



**HEREFORD & WORCESTER**  
**FIRE AUTHORITY**

**CONSTITUTION**

**DRAFT**

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*[\* These documents are unchanged; but will be reviewed at a later stage. The current documents are available on our website [www.hwfire.org.uk](http://www.hwfire.org.uk)]*

# Part 1 - Summary and Explanation

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Hereford & Worcester Fire Authority was established in 1998 by virtue of the Hereford and Worcester Fire Services (Combination Scheme) Order 1997. The Order has effect under s.4 of the Fire and Rescue Services Act 2004 and the Authority is therefore the Fire and Rescue Authority for the combined area of Herefordshire and Worcestershire.

The Fire Authority is a separate, stand-alone authority but its Members are Councillors appointed by Herefordshire Council (6) and Worcestershire County Council (19).

The Authority is responsible for the provision of the Hereford & Worcester Fire and Rescue Service ('the Service').

## THE CONSTITUTION

The Hereford & Worcester Fire Authority has agreed a new constitution which sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local communities. Some of these processes are required by the law, while others are a matter for the Authority to choose.

The Constitution is divided into 12 articles that set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

## WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Authority to providing clear leadership in relation to the provision of fire and rescue services across Herefordshire and Worcestershire, encouraging public participation and to conducting its affairs in an open and transparent manner.

Articles 2-12 explain the rights of members of the public and how the key parts of the Authority operate. These are:

- Article 2 – Members of the Fire Authority
- Article 3 – Members of the public and the Authority
- Article 4 – The Full Authority
- Article 5 – Chairing the Authority
- Article 6 – Committees
- Article 7 – Joint Arrangements
- Article 8 – Officers
- Article 9 – Decision Making
- Article 10 – Finance, Contract and Legal Matters
- Article 11 – Review and Revision of the Constitution
- Article 12 – Suspension, Interpretation and Publication of the Constitution

## HOW THE AUTHORITY OPERATES

### Members of the Fire Authority

The Authority is composed of up to 25 Members, all of whom are local councillors appointed by Worcestershire County Council and Herefordshire Council (referred to as the 'constituent authorities') in proportion to the size of the population of those two counties currently as follows:

Herefordshire Council	6
Worcestershire County Council	19

Members of the Fire Authority are appointed for such periods as the constituent authorities may decide and can therefore be replaced at their discretion. Members can resign from the Fire Authority or will cease to be members of the Fire Authority if they cease to be members of the constituent authority for whatever reason.

As Members of the Fire Authority, Councillors do not represent the individual wards/divisions for which they were elected or even the constituent authorities by whom they were appointed. Instead they have a duty to represent the interests of the community across the two counties of Herefordshire and Worcestershire as a whole.

The names and contact details of all members of the Fire Authority are available on our website at [www.hwfire.org.uk](http://www.hwfire.org.uk)

### Code of Conduct

The Fire Authority, supported by the Monitoring Officer, has a duty to promote and maintain high standards of conduct by Members and has adopted a Code of Conduct to facilitate this.

### Full Authority

All Members meet together as the Authority. These meetings are open to the public unless exempt or confidential information is being discussed. Here Members decide the Authority's overall policies and set the budget each year. The Authority appoints committees to undertake functions on behalf of the Authority and provides the means by which those committees can subsequently be held to account for the decisions they make.

A Member is appointed at the Annual Meeting in June each year to act as the Chairman of the Authority. He or she presides over the Authority's meetings and is responsible for interpreting the rules of procedure with the power to control and regulate the course of the debate. In undertaking these duties, the Chairman must act impartially but the Chairman has a vote on decisions and may have a second (or casting) vote where this is necessary.

There is a period set aside at the beginning of meetings when the public can ask questions on matters relating to the Authority or the provision of fire and rescue services within the two Counties.

### How Decisions Are Made

Most day-to-day decisions are made by one or other of the following two committees, both of which exercise delegated powers on behalf of the Authority:

- **Policy and Resources Committee**

Deals with all matters relating to the development of strategic policy, financial management, assets, staffing and performance. Advises the Authority in relation to the adoption of the Policy Framework (see Article 4 of the Constitution).

- **Audit and Standards Committee**

Deals with all matters relating to corporate governance and financial probity. Promotes and maintains high standards of conduct by Members in accordance with the code of conduct

Meetings of all the above committees are open to the public except where personal or confidential matters are being discussed.

There is also an Appointments Committee which deals with the appointment of senior staff. This Committee only meets when necessary and because of the personal/confidential nature of the matters being discussed is not usually open to the public.

## **Overview and Scrutiny**

Unlike many Authorities, the Fire Authority does not have a separate Overview and Scrutiny Committee but the work of the Policy and Resources and Audit and Standards Committees, by their nature involve a high degree of scrutiny of the adequacy and efficiency of the Service and of its policies and procedures.

Where necessary, Member Task and Finish Groups can be utilised to support the work of the principal committees. These are small working groups of Members that are established as necessary to look at particular issues in more detail and report back to the principal committees. The membership and methodology of the Task and Finish Groups will be flexible to meet the needs of the particular circumstance.

## **The Authority's Staff**

The Authority has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. The Chief Fire Officer is the principal professional advisor to the Authority as well as being in operational command of the Hereford & Worcester Fire and Rescue Service. Some officers have a specific duty to ensure that the Authority acts within the law and uses its resources wisely. There is an extensive scheme of delegation whereby Officers are permitted to make routine decisions in accordance with previously determined policies of the Authority. A code of practice governs the relationships between officers and Members of the Authority.

## **The Public**

The public have a number of rights in their dealings with the Authority. These are set out in more detail in [Article 3](#). Some of these are legal rights, whilst others depend on the Authority's own processes.

Members of the public have the right to:

- contact Members about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Authority and its committees except where, for example, personal or confidential matters are being discussed;
- submit questions for consideration at the start of meetings of the Authority;
- see reports and background papers, and any record of decisions made by the Authority or any of the committees that were open to the public;
- complain to the Authority if dissatisfied with any of the services it provides;
- complain to the Ombudsman if they think the Authority has not followed its procedures properly. However, they should only do this after using the Authority's own complaints process;
- Inspect and obtain a copy of the Authority's Member Code of Conduct;
- Inspect the Register of Members' Interests;
- complain to the Monitoring Officer if they have evidence which they think shows that a Member has not followed the Code of Conduct; and
- inspect the Authority's accounts and make their views known to the external auditor.

The Authority welcomes participation by members of the public in its work. For further information on your rights, please contact the Committee Services Section, Service Headquarters, 2 Kings Court, Charles Hastings Way, Worcester, WR5 1JR (tel. 01905 368209) or visit the Authority's website [www.hwfire.org.uk](http://www.hwfire.org.uk).

# **Part 2 – Articles of the Constitution**

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## **1. The Constitution**

### **1.1. Powers of the Authority**

The Authority will exercise all its powers and duties in accordance with the law and this Constitution.

### **1.2. The Constitution**

This Constitution, with all its appendices, is the Constitution of the Hereford & Worcester Fire Authority ('the Authority').

### **1.3. Purpose of the Constitution**

The purpose of the Constitution is to:

- (i) enable the Authority to provide clear leadership to the community in partnership with members of the public, businesses and other organisations;
- (ii) support and encourage the active involvement of members of the public in the process of the Authority's decision-making;
- (iii) provide a framework within which Members can represent the public interest effectively;
- (iv) enable decisions to be taken efficiently and effectively;
- (v) create a powerful and effective means of holding decision-makers to public account;
- (vi) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (vii) provide for the effective delivery of fire and rescue services within Herefordshire and Worcestershire.

### **1.4. Interpretation and Review of the Constitution**

Where the Constitution permits the Authority to choose between different courses of action, the Authority will always choose that option which it thinks is closest to the purposes stated above.

The Authority will monitor and evaluate the operation of the Constitution as set out in Article 11.



