may be determined by the Authority at its Annual Meeting, provided that any such date may be varied at a subsequent Meeting.
- (3) In these Standing Orders, “*Ordinary Meeting*” means a Meeting described in paragraph (1) and (2) above other than a meeting convened by the Chairman or by Members of the Authority. The term “*year*” means the period from 1st April in one calendar year to 31st March in the next following year.
- (4) Unless the Authority otherwise determines, all Meetings of the Authority shall be held at 11.00 a.m. on a weekday.

STANDING ORDER 2
Chairman and Vice-Chairman

- (1) The first item of business at the Annual Meeting of the Authority shall be conducted by the Clerk, or in their absence the Deputy Clerk, and is the election of Chairman for the ensuing year. Nominations will be taken and the election decided by voting on a show of hands. All members to have one vote only, including the outgoing Chairman.
- (2) Where there are more than two candidates for the Chairmanship and, of the votes given, there is not an absolute majority in favour of one candidate, the name of the candidate having the least number of votes shall be struck off the list, and a fresh vote shall be taken and this procedure repeated, if necessary, until an absolute majority of votes is given to one candidate.
- (3) In the event of an equality of votes between two candidates, the final outcome will be decided by their drawing lots.
- (4) At each Annual Meeting the Authority shall appoint a Vice Chairman for the ensuing year who shall be appointed as Chairman of such major committee of the

Authority whose business appears most appropriate to the exigencies of the time and the skills/experience of the office holder.

- (5) 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.
- (6) Whenever the Chairman rises or sounds the gavel during a debate, all members of the Authority shall be silent.

STANDING ORDER 3

Quorum

If, during any Meeting of the Authority, the Chairman, after counting the number of Members present, declares that there is not a quorum* present, the Meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the Meeting is adjourned or, if they do not fix a time, to the next Ordinary Meeting of the Authority.

*[*The quorum prescribed by statute for Meetings of the Authority is one quarter of the whole number of Members]*

STANDING ORDER 4

Minutes of the Authority

- (1) At a Meeting of the Authority at which Minutes of a previous Meeting are submitted for approval as a correct record, the Chairman shall move that those Minutes be so approved.
- (2) No Motion or discussion shall take place upon the Minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by Amendment.
- (3) If no such matter is raised, or, it is raised, then as soon as it has been disposed of, the Chairman shall sign the Minutes.
- (4) Where, in relation to any Meeting of the Authority, the next such Meeting is a meeting called under paragraph 3 (Extraordinary Meetings) of Schedule 12 to the Local Government Act 1972, the next following Meeting of the Authority (being a Meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) (Signing of Minutes) of that Schedule.

STANDING ORDER 5
Notices of Motion

- (1) Notice of every Motion shall be given in writing, signed by the Member or Members of the Authority giving the Notice, and delivered at least fourteen clear days before the next meeting of the Authority at the office of the Clerk, by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to inspection by every Member of the Authority.

(2) **Procedure**

If it shall appear to the Clerk that a Motion of which Notice has been received is not in order, or has been delayed in the post, or is framed in improper or unbecoming language, the direction of the Chairman shall be taken upon whether and in what form it shall be placed upon the Agenda Paper, and the decision of the Chairman, after consultation, if possible, with the giver of the Notice, shall be final.

(3) **Motions to be set out in Summons**

The Clerk shall set out in the Summons for every Meeting of the Authority all Motions of which Notice has been duly given in the order in which they have been received, unless the Member giving such Notice intimated in writing when giving it that it was proposed to move it at some later meeting, or has since withdrawn it in writing.

(4) **Motions not moved**

If a Motion thus set out in the Summons be not moved either by a Member who gave Notice thereof or by some other Member on that Member's behalf, it shall, unless postponed by the consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.

(5) **Rescission of Resolution**

No Motion to rescind any resolution of the Authority passed within the preceding six months, and no Motion or Amendment to the same effect as one which has been rejected, shall be proposed, unless the Notice thereof, given in pursuance of this Standing Order, bears the names of at least five Members of the Authority. When any such Motion or Amendment has been disposed of by the Authority, it shall not be open to any Member to propose a similar Motion within a further period of six months. Provided that this Standing Order shall not apply to Motions moved in pursuance of a recommendation of a Committee.

STANDING ORDER 6
Questions by Members

- (1) At a Meeting of the Authority, a Member may ask the Chairman of the Authority any question relating to the business of the Authority.
- (2) The text of any question shall be submitted in writing to the Clerk not less than two clear days before the Meeting at which the Member proposes to ask the question, subject to paragraph (3) of this Standing Order (urgent business).
- (3) The Chairman of the Meeting may allow a question which has not been submitted as required by paragraph (2) above nevertheless to be asked if they consider it relates to urgent business. The text of any such question shall, if possible, be delivered to the Clerk's office not later than 10.00 a.m. on the working day immediately before the Meeting at which the question is to be asked.
- (4) After a question has been replied to, the Member who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. A Member asking such a supplementary question shall be confined to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of the original question. In paragraphs (5) – (8) of this Standing Order, the word "*question*" shall include such a supplementary question.
- (5) Every question shall be put and answered without discussion.
- (6) No resolution shall be moved with reference to any question or reply to a question.
- (7) If the Chairman of the Meeting is of the opinion that the question is out of order, or of a personal character, or in the interests of the Authority it is undesirable, they will so inform the Member and shall not allow the question to be put.
- (8) Questions asked in pursuance of the above paragraphs of this Standing Order shall be recorded in the Minutes of the Meeting, and the Clerk shall supply the questioner with a copy of the replies thereto within seven working days after the Meeting.

STANDING ORDER 7
Motions and Amendments Generally

- (1) A Motion or Amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the Meeting.
- (2) A Member may not propose or second a Motion or Amendment on which they are disqualified from voting.

STANDING ORDER 8
Motions Affecting Persons Employed by the Authority

If any question arises at a Meeting of the Authority or a Committee as to the appointment, promotion, dismissal, salary, superannuation, conditions of service, or the conduct of any Police Officer, or any person employed by the Authority, such question shall not be the subject of discussion until the Authority or Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100 of the Local Government Act 19972 shall be exercised.

STANDING ORDER 9
Amendments to Motions

- (1) An Amendment shall be relevant to the Motion, and shall be either:-
 - (a) to refer a subject of debate to a Committee for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others;
 - (d) to insert or add words;

but such omission, insertion, or addition of words shall not be only to have the effect of negating, or, in the opinion of the Chairman, significantly altering the intent of, a Motion before the Authority.

- (2) If an Amendment be lost, other Amendments may be moved on the original Motion. If an Amendment be carried, the Motion as amended shall take the place of the original Motion, and shall become the Motion upon which any further Amendment may be moved.

STANDING ORDER 10
Alteration or Withdrawal of Motion or Amendment

- (1) A proposer of a Motion may, with the concurrence of the seconder and the consent of the Authority, alter the Motion, if the alteration is such that it could properly be affected by an Amendment of the Motion. A proposer of an Amendment may, with the like concurrence and consent, alter the Amendment, if the Amendment as altered could properly have been moved in that form as an Amendment. The altered Motion or Amendment shall, if required by the Chairman, be reduced into writing and handed to them before the consent of the Authority to the alteration is sought.
- (2) A proposer of a Motion or of an Amendment may, with the concurrence of the seconder and the consent of the Authority, withdraw the Motion or Amendment which has been proposed, and no Member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.

- (3) The giving or refusal of the consent of the Authority to the alteration or withdrawal of a Motion or Amendment shall be signified without discussion.

STANDING ORDER 11

Conduct of Members

- (1) A Member shall direct their speech to the question under discussion, or to a personal explanation, or to a Point of Order, and shall not impute motives or use offensive expressions to or about any other Member or officer of the Authority.
- (2) If any Member, in the opinion of the Chairman signified to the Authority, commits misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively; or by wilfully obstructing the business of the Authority, or by tedious repetition or unbecoming language in their speech; the Chairman or any other Member may move "*That the Member named be not further heard*", and such Motion, if seconded, shall be put and determined without discussion.
- (3) If the Member named continues such misconduct after a Motion under the last previous paragraph has been carried, the Chairman shall either: -
 - (a) Move "*That the Member named do leave the Meeting*" (in which case the Motion shall be put and determined without seconding or discussion); or
 - (b) Adjourn the Meeting of the Authority for such period as the Chairman in their discretion shall consider expedient.