## **2. Members of the Authority**

### **2.1. Composition and eligibility**

The Authority is comprised of 25 Members, all of whom are local councillors appointed by Worcestershire County Council and Herefordshire Council ('the Constituent Councils'). The number of appointees is in proportion to the number of local government electors each Council has in relation to the total number of such electors across the Constituent Councils as a whole, as follows:

Herefordshire Council	6
Worcestershire County Council	19

### **2.2. Terms of Office of Members**

The Constituent Councils appoint Members to the Authority for whatever term those Councils choose. Members come into office on the day they are appointed. They may resign from the Authority at any time by giving written notice to the Clerk. They cease to be Members of the Fire Authority if they cease to be members of the Council by whom they were appointed.

### **2.3. Roles and functions of all Members**

#### **(a) Key roles.**

All Members will:

- (i) be involved in decision-making and contribute to the good governance of the Authority;
- (ii) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (iii) represent their communities and bring their views into the Authority's decision-making process, i.e. become the advocates of and for their communities;
- (iv) balance different interests identified across Herefordshire and Worcestershire and act in the interests of the two Counties as a whole;
- (v) respond to enquiries and representations from members of the public, fairly and impartially;
- (vi) actively encourage community participation and public involvement in decision-making;
- (vii) be available to represent the Authority on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

**(b) Rights and duties**

- (i) Members will have such rights of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Members will not make public any information which is confidential or exempt without the consent of the Authority or divulge information given in confidence to anyone other than a Member or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

**2.4. Conduct**

Members will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

**2.5. Allowances**

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

## **3. Members of the public and the Authority**

**3.1. Rights of the Public**

Members of the public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

**(a) Information.** Members of the public have the right to:

- (i) attend meetings of the Authority and its committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
- (ii) see reports and background papers (except where these contain confidential or exempt information) and any records of decisions made by the Authority and its committees;
- (iii) inspect and obtain a copy of the Authority's Code of Conduct and inspect the Register of Members' Interests; and
- (iv) inspect the Authority's accounts and make their views known to the external auditor.

- (b) **Participation.** Members of the public have the right to submit written questions to the Authority which will be considered at the start of Authority meetings. They may also be invited to contribute to investigations of any of the Task and Finish Groups.
- (c) **Complaints.** Members of the public have the right to complain to:
- (i) the Authority itself under its complaints scheme;
  - (ii) the Local Government Ombudsman about maladministration, after first using the Authority's own complaints scheme; and
  - (iii) the Monitoring Officer about a breach of the Members' Code of Conduct.

### 3.2. Responsibilities

Members of the public must not be violent, abusing or threatening to Members or Officers and must not wilfully harm things owned by the Authority, its Members or Officers.

## 4. The Full Authority

### 4.1. Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies:-
- Integrated Risk Management Plan/Community Risk Management Plan
  - Fire Cover Review (if any)
  - Authority's Corporate Plan (if any) including "Our Strategy"; and
  - Medium Term Financial Plan.
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

### 4.2. Functions of the full Authority

Only the Authority will exercise the following functions (unless otherwise resolved):

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget;
- (c) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (d) appointing representatives to outside bodies unless the appointment has been delegated by the Authority;
- (e) adopting an allowances scheme under [Article 2.5](#);

- (i) confirming the appointment of the Chief Fire Officer, Deputy Chief Fire Officer, Chief Finance Officer and Monitoring Officer;
- (ii) approving any joint arrangements, delegations to or from another local authority or Fire and Rescue Authority or contracting out, in accordance with [Article 7](#) of this Constitution; and
- (i) all other matters which by law must be reserved to the Authority.

#### **4.3. Authority meetings**

There are three types of Authority meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings.

and they will be conducted in accordance with the Standing Orders for the Conduct of Business in Part 4 of this Constitution.

## **5. Chairing the Authority**

### **5.1. Election of Chairman and Vice-Chairman**

The Chairman and vice-chairman will be elected by the Authority annually and shall hold office until:

- (i) they resign from office;
- (ii) they are no longer Members of the Authority;
- (iii) they are removed from office by resolution of the Authority; or
- (iv) their successors take office.

### **5.2. Role and function of the Chairman**

The Chairman of the Authority and in their absence, the vice-chairman will have the following responsibilities:

- (i) uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) preside impartially over meetings of the Authority so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the public;
- (iii) ensure that the Authority meeting is a forum for the debate of matters of concern to the public in relation to fire and rescue services across Herefordshire and Worcestershire and the place at which Members are able to hold the Authority's committees and officers to account;
- (iv) promote public involvement in the Authority's activities;

- (v) conduct meetings of the Authority with dignity and to be the conscience of the Authority; and
- (vi) attend such civic and ceremonial functions as the Authority and the Chairman determine appropriate.

## **6. Committees**

### **6.1. Appointment of Committees**

The Authority will appoint the committees described in Part 3 of this Constitution and which shall each have the respective terms of reference and functions described therein.

### **6.2. Form and composition**

- (a) Each Committee will consist of such number of Members appointed by the Authority as the Authority may from time to time decide.
- (b) The membership of each committee will be appointed in accordance with the requirements of the Local Government and Housing Act 1989 with regard to political proportionality. Where seats have been allocated to a particular political Group:
  - (i) appointments to those seats will be made in accordance with the nominations of the relevant Group Leader; and
  - (ii) changes to the membership of the Committee may be made by the relevant Group Leader giving written notice of amended nominations to the Clerk at any time.
- (c) The Chairmen and Vice-Chairmen of:
  - (i) Policy and Resources Committee; and
  - (ii) Audit and Standards Committee.
 shall be appointed by the Authority.
- (d) Subject to (b) above, the Chairman, Vice-Chairman and members of each Committee shall hold office until:
 

in the case of all Members:

  - (i) they resign from office;
  - (ii) they are no longer Members of the Authority; or

additionally in the case of the Chairman or Vice-chairman:

  - (iii) they are removed from office by resolution of the Authority;
  - (iv) they cease to be Members of that Committee; or
  - (v) their successors take office.

### **6.3. Delegation to Committees**

Subject to [Article 6.4](#) below, each Committee shall have full delegated authority to determine all matters and exercise all functions of the Authority falling within the remit of that Committee, other than:

- (i) functions reserved to the Authority in accordance with [Article 4.2](#) of this constitution;
- (ii) other functions (if any) specifically reserved by and to the Authority from time to time;
- (iii) any matter from time to time which the relevant committee considers should be referred to the meeting of the full Authority for determination.

### **6.4. Call In**

- (a) When a decision is made by either Policy and Resources Committee or Audit and Standards Committee in exercise of any delegated powers, details of the decision shall be published and distributed to all Members of the Authority by electronic means as soon as possible thereafter (normally within 3 working days).
- (b) The notice of the decision will bear the date on which it is published and will specify that the decision(s) will come in to force and may be implemented on the expiry of the fifth working day after publication of the decision, unless within that time [\[5\]](#) Members of the Authority either collectively or individually notify the Monitoring Officer (or in his absence the Corporate Services Manager) that they wish the decision to be referred to a meeting of the full Authority.
- (c) The Call-in Protocol in Part 5 of this Constitution shall have effect. Members shall have regard to this before requesting that a decision be called-in under this [Article 6.4](#).

### **6.5. Hearings Sub-Committee**

- (a) A Hearings Sub-Committee shall be convened when necessary in accordance with the Arrangements for Code of Conduct Investigations and Decisions in Part 5 of this Constitution to determine any matter in connection with any alleged breach of the Members Code of Conduct.
- (b) Each hearings Sub-Committee shall be convened by the Monitoring Officer and shall comprise:
  - (i) three Members of the Audit and Standards Committee selected by the Monitoring Officer in rotation from those available and having regard to the need for political proportionality; and
  - (ii) a co-opted non-voting, independent non-member of the Authority appointed by the Monitoring Officer from amongst the independent non-councillor members of the Standards Committees of either of the Constituent Councils.

## **6.6. Changes to Committees**

The Authority may appoint such additional committees or change any of the details described in Part 3 of this constitution as the Authority may from time to time decide.

# **7. Joint Arrangements**

## **7.1. Arrangements for exercise of functions**

The Authority may, in order to carry out any of its functions or anything it considers appropriate for purposes incidental to any of those functions:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

## **7.2. Joint arrangements**

- (d) The Authority may establish joint arrangements with one or more local authorities (including other Fire and Rescue Services) and/or their executives to exercise functions in any of the participating authorities, or advise the Authority. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (e) Any delegations to joint committees will be found in the Authority's scheme of delegations in Part 3 of this Constitution.

## **7.3. Access to information**

The Access to Information Rules in Part 4 of this Constitution apply.

## **7.4. Delegation to and from other Fire and Rescue Authorities**

The Authority may delegate functions to another Fire and Rescue Authority and may accept such a delegation from another such authority or its Executive.

## **7.5. Contracting out**

The Authority may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Authority's agent under usual contracting principles, provided there is no delegation of the Authority's discretionary decision making.

## 8. Officers

### 8.1. Management structure

- (a) The Authority shall engage such people (referred to as Officers) as it considers necessary to carry out its functions. Officers may be authorised either by the Authority or a Committee to take decisions. The scope of these delegated powers is set out in the general Scheme of Delegation in Part 3 of this Constitution.
- (b) Although there is no legal requirement for the Authority to appoint a Head of the Paid Service, the Authority has chosen to do so as a matter of good practice. The Head of the Paid Service will determine the overall departmental structure and deployment of staff.
- (c) **Head of the Paid Service, Monitoring Officer and Chief Financial Officer.**  
The Authority will designate the following posts as shown:

POST	DESIGNATION
Chief Fire Officer/Chief Executive	Head of the Paid Service
Director of Finance and Assets/Treasurer	Chief Finance Officer
Head of Legal Services/Clerk	Monitoring Officer

Such posts will have the functions described in [Articles 8.2 – 8.4](#) below.

### 8.2. Functions of the Head of the Paid Service

- (a) **Discharge of functions by the Authority**  
The Head of the Paid Service will report to the Authority on the manner in which the discharge of the Authority's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions**  
The Head of the Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 8.3. Functions of the Monitoring Officer

- (a) **Maintaining and reviewing the Constitution**  
The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public. He/she will keep the constitution under review in accordance with [Article 11](#) below.



(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of the Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Authority if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Ethical Standards**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through:

- (i) provision of training to Members
- (ii) receiving, acting upon and where appropriate investigating complaints of alleged breaches of the Code of Conduct in accordance with the Arrangements for Code of Conduct Investigations and Decision; and
- (iii) provision of advice and support to the Audit and Standards Committee and any Hearings Sub-Committees.

(d) **Proper officer for access to information**

The Monitoring Officer will ensure that decisions of the Authority and its committees and relevant officer reports and background papers are made publicly available as soon as possible.

(e) **Providing advice**

The Monitoring Officer will provide advice on the scope of the Authority's powers, maladministration, financial propriety, the Codes of Conduct, Standing Orders and the protocols to all Members and will advise and support Members and officers in their respective roles.

(f) **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of the Paid Service.

#### **8.4. Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of the Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Authority and the Authority's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Authority is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Authority.

(c) **Providing advice**

The Chief Finance Officer will provide advice on financial impropriety, probity and budget and policy framework to all and will support and advise councillors and officers in their respective roles.

(d) **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

**8.5. Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Authority will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**8.6. Conduct**

- (a) Officers will comply with the Protocol on Officer/Member relations set out in Part 5 of this Constitution.
- (b) The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice given by an Officer of the Authority under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, or proposed contract, and the book shall be available during office hours for inspection by any Member of the Authority.

**8.7. Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

**9. Decision Making**

**9.1. Responsibility for decision making**

The Authority will issue and keep up to date a record of what part of the Authority or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

**9.2. Principles of decision making**

All decisions of the Authority will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;

- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

### **9.3. Decision making by the full Authority**

Subject to [Article 9.5](#), the Authority meeting will follow the Standing Orders for the Conduct of Business set out in Part 4 of this Constitution when considering any matter.

### **9.4. Decision making by committees and sub-committees**

Subject to [Article 9.5](#), committees, sub-committees, working parties and panels will follow:

- (a) those parts of the Standing Orders for the Conduct of Business set out in Part 4 of this Constitution as apply to them; and
- (b) such other procedures set out in Part 3 of this constitution (Responsibility for Functions) as are specified in respect of that committee, sub-committee or panel

### **9.5. Decision making by Authority bodies acting as tribunals**

The Authority, a Member or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

### **9.6. Urgent Decisions**

- (1) Where the Monitoring Officer, in consultation with the Chairman, determines that any matter is urgent and that it would be impractical to call a meeting of the Authority or a relevant committee, full authority to decide the matter is and shall be vested in the Chief Fire Officer/Chief Executive after consultation with the Group Leaders
- (2) No decision shall be made or instructions issued under this [Article 9.6](#) which is contrary to an expressed resolution of the Authority or an established practice.
- (3) A report of all decisions taken under this [Article 9.6](#) shall be made to the next meeting of the Authority or the relevant committee (as the case may be).

## **10. Finance, Contracts and Legal Matters**

### **10.1. Financial management**

The management of the Authority's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

### **10.2. Contracts**

Every contract made by the Authority will comply with the Contracts Standing Orders set out in Part 4 of this Constitution.

### **10.3. Legal proceedings**

The Head of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where the Head of Legal Services considers that such action is necessary to protect the Authority's interests.

### **10.4. 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 Clerk 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.

### **10.5. Common Seal of the Authority**

The Common Seal of the Authority will be kept in a safe place in the custody of the Head of Legal Services. A decision of the Authority, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal Services should be sealed. The affixing of the Common Seal will be attested by the Chief Fire Officer/Chief Executive or the Head of Legal Services.

### **10.6. Inspection of lands, premises etc.**

Unless specifically authorised to do so by the Authority, no Member of the Authority shall issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority have the power or duty to inspect or enter, but provided that prior arrangement is made with the Chief Fire Officer a Member shall, so far as possible within the law, have the right to inspect lands and premises owned by the Authority.

## **10.7. Members' Rights to Inspect Documents**

- (1) All agenda papers, minutes, and identified background papers relating to business at meetings of the Authority shall be open to inspection by any Member except where the business concerns a quasi-judicial matter or personal information subject to the Data Protection Act 1998, or relates to legal proceedings by or against the Authority.
- (2) A Member of the Authority shall be entitled to inspect such other documents of the Authority as are reasonably necessary to the exercise of the Member's functions as a member of the Authority. A written request to inspect any such document shall be submitted to the Chief Fire Officer who, after consultation with the Chairman and/or the Clerk where appropriate, shall produce the document for inspection, subject to the proviso that under certain circumstances (e.g. issues of confidentiality) inspection by a Member may only be permitted with a clear understanding that the contents should not be passed to any other party and noting that Members of the Authority are bound by the Data Protection Act 1998.

## **11. Review and Revision of the Constitution**

### **11.1. Duty to monitor and review the constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **11.2. Protocol for monitoring and review of constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Authority, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in [Article 1](#). In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- (d) compare practices in this Authority with those in other comparable authorities, or national examples of best practice.

### **11.3. Changes to the Constitution**

Changes to the constitution will only be approved by the full Authority after consideration of a written report by the Monitoring Officer or a committee of the Authority.

## **12. Suspension, Interpretation and Publication of the Constitution**

### **12.1. Suspension of the Constitution**

(a) **Limit to suspension**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Authority to the extent permitted within those Rules and the law.

(b) **Procedure to suspend**

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Members are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) **Rules capable of suspension**

The following Rules may be suspended in accordance with [Article 12.1](#):

- Standing Orders for the Conduct of Business
- Financial Regulations
- Contracts Standing Orders

### **12.2. Interpretation**

The ruling of the Chairman as to the construction or application of this Constitution or as to any proceedings of the Authority shall not be challenged at any meeting of the Authority. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **12.3. Publication**

The Monitoring Officer will:

- (a) provide details of the Constitution to each Member of the Authority upon their first appointment.
- (b) ensure that copies are available for inspection at the Authority's principal offices and on the Authority's website.