STANDING ORDER 12

Points of Order and Explanations

- (1) A Member may interrupt on a Point of Order or in personal explanation, and shall be entitled to be heard immediately. A Point of Order shall relate only to an alleged breach of a Standing Order or statutory provision, and the Member shall specify the Standing Order or statutory provision and the way in which it is considered it has been broken. A personal explanation shall be confined to some material part of a former speech by the Member, which may appear to have been misunderstood in the present debate.
- (2) The ruling of the Chairman on a Point of Order, or on the admissibility of a personal explanation, shall not be open to discussion.

STANDING ORDER 13
Next Business etc.

- (1) A Member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another Member, unless the Chairman considers that the matter has been insufficiently discussed, move that “*The Authority proceeds to the next business*” or, if there is no other business to be transacted, that “*the Authority adjourns*”.
- (2) The proposer of such a Motion may speak thereon, but the seconding of the Motion shall be formal and without comment, and there shall be no debate on the Motion.
- (3) On the seconding of the Motion, the Chairman shall first give the mover of the original Motion an opportunity to speak on it, and then put to the vote the Motion to proceed to the next business or to adjourn the Authority.
- (4) If that Motion is carried, the original Motion shall be considered as withdrawn.

STANDING ORDER 14
Adjournment of Debate

- (1) A Member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another Member, move that the debate be adjourned to that hour or occasion.
- (2) If the Member does not specify an hour or occasion, the Motion shall be deemed to intend that the debate shall be resumed at the next Ordinary Meeting of the Authority.
- (3) The proposer of such a Motion may speak thereon, but the seconding of the Motion shall be formal and without comment, and there shall be no debate on the Motion, except that the mover of the original Motion may speak on it.
- (4) On the resumption after adjournment of an interrupted debate, the Authority shall proceed to the further consideration of the adjourned business as though the Meeting had been continuous for the purposes of these Standing Orders.

STANDING ORDER 15

Closure

- (1) A Member may, at the conclusion of the speech of another Member, move that “*The proposition under discussion be not put*” (which is in these Standing Orders referred to as “*the closure*”).
- (2) The proposal and seconding of the closure shall be formal and without comment, and there shall be no debate on it. The closure shall be put immediately to the vote unless it appears to the Chairman that the proposition to which it is sought to apply the closure has not been sufficiently discussed.
- (3) If the closure is carried, the Motion or Amendment which is the subject of the interrupted debate shall be put without further discussion, subject to the mover of the original Motion first having a right of reply.

STANDING ORDER 16

Appointments to Outside Bodies

- (1) No person shall be nominated to represent the Authority in any capacity without that person having consented to the nomination.
- (2) Every candidate so nominated shall be openly proposed and seconded.
- (3) At the close of nominations, the Chairman shall state the names of the candidates who have been duly proposed and seconded, and the number of vacancies to be filled if the number is limited.
- (4) If the number of nominations does not exceed the number of vacancies, or if the number of vacancies is not limited, the Chairman shall immediately put the appointment of the duly nominated candidates collectively as a Substantive Motion, upon which no Amendment may be moved.
- (5) If the number of nominations exceeds the number of vacancies, there shall be a secret ballot of the Members present at the Meeting, in which each Member of the Authority may vote for as many candidates as there are vacancies to be filled.
- (6) Any ballot shall be conducted by the Clerk to the meeting, whose return shall be final and conclusive.

The Proviso to each of subparagraphs (1) to (6) above is that no candidate shall be appointed unless the number of votes cast in their favour exceeds half the number of persons voting. If in any ballot no candidate receives the number of votes entitling them to be appointed, the names of those who receive no votes, and the name of the one who receives the least number of votes, shall be struck off the list, and a fresh ballot be taken, and so on, until all the vacancies are filled.