# Part 3 – Responsibility for Functions

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## Introduction

The following details are set out in this part of the Constitution:

- Summary of Committees and sub-committees appointed by the Authority;
- Diagram of the Authority's political management arrangements;
- Detailed terms of reference and procedural protocols for each committee/Sub-committee;  
and
- Scheme of Delegation to Officers.

The Authority may alter the terms of reference or composition of any committee from time to time or appoint any additional committees as appropriate.

Subject to the provisions of the constitution and any legal requirements, any function of a committee may be delegated to any Committee or Officer (but not to a single Member).

## Summary of Authority, Committees and Sub-Committees

NAME	MEMBERSHIP	SUMMARY OF FUNCTIONS
Authority	All Members	<ul style="list-style-type: none"> <li>▪ Adopting and changing the Constitution</li> <li>▪ Approving or adopting the policy framework and the budget</li> <li>▪ Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them</li> <li>▪ Appointing representatives to outside bodies unless the appointment has been delegated by the Authority</li> <li>▪ Adopting an allowances scheme under <a href="#">Article 2.5</a></li> <li>▪ Approving any joint arrangements, delegations to or from another local authority or contracting out, in accordance with <a href="#">Article 7</a> of this Constitution</li> <li>▪ All other matters which by law must be reserved to the Authority</li> </ul> <p>(see <a href="#">Article 4</a> of the Constitution)</p>
Policy and Resources Committee	13 Members	<ul style="list-style-type: none"> <li>▪ Make recommendations as to: <ul style="list-style-type: none"> <li>▪ the Authority's strategic policies and objectives</li> <li>▪ annual budget, medium term financial plan and Council Tax</li> <li>▪ community risk management plan and any fire cover review, and monitor progress with implementation when approved</li> </ul> </li> <li>▪ Monitor and review financial performance including revenue and capital budgets, fees and charges, treasury management and the use of resources</li> <li>▪ Determine the asset management plan</li> <li>▪ Approve the acquisition and disposal of land</li> <li>▪ Approval of capital projects and purchase of supplies, vehicles and services in accordance with the agreed budget and medium term financial plan</li> </ul>



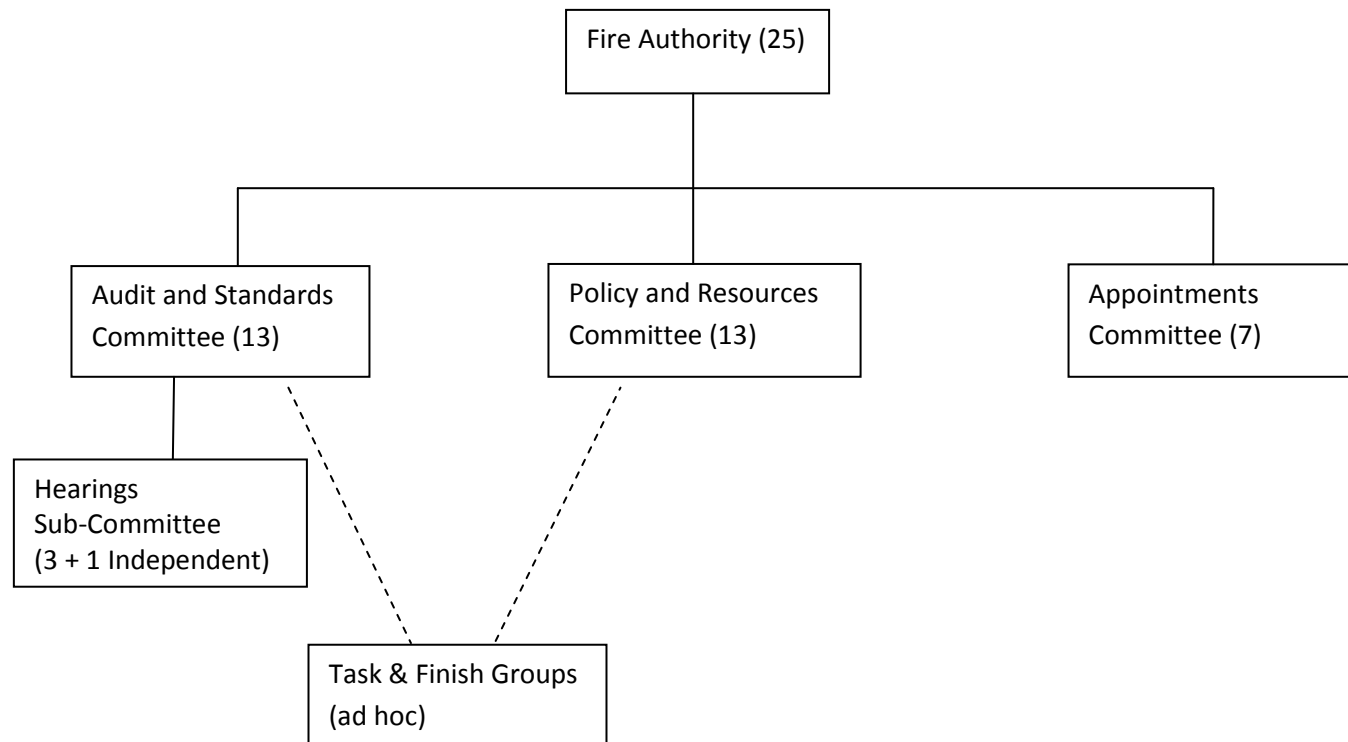
NAME	MEMBERSHIP	SUMMARY OF FUNCTIONS
		<ul style="list-style-type: none"> <li>▪ Approve policies and strategies relating to people, IT and public relations</li> <li>▪ Approve, monitor and review arrangements for: <ul style="list-style-type: none"> <li>▪ Health and safety</li> <li>▪ Equality and diversity</li> <li>▪ Ethical framework</li> <li>▪ Joint Consultative Committee</li> </ul> </li> <li>▪ Monitor and review operational performance of the Service</li> </ul> <p>(see detailed terms of reference in Part 3 of the Constitution)</p>
Audit and Standards Committee	13 Members	<ul style="list-style-type: none"> <li>▪ Monitor and review all aspects of corporate governance including standing orders, financial regulations, anti-fraud and corruption</li> <li>▪ Approve, monitor and review work of Internal Audit and the outcome of all internal audit reports</li> <li>▪ Consider the annual Audit Letter and all recommendations and reports of the Authority's External Auditors</li> <li>▪ Approve the annual statement of accounts and annual governance statement</li> <li>▪ Make recommendations to the Authority regarding the committee structure, terms of reference of committees and the scheme of delegation</li> <li>▪ Promote and maintain high standards of conduct by Members and co-opted members of the Authority</li> </ul> <p>(see detailed terms of reference in Part 3 of the Constitution)</p>
Hearings Sub-Committee	3 Members of Audit and Standards Committee selected by the Monitoring Officer by rotation 1 Independent, non-voting person	<ul style="list-style-type: none"> <li>▪ Consider and determine allegations of breaches of the Member Code of Conduct where necessary in accordance with the Arrangements for Code of Conduct Investigations and Decision</li> </ul>

NAME	MEMBERSHIP	SUMMARY OF FUNCTIONS
Appointments Committee	7 Members	<ul style="list-style-type: none"> <li>▪ To make recommendations to the Authority on the appointment of the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Monitoring Officer and Treasurer</li> <li>▪ To hear any grievance brought by or against the Chief Fire Officer</li> <li>▪ To make recommendations to the Authority as to any disciplinary action or the dismissal of the Chief Fire Officer</li> <li>▪ To determine any appeal against disciplinary action or dismissal of the Deputy Chief Fire Officer, Assistant Chief Fire Officer, Monitoring Officer or Treasurer</li> </ul>
Task and Finish Groups	3 – 7 Members	<ul style="list-style-type: none"> <li>▪ To undertake time-limited investigations into specific areas of policy or performance at the request of either Policy and Resources or Audit and Standards Committees and to report back</li> <li>▪ In so doing to adopt a flexible approach to the gathering of information and to engage with community groups and other stakeholders wherever appropriate</li> <li>▪ No more than of two task and finish groups will operate at any time</li> <li>▪ Political proportionality will not apply</li> </ul>



## Hereford & Worcester Fire Authority

### Political Management Structure



## **POLICY AND RESOURCES COMMITTEE**

### **Terms of Reference, Constitution, Rules and Procedures**

#### **Role**

The Committee will:

1. Make recommendations as to:
  - the Authority's strategic policies and objectives;
  - annual budget, medium term financial plan and precept;
  - community risk management plan and any fire cover review, and monitor progress with implementation when approved; and
  - the Scheme of Delegations to Officers.
2. Monitor and review financial performance including revenue and capital budgets, treasury management, the use of resources and fees and charges (adopting any changes to fees and charges where necessary on behalf of the Authority).
3. Authorise capital and revenue virements in excess of limits delegated to the Treasurer and Chief Fire Officer and to authorise capital re-phasing where necessary.
4. Monitor and review key operational performance targets and ensure that the Authority has an effective performance management framework in place.
5. Determine the Authority's Asset Management Plan and any matter relating to the Authority's land holdings or buildings and structures which is not delegated to officers.
6. Approval of capital projects and purchase of supplies, vehicles and services in accordance with the agreed budget and medium term financial plan
7. Authorise the waiver of tender rules in accordance with Standing Orders and Financial Regulations, where necessary.
8. Approve and amend any strategic policy not reserved for the Authority or that falls within the remit of another Committee.
9. To settle any claim or uninsured claim against or by the Authority when the sum is above the limit of officer delegation.
10. Approve, monitor and review of the following matters in relation to staff:
  - a) the implications of the adoption of nationally agreed conditions of service;
  - b) regular reports from the Joint Consultative Committee;

- c) agreement to the premature retirement of any employee where this is in the interests of the efficient exercise of the functions of the Authority, or by reason of redundancy, including the power to grant added years' service reckonable for superannuation purposes;
  - d) responsibility for exercising the discretionary elements of the Local Government Pension Scheme, including the authority for incurring any costs involved;
  - e) the development and implementation of equality and fairness policies receiving regular reports from the Equalities and Development Steering Group;
  - f) the development and implementation of health and safety policies receiving regular reports from the Health and Safety Liaison Panel;
  - g) employment monitoring reports; and
  - h) amendments to duty systems worked on fire stations.
11. Consider and approve responses to consultation papers issued by Government and other organisations.
  12. Any other matter not reserved to the Authority or falling within the remit of any other Committee nor delegated to an officer.

### **Constitution**

13. The Committee will comprise 13 Members.
14. In accordance with the requirements of the Local Government and Housing Act 1989, political balance will apply.
15. The quorum of the Committee will be 4 Members.
16. Subject to the approval of the Chairman and Vice Chairman of the Authority, the Committee may establish non-politically balanced, time-limited Task and Finish Groups to investigate issues within terms of reference set by the Committee. Only one Task and Finish Group may be established by the Committee at any one time.

### **Rules and Procedures**

17. The Chairman and Vice-Chairman will be elected by the Authority
18. The Committee will meet at least four times a year.
19. The Committee Chairman will report proceedings of the Committee to the Authority.

20. The minutes and reports of the Committee will be available for public inspection, except those documents classified as exempt.
21. The Committee will be advised by the Chief Fire Officer, Treasurer, Monitoring Officer and other officers and advisors as necessary.
22. Meetings will normally be held in public, with the right of attendance for all Members, public and press, except during consideration of exempt business.
23. An agenda, together with reports, will be made available at least five clear working days before each formal meeting.

## **AUDIT AND STANDARDS COMMITTEE**

### **Terms of Reference, Constitution, Rules and Procedures**

#### **Role**

The Committee will:

1. Ensure processes are in place to deliver effective controls and audit functions, including agreement of the Internal Audit Plan, appointment of External Auditors and consideration of External Audit fees and External Audit Plans.
2. Consider external and internal auditors' reports and the adequacy of management response to auditors' advice, recommendations and action plans.
3. Consider reports regarding the management and performance of Internal Audit.
4. Consider the External Audit Annual Letter, making recommendations to the Authority where necessary and monitor the Authority's response.
5. Monitor the results of external reviews of the Authority's services, ensuring progress is made on actions planned to remedy any significant issues highlighted.
6. Consider an annual report regarding compliments, complaints and concerns about the Service.
7. Consider, monitor and review the development and operation of the Authority's risk management and corporate governance arrangements in accordance with best practice.
8. Exercise delegated power in relation to the approval of the Annual Statement of Accounts.
9. Exercise delegated power in relation to the consideration of the Annual Governance Statement, the procedures followed in its compilation and the appropriateness of supporting documentation, addressing any significant governance weaknesses disclosed within the Statement.
10. Consider and make recommendations to the Authority on:
  - the Annual Assurance Statement;
  - Standing Orders and Financial Regulations of the Authority;
  - Committee Structure, Terms of Reference and Scheme of Delegation;
  - Members' Code of Conduct; and
  - Protocol for Member-Officer Relations.
11. Formulate and approve policy documentation in respect of Strategic Risk, Whistleblowing and Anti-Fraud and Corruption processes and review the effectiveness of their application throughout the Authority.

12. Promote and maintain high standards of conduct and ethical governance by Members and co-opted Members of the Authority.
13. Oversee the Registers of Members' Interests and keep under review the Authority's procedures for investigating and responding to complaints about Members.
14. Monitor the operation of the Members' Code of Conduct and assist Members and where appropriate, co-opted Members to observe the Code.
15. Advise, train or arrange to train the Members and co-opted Members of the Authority on matters relating to the Member Code of Conduct.
16. Grant dispensations to Members, from requirements relating to interests set out in the Member Code of Conduct, as referred by the Monitoring Officer.
17. Receive reports and comment on complaints procedures and/or reports from the Local Government Ombudsman.
18. Appoint Independent Persons for the purposes of the ethical framework under the Localism Act 2011.

## **Constitution**

19. The Committee will comprise 13 Members.
20. In accordance with the requirements of the Local Government and Housing Act 1989, political balance will apply.
21. Group Leaders, the Chairman, Vice-Chairman of the Authority, outgoing Chairman of the Authority and Chair of the Policy and Resources Committee are not eligible to serve on the Audit and Standards Committee.
22. The quorum of the Committee will be 4 Members.
23. Subject to the approval of the Chairman and Vice Chairman of the Authority, the Committee may establish non-politically balanced, time-limited Task and Finish Groups to investigate issues within terms of reference set by the Committee. Only one Task and Finish Group may be established by the Committee at any one time.

## **Rules and Procedures**

24. The Chairman and Vice-Chairman will be elected by the Authority.
25. The Committee will submit an annual report to the Authority each June.
26. The Committee Chairman will report proceedings of the Committee to the Authority.
27. The minutes and reports of the Committee will be available for public inspection, except those documents classified as exempt.



28. The Committee will be advised by the Monitoring Officer, Chief Fire Officer and Treasurer and other officers and advisors as necessary.
29. Meetings will normally be held in public, with the right of attendance for all Members, public and press, except during consideration of exempt business.
30. An agenda, together with reports will be made available at least 5 clear working days before each formal meeting.

## **HEARINGS SUB-COMMITTEE**

### **Terms of Reference, Constitution, Rules and Procedures**

#### **Role**

1. The Sub-Committee shall consider and determine allegations of breaches of the Member Code of Conduct as referred by the Monitoring Officer in accordance with the Process for Managing Standards Complaints under the Localism Act 2011 (attached at Appendix 1).
2. The Sub-Committee may make one of the following findings, that:
  - a. the Member who was the subject of the hearing had not failed to comply with the Code of Conduct of the Authority;
  - b. the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the Authority but that no action needs to be taken in respect of the matters which were considered at the hearing; or
  - c. the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the Authority and that one of the approved sanctions (as set out in Appendix 2) should be imposed.