STANDING ORDER 17
Appointment of Officers

Where there are more than two applicants for any appointment to be filled by the Authority, and, of the votes given, there is not an absolute majority in favour of one applicant, the name of the applicant having the least number of votes shall be struck off the list, and a fresh vote shall be taken, and this procedure repeated if necessary, until an absolute majority of votes is given to one applicant, whereupon the appointment shall be proposed by resolution.

STANDING ORDER 18
Voting

- (1) Every Member of the Authority, including any ex officio member of a committee, is entitled to one vote only, on any single proposition before a meeting.
- (2) In the event of equal numbers of votes for and against, the Chairman of the meeting will have a second or 'casting' vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
- (3) Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by show of hands or, at the discretion of the Chairman, by voices.
- (4) Unless these Standing Orders provide otherwise, the matter will be decided by a simple majority of those members present and voting in the room at the time when the question or proposition is put from the Chair.
- (5) After a proposition is put from the Chair, but before the vote is taken, any five Members, by show of hands, may require that the voting shall be recorded in the Minutes of the Meeting so as to show whether each Member present voted for or against that proposition or abstained from voting.
- (6) Where, immediately after a vote is taken, any Member so requires, there shall be recorded in the Minutes of the Meeting whether that person voted for or against the proposition, or abstained from voting.

N.B. Under Section 19 of the Police Act 1996, the Authority may not issue a precept under Section 40 of the Local Government Finance Act 1992, or make the calculations required by Section 43 of that Act, unless the Members approving it:-

- (a) constitute at least half of the total membership at the time of the decision, and*
- (b) include more than half of the Members (at that time) appointed by the County Council.*

STANDING ORDER 19
Recording of Meetings

- (1) The filming, photographing, or audio recording of the proceedings at any Meetings by accredited media shall be permitted, provided 48 hours' notice has been given to the Clerk to the Police Authority, or with the consent of the Chairman.
- (2) If any other person makes, or attempts to make, any such recording (without such consent being given) they shall, if a Member, be deemed guilty of misconduct, and the Chairman shall exercise the powers under Standing Order 11 or, if not a Member, the Chairman may, without question put, adjourn the Meeting for such a period as they, in their absolute discretion, consider expedient.

STANDING ORDER 20
General Disturbance

- (1) If a member of the public interrupts the proceedings at any Meeting, the Chairman shall issue a warning. If the interruption is continued, the Chairman shall order the removal of the member of the public in question from the room. In case of general disturbance in any part of the room open to the public, the Chairman shall order that part to be cleared.
- (2) If, in the opinion of the Chairman, misconduct or obstructions renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in them, may, without the question being put, suspend the Meeting for a period not exceeding 30 minutes.

STANDING ORDER 21
Members' Interests

- (1) If any Member of the Authority has a personal interest in any matter to be considered at a meeting of the Authority, the Member must disclose the existence and extent of the interest at the commencement of that consideration or at the beginning of the meeting, but, subject to (2) below, may remain and participate in the debate and voting.
- (2) If any Member has a personal interest which amounts to a prejudicial interest, as defined in the Authority's Code of Conduct, that Member must not improperly seek to influence a decision about the matter, and must, unless a dispensation has been granted by the Authority's Standards Committee, withdraw from the room in which the meeting is being held, for so long as the matter is being considered.

STANDING ORDER 22
Canvassing of and Recommendations by Members

- (1) Canvassing of Members of the Authority, or any Committee or Sub-Committee of the Authority, directly or indirectly, for any appointment under the Authority or as a Police Officer, shall disqualify the candidate concerned for that appointment.
- (2) A Member of the Authority shall not solicit for any person any appointment under the Authority or as a Police Officer, 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.

STANDING ORDER 23
Relatives of Members or Employees

- (1) A candidate for any appointment under the Authority who knows of a relationship to any Member or employee of the Authority shall disclose that relationship on the application form. 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.
- (2) Every Member and Senior Officer of the Authority shall disclose to the Clerk any relationship of theirs known to exist with any person known to be a candidate for an appointment under the Authority.
- (3) The purport of this Standing Order shall be included in any form of application.
- (4) For the purpose of this Standing Order, "Senior Officer" means any Officer so designated by the Authority, and persons shall be deemed to be related if they are husband and wife, or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

N.B. The Authority has designated Officers of the rank of Superintendent and civilians of an equivalent rank as Senior Officers for the purposes of this Standing Order.