#### **Constitution**

3. The Sub-Committee will comprise 3 Members of Audit and Standards Committee selected by the Monitoring Officer by rotation and 1 co-opted, non-voting, non-councillor.
4. Political balance will apply insofar as possible.
5. Substitution rules will not apply.

#### **Rules and Procedures**

6. The Sub-Committee Chairman shall be appointed from the Audit and Standards Committee.
7. The Sub-Committee will be advised by the Monitoring Officer.
8. The Sub-Committee meetings will normally be held in public with the right of attendance for all Members, public and press, except during consideration of exempt business.

## **APPOINTMENTS COMMITTEE**

### **Terms of Reference, Constitution, Rules and Procedures**

#### **Role**

1. To determine arrangements for the recruitment to the posts of Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer/Deputy Chief Executive, Treasurer and Monitoring Officer.
2. The Committee will conduct interviews and make recommendation to the Authority on the appointment of the Chief Fire Officer/Chief Executive.
3. On behalf of the Authority, the Committee will conduct interviews and appoint the Deputy Chief Fire Officer/Deputy Chief Executive, Treasurer and Monitoring Officer and will report its decision to the Authority.
4. The Committee will make recommendation to the Authority as to any disciplinary action or the dismissal of the Chief Fire Officer/Chief Executive.
5. The Committee will determine in accordance with existing procedures any appeal arising from the disciplinary action or dismissal of the Deputy Chief Fire Officer/Deputy Chief Executive, Treasurer or Monitoring Officer.
6. The Committee will approve and review the terms and conditions of employment of the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer/Deputy Chief Executive, Treasurer and Monitoring Officer.
7. The Committee will determine pursuant to the grievance procedure any grievances submitted by or against the Chief Fire Officer/Chief Executive following a difference between him and an employee of the Authority.
8. The Committee will determine pursuant to the grievance procedure any appeal arising from any grievance procedure relating to the Deputy Chief Fire Officer/Deputy Chief Executive, the Treasurer or Monitoring Officer.
9. All Members will undertake mandatory training regarding the recruitment and selection process.

#### **Constitution**

10. The Committee will comprise [7] Members, to include (subject to the rules on political balance) the Authority Chairman, [the Policy and Resources Committee Chairman and the Audit and Standards Committee Chairman].
11. In accordance with the requirements of the Local Government and Housing Act 1989, political balance will apply.
12. The quorum of the Committee will be [3] Members.

13. Substitution arrangements will not apply

### **Rules and Procedures**

14. The Chairman and Vice-Chairman will be elected by the Authority
15. The Committee will meet as and when required.
16. The Committee Chairman will report proceedings of the Committee to the Authority.
17. The minutes and reports of the Committee will be available for public inspection, except those documents classified as exempt.
18. The Committee will be advised by the Chief Fire Officer, Head of Human Resources, Treasurer, Monitoring Officer and other officers and advisors as necessary.
19. Meetings will normally be held in public, with the right of attendance for all members, public and press, except during consideration of exempt business. An agenda, together with reports, will be made available at least five clear working days before each formal meeting

## **TASK AND FINISH GROUPS**

### **Terms of Reference, Constitution, Rules and Procedures**

#### **Role**

1. The Policy and Resources Committee and the Audit and Standards Committee may establish time limited Task and Finish Groups to conduct investigations or reviews on matters within the remit of that Committee.
2. The relevant Committee will set the terms of reference for each Task and Finish Group according to the purpose for which it is established.
3. To ensure proper co-ordination and use of resources the establishment of Task and Finish Groups will be subject to the approval of the Chairman and Vice Chairman of the Authority.
4. No more than two Task and Finish Groups will take place at any one time.

#### **Constitution**

5. The size of each Task and Finish Group will vary between 3 and 7 Members according to the purpose for which it is established.
6. Political balance will not apply.
7. The Task and Finish Group Chairman shall be appointed from the membership of the Committee that has established the Group.
8. Task and Finish Group membership shall be agreed by the Head of Legal Services, in consultation with the Committee Chairman, Vice-Chairman and the Task and Finish Group Chairman.
9. Any Task and Finish Group may co-opt non-councillors in a non-voting capacity, as directed by the Committee.
10. Substitution arrangements will not apply.

#### **Rules and Procedures**

11. Final reports with findings and proposals will be submitted to either the Policy and Resources Committee or the Audit and Standards Committee by the Task and Finish Group Chairman.

#### **Access to and Attendance at Meetings**

12. Task and Finish Groups are informal working parties, not formal Committees, therefore the provisions of s. 100A of the Local Government Act 1972 with regard to publication of agenda and access to meetings do not apply.

13. Notwithstanding the above, Task and Finish Groups will conduct their business in such ways that are effective, efficient and appropriate to the task that is being carried out and will, wherever possible, conduct their business in an open and transparent manner and engage the public as fully as may be appropriate.
14. Task and Finish Groups may require the attendance of the Authority Chairman, Group Leaders and senior officers to assist with any reviews, investigations, or the development of any policy proposals.
15. Other Members of the Authority may attend and speak at meetings at the invitation of the Chairman.
16. Members of the public, representatives of outside organisations and other stakeholders may be specifically invited to attend meetings for the purpose of providing information and/or for consultation purposes.
17. Papers for meetings will be compiled as necessary according to the task that is being undertaken.

## **Part 4 – Rules and Procedures**

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## **Standing Orders for the Conduct of Business**

### **Contents**

1	Introduction
2	Interpretation of Standing Orders
3	Amendments
4	Suspension of Standing Orders
5	Place, Time and Venues of Meetings
6	Calling of Meetings
7	Admission of the Public and Press
8	Public Participation at Meetings
9	Identification of Reports Containing “Confidential” or “Exempt” Information
10	Record of Attendance
11	Quorum
12	Election of Chairman and Vice-Chairman
13	Chairmanship of Meetings
14	Order of Business
15	Minutes
16	Voting
17	Adjournment of Meetings
18	Notices of Motion
19	Motions and Amendments (which may be moved without notice)
20	Questions from Members of the Authority
21	Rules of Debate
22	Improper Conduct
23	Disturbance by Members of the Public
24	Motion to Rescind
25	Interests of Members
26	Appointment of Committees
27	Membership of Committees
28	Appointment of Chairmen of Committees
29	Quorum at Committees
30	Right to Attend Meetings
31	Right to Include Items on Committee Agenda



- 32        Substitute Members at Committees
- 33        Resignations from Committees/Other Bodies
- 34        Standing Orders to Apply to Committees

**Key**

✓ = Standing Orders of Statutory origin which cannot be suspended.

\* = Standing Orders which with appropriate modification shall apply to Committees

## **PART I - GENERAL**

### **1. Introduction**

The purpose of these Standing Orders is to set out the procedures which the Authority will use in its decision-making.

### **2. \* Interpretation of Standing Orders**

2.1. The ruling of the Chairman (or the Chairman of any Committee or Sub-Committee insofar as applicable) as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority, Committee or Sub-Committee shall not be challenged.

2.2. In these Standing Orders unless the context requires otherwise:

- (a) any reference to an Officer of the Authority shall include the Officer having the duties and responsibilities of that post from time to time
- (b) reference to any statutory provision or regulation shall include any statutory provision or regulation replacing the same
- (c) references to “clear days” in relation to notices and meetings excludes:
  - the day on which the notice is given or the thing is done;
  - the day of the meeting; and
  - any day which is a Saturday, Sunday or is to be observed as a Bank Holiday in England and Wales.

2.3. Unless the Authority has resolved otherwise, any action or thing required or authorised by these Standing Orders to be done by any Officer shall be proper if done by any other Officer of the Authority to whom he may have delegated that matter

### **3. Amendments**

3.1. These Standing Orders shall not be amended except by the Authority upon the report of an appropriate Committee or Officer

#### 4. \*Suspension of Standing Orders

4.1. Subject to Article 9 of the Constitution, any Standing Orders other than those mentioned in [Standing Order 4.2](#) may be suspended by Authority so far as they relate to any business at the meeting where the suspension is moved and PROVIDED that:

- (a) the motion must be approved by at least half of the members present at the meeting and voting; and
- (b) a motion to suspend Standing Orders shall not be moved without notice having first been given in accordance with [Standing Order 11](#) unless at least one half of all members of the Authority are present at the meeting

4.2. None of the Standing Orders mentioned in the following table shall be suspended

Standing Order 2	Interpretation of Standing Orders
Standing Order 3	Amendments
Standing Order 4	Suspension of Standing Orders
Standing Order 6	Calling of Meetings
Standing Order 7	Admission of the Public and Press
Standing Order 9.1	Identification of Reports containing "Confidential" or "Exempt" information
Standing Order 10	Record of Attendance
Standing Order 11	Quorum
Standing Order 12	Election of Chairman and Vice-Chairman
Standing Order 13	Chairmanship of Meetings
Standing Order 14.2	Order of Business
Standing Order 15.1 and 15.2	Minutes
Standing Order 16.	Voting
Standing Order 22	Improper Conduct
Standing Order 23	General Disturbance by Members of the Public
Standing Order 25	Interests of Members

## **PART II – AUTHORITY MEETINGS**

### **5. Place, Time and Venues of Meetings**

- 5.1. The Authority shall hold an Annual Meeting in June each year.
- 5.2. The Authority may in every year in addition to the Annual Meeting hold such other ordinary meetings as it determines necessary.
- 5.3. One meeting of the full Authority will be held in Hereford and the other meetings will normally be held in Worcester or at any place deemed suitable by the Chairman.

### **6. ✓ Calling of Meetings**

- 6.1. An extraordinary meeting of the Authority may be called at any time by either:
  - (a) the Chairman of the Authority or, if the office of Chairman is vacant, or the Chairman is not available, the Vice-Chairman of the Authority
  - (b) any five Members of the Authority where the Chairman (or the Vice-Chairman if the Chairman is absent or that office is vacant) either:
    - (i) refuses to call a meeting of the Authority after a requisition for that purpose specifying the nature of the important or urgent business, having been signed by five members of the Authority, has been presented to him; or
    - (ii) fails to do so within 7 days of such a requisition being presented to him
  - (c) the Clerk in the event of an emergency or special circumstances
- 6.2. \* A special meeting of any committee shall be summoned:
  - (a) at the request of the Chairman of that committee;
  - (b) at the request of the Chairman of the Authority;
  - (c) upon receipt by the Clerk of a written request signed by not less than a quarter (minimum four) of the members of the committee; or
  - (d) by the Clerk at any time in the event of an emergency or special circumstances.
- 6.3. \* At least five clear days before the day of a meeting of the Authority:
  - (a) notice of the time and place of the intended meeting shall be published at the Authority's offices and on its website and at such other locations as the Authority may from time to time determine and where the meeting is called by Members of the Authority the notice shall be signed by those Members and shall specify the business to be transacted.

- (b) a summons to attend the meeting, specifying the business proposed to be transacted shall be left at or sent by post to the usual place of residence of every Authority Member.
- 6.4. \* Inadvertent want of service of the summons on any Member shall not affect the validity of a meeting.
- 6.5. No business shall be transacted at a meeting called by Members other than that specified in the notice published under [Standing Order 6.3 \(a\)](#) above.
- 6.6. \* If a Member gives notice in writing to the Clerk to the Authority that they desire summonses to attend meetings of the Authority to be sent to them electronically or at some address other than their usual place of residence, any summons so sent, addressed to them and left at or sent by post to that address shall be deemed (as the case may be) sufficient service of the summons.
- 6.7. \* Attendance of officers at meetings is at the discretion of the Authority subject to any rights of the Head of Paid Service, Monitoring Officer and the Treasurer as the Chief Finance Officer under S114 of the Local Government Finance Act 1988 to attend.
- 6.8. \* An item of business may not be considered at a meeting of the Authority unless either:
  - (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public for at least five clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
  - (b) by reason of special circumstances, which shall be specified in the Minutes, the person chairing the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

## **7. \*✓ Admission of the Public and Press**

- 7.1. The rights of the public and press to copies of agendas, reports, minutes and background papers of the Authority are set out in the Access to Information Procedure Rules. Such documents shall be made available to the press at the same time as they are available to the public
- 7.2. The public shall be admitted to all the meetings of the Authority and its committees except when the item under discussion is likely to involve the disclosure of either confidential or exempt information (as defined in the Access to Information Procedure Rules) and a motion has been approved to exclude the public and press from that part of the meeting on those grounds
- 7.3. The Chairman may give the Clerk to the Authority directions as to arrangements for the admission of the public.
- 7.4. With the knowledge of the Authority, tape or video recorders, transmitters, microphones, cameras or similar equipment shall be permitted at meetings of the Authority unless the Chairman decides otherwise.

## **8. Public Participation at Meetings**

- 8.1. A maximum of 30 minutes is set aside at the start of each ordinary meeting of the Authority for public participation when members of the public can ask questions, make a statement or present a petition. The time set aside for public participation may, in the light of circumstances prevailing at a particular meeting, be made shorter or longer at the Chairman's absolute discretion.
- 8.2. For the purposes of participating at meetings under these Standing Orders, a member of the public does not include any employee of the Authority or their representatives.
- 8.3. Any topic relevant to the duties and powers of the Fire Authority can be raised. A maximum of three minutes per person is allowed to address the Authority. Each individual questioner is allowed to ask one question and may ask one supplementary question if it is within the three minutes available. If there are several people wishing to speak on the same topic, the Chairman may ask one person to speak on behalf of the others.
- 8.4. When the question or statement has been put, or at the end of the three minutes, whichever is first, and at the absolute discretion of the Chairman, he/she:
  - will respond, or invite another Member to respond;
  - may invite an appropriate officer to respond;
  - will advise if the subject raised needs research or verification of facts and/or detail and will give an assurance that a written response will be sent within 10 working days of the meeting.
- 8.5. Any member of the public wishing to participate under Public Participation must notify the Head of Legal Services in writing or by e-mail no later than 2 clear working days before the meeting at which he/she wishes to participate. The notice must include his/her name and address and indicate the nature and content of his/her participation (including an outline of the main points to be made or asked). In exceptional circumstances, the Chairman may permit an oral question to be asked at the meeting without notice.
- 8.6. The Head of Legal Services may reject a request for public participation if it:
  - i) is not about a matter for which the Authority has responsibility or which affects the Authority;
  - ii) is defamatory, frivolous or offensive;
  - iii) is substantially the same as a question which has been put to a meeting of the Authority in the past six months; or
  - iv) requires or involves the disclosure of confidential or exempt information.
- 8.7. Any question asked and the reply shall be recorded in the minutes of the Authority.

## **9.\* Identification of Reports Containing "Confidential" or "Exempt" Information**

9.1. ✓ Reports where, in the opinion of the Clerk, the relevant part of the meeting will not be open to the public, shall be marked as appropriate:

- "Confidential - Not for Publication", as required by Section 100(A) (2) of the Local Government Act 1972; or
- "Not for Publication" and shall state the description, contained in Schedule 12A to the Local Government Act 1972, of the exempt information to which the report relates.

9.2. All items where it is likely that the public will be excluded from the meeting should normally be grouped at the end of the agenda for the meeting, unless in the opinion of the Chairman this would prejudice the proper conduct of the business, and the agenda shall indicate that the public are likely to be excluded from the meeting during the discussion of these items.

## **10. ✓\* Record of Attendance**

10.1. An attendance sheet shall be provided at every meeting of the Authority and its committees on which every Member present shall sign their name legibly, formally registering their attendance.