STANDING ORDER 24
Record of Attendances

Every Member attending a Meeting of the Authority, or of any of its Committees or Sub-Committees, shall sign the attendance book or sheet provided for that purpose.

STANDING ORDER 25

Custody of Seal

The Common Seal of the Authority shall be kept in a safe place in the custody of the Clerk.

STANDING ORDER 26

Sealing of Documents

- (1) The Common Seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a Committee or Sub-Committee to which the Authority has delegated its powers in this behalf, but a resolution of the Authority (or of a Committee or Sub-Committee, where that Committee or Sub-Committee has the power) authorizing the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any contract, issuing a precept, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the authorisation.
- (2) The Seal shall be attested by the Clerk, or other person duly authorised in writing by them, and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose, and shall be authenticated by the person who has attested the Seal.

STANDING ORDER 27

Meetings of Committees and Sub-Committees

- (1) The Chairman of a Committee or Sub-Committee, or the Chairman of the Authority, may cause a Special Meeting of the Committee or Sub-Committee to be called at any time.
- (2) A Special Meeting of a Committee or Sub-Committee shall be called on the request of at least one quarter of the whole number of Members of the Committee or Sub-Committee by notice, in writing, signed by them, and given to the Clerk, and specifying the business for which the Meeting is to be called.

STANDING ORDER 28
Proceedings of Committees and Sub-Committees

- (1) The quorum of every Committee and Sub-Committee, unless a special quorum is otherwise prescribed, shall be at least one quarter of the whole number of the Committee or Sub-Committee, provided that in no case shall a quorum of a Committee or Sub-Committee be less than three Members.
- (2) Subject to the provision of Section 100 of the Local Government Act 1972, all Committee and Sub-Committee Reports, and all documents marked as “*Confidential*”, “*Exempt*”, or “*Not for Publication*”, shall be treated as confidential until they become public in the ordinary course of the Authority’s business.
- (3) No act of a Sub-Committee shall have effect until approved by the appointing Committee, except to the extent that the Committee has itself power to act without the approval of the Authority, and the power so to act has been conferred upon the Sub-Committee.
- (4) In addition to those Standing Orders which expressly relate to Committees or Sub-Committees, Standing Orders 4, 7, 8, 9, 10, 11, 16, 17, 18, 19, 20 and 21 shall apply, with any necessary modification to Committees and Sub-Committees.

STANDING ORDER 29
Chairmen of Committees and Sub-Committees

- (1) The Chairman of a Committee, or of any Sub-Committee which the Authority may from time to time determine for the purposes of this Standing Order, shall be appointed by the Authority in accordance with this Standing Order, and may be removed by the Authority or may resign. If the Authority so decides, the appointment of the Chairman of a Committee or Sub-Committee may be left for that body itself to decide.
- (2) The appointment of the Chairman of a Committee or Sub-Committee shall be conducted in the same way as an appointment is required to be made by the Authority under Standing Order No. 17.
- (3) Subject to paragraph (1) of this Standing Order, the Chairman of a Committee or Sub-Committee appointed by the Authority shall hold office until the next Annual Meeting of the Authority after their appointment.

- (4) If the Chairman of a Committee or Sub-Committee is absent from a Meeting of the Committee or Sub-Committee, the Members present shall choose one of their number who is a Member of the Authority to preside over the Meeting, subject to paragraph (5) of this Standing Order.
- (5) If the Chairman of a Committee or Sub-Committee arrives at a Meeting of the Committee or Sub-Committee after the time for which the Meeting has been summoned, they cannot preside over the Meeting until after any question already under discussion upon their arrival has been disposed of, but not before then.

STANDING ORDER 30
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 for report by the Clerk.

STANDING ORDER 31
Suspension of Standing Orders

- (1) Subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the Meeting where its suspension is moved.
- (2) A Motion to suspend any of the preceding Standing Orders shall not be moved unless there shall be present at least one-half of the whole number of the Members of the Authority.

STANDING ORDER 32
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.