## **11. ✓ Quorum**

11.1. At a meeting of the Authority, subject to the provisions of paragraph 45 of Schedule 12 to the Local Government Act 1972, the quorum shall be one third of the total number of Members of the Authority or such greater number of Members as the Authority may determine, including at least one representative from each constituent Authority.

11.2. No business should be transacted without a quorum as defined in [Standing Order 11.1](#). If during a meeting the Chairman declares that there is not a quorum present the meeting shall stand adjourned to a date fixed by the Chairman at the time the meeting is adjourned. If the Chairman does not fix a date, the business remaining to be conducted shall be considered at the next ordinary meeting.

## **12. ✓ Election of Chairman and Vice-Chairman**

12.1. The Authority shall elect a Chairman and may elect a Vice-Chairman from among its Members.

12.2. The Chairman and Vice-Chairman (if any) shall be elected annually and (unless they cease to be members of the Authority) shall remain in office until their successor is elected.

- 12.3. Nothing in this Standing Order shall prevent a person who holds or has held office as Chairman or Vice-Chairman, as the case may be, from being elected or re-elected to either of those offices.
- 12.4. In the event of a vacancy occurring in the office of Chairman or Vice-Chairman, the Authority shall at its next meeting elect from its Members a person to replace the Chairman or Vice Chairman as the case may be.
- 12.5. \* Where there are more than two persons nominated for any position to be filled (including any Chairmanship or Vice-Chairmanship) and there is not a clear majority of all votes cast in favour of one person, 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 one person receives a majority of all the votes cast. The voting may take place by ballot, if the Authority so determine. In the case of an equality of votes for two or more candidates the Chairman shall have a second or casting vote.

### **13.\* Chairmanship of Meetings**

- 13.1. ✓ Subject to [Standing Order 13.3](#), the Chairman if present shall preside or if the Chairman is absent, the Vice-Chairman if present shall preside.
- 13.2. ✓ If the Chairman and Vice-Chairman are absent a temporary Chairman shall be chosen for that meeting from the voting membership then present.
- 13.3. If the Chairman is so personally involved in the business under consideration, whether or not it requires the declaration of a disclosable interest under the Members' Code of Conduct (but without the need to leave the meeting), that the effectiveness of his role as Chairman may be impaired, he may at his discretion leave the Chair but remain and participate in the meeting as an ordinary member whereupon the Vice-Chairman shall preside, or in his absence another member chosen by the members present

### **14. Order of Business**

- 14.1. Except as otherwise provided by [Standing Order 14.2](#), the order of business at every meeting of the Authority shall be to:
- (a) choose a person to preside if the Chairman and Vice-Chairman are absent;
  - (b) receive any apologies for absence;
  - (c) invite and receive any declarations of interests by Members;
  - (d) deal with any business required by statute to be done before any other business;
  - (e) approve as a correct record and sign the minutes of the last meeting of the Authority;
  - (f) make Chairman's announcements;
  - (g) public participation and formal receipt of petitions;
  - (h) dispose of business (if any) remaining from the last meeting:



- (i) deal with any business expressly required by statute to be done;
- (j) receive and consider any recommendations from committees;
- (k) consider motions in the order in which notices have been received;
- (l) consider any other items of business, if any, specified in the summons;
- (m) receive and consider reports of proceedings of Committees.

14.2. ✓ Business falling under items (a), (b), (c), (d) or (e) of [Standing Order 14.1](#) above shall not be displaced but otherwise the foregoing order of business may be varied:

- (a) by the Chairman at his/her discretion; or
- (b) by a resolution passed on a motion, (which need not be in writing) duly moved and seconded by any Member, which shall be put to the vote without discussion.

## **15.\* Minutes**

15.1. ✓ Minutes of the meeting of the Authority shall be signed at the same or next suitable meeting of the Authority by the person presiding, except that such minutes do not have to be signed at extraordinary meeting of the Authority but may instead be signed at the next ordinary meeting of the Authority.

15.2. ✓ The Chairman shall put the question that the minutes of the meeting of the Authority held on the ..... day of ..... be signed as a correct record.

15.3. No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

## **16.\* Voting**

16.1. ✓ The Chairman shall ascertain the number voting for or against any question and his/her declaration as to the result shall be conclusive.

16.2. ✓ In the event of an equality of votes the Chairman of the meeting shall have a second or casting vote.

### **Recorded (Named) Vote**

16.3. The Authority shall normally vote upon matters by a show of hands but where any Member proposes that a recorded vote be taken on any motion, if at least four of the Members present and entitled to vote shall be in favour then the names of the Members present and their votes shall be taken by the Clerk to the Authority and recorded in the minutes.

### **Secret Ballot**

16.4. A secret ballot may be held on any motion if a majority of Members present and entitled to vote shall be in favour.

### **Recording of voting**

- 16.5. ✓ Where immediately after a vote (other than a recorded vote or a secret ballot) is taken any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that member cast his vote for or against the question or whether he abstained from voting.

## **17.\* Adjournment of Meetings**

- 17.1. Notwithstanding anything contained in these Standing Orders, the Chairman shall have discretion to order an adjournment at any meeting.

## **18. Notices of Motion**

- 18.1. Except as provided by [Standing Order 19](#), no motion shall be moved at any meeting of the Authority unless notice thereof shall have been given:
- in writing;
  - signed by the member or members of the Authority giving the notice (an email by the member or members giving notice would be regarded as sufficient for this purpose); and
  - delivered (or emailed) to the office of the Clerk to the Authority at least seven clear working days before the next meeting of the Authority, not counting the day of the meeting or despatch of the agenda.
- 18.2. The Clerk to the Authority shall date motions received, number them in the order in which they are received, and enter them into a book which shall be open to the inspection of every Member.
- 18.3. Every entry in the book which relates to a notice of motion not subsequently accepted, in accordance with [Standing Order 16.6](#) shall be endorsed accordingly by the Clerk to the Authority.
- 18.4. No Member of the Authority shall give notice or more than one motion for any one Authority meeting, unless it be countersigned by the Chairman (or Vice-Chairman) of the Authority at his sole discretion.
- 18.5. Every motion shall be relevant to some matter in relation which the Authority has powers and duties.

### **Notices of Motion Not Accepted**

- 18.6. The Chairman of the Authority shall have discretion not to accept any notice of motion where:
- (a) in the opinion of the Clerk to the Authority the notice of motion is out of order, illegal, irregular or improper; or
  - (b) the Chairman, after consultation with the Clerk to the Authority, determines that the matter can be more appropriately dealt with at some other point in the meeting

- 18.7. The Clerk to the Authority shall notify the Member as to the reasons for non-acceptance of any notice of motion and (if it be the case) of the agenda item on which the matter may be raised during debate.

**Motions to be set out in Summons**

- 18.8. The Clerk shall set out in the summons for every ordinary 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 he/she proposed to move it at some later meeting or has since withdrawn it in writing.
- 18.9. If a motion thus set out in the summons is not moved either by:
- a Member who gave notice thereof; or
  - some other Member at the member's request and on his behalf, with the concurrence of the Chairman of the Authority
- it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.
- 18.10. Every motion of which notice has been duly given shall, upon being duly moved and seconded:
- (a) stand referred without discussion to the relevant Committee or sub-committee (if any) as determined by the Chairman of the Authority having regard to the subject matter of the motion and the recommendations of the said committee shall be reported to Authority for determination; or
  - (b) if the Chairman considers it convenient and conducive to the despatch of business, he/she may allow any motion to be dealt with immediately by the Authority.
- 18.11. A member of the Authority who has proposed a motion which has been referred to any committee shall be entitled to attend that Committee and to speak to the item.

**19. Motions and Amendments (which may be moved without notice)**

- 19.1. The following motions and amendments may be moved without notice:
- (a) Appointment of a Chairman of the meeting at which the motions is made.
  - (b) Motions relating to the accuracy of the minutes.
  - (c) That an item of business specified in the summons is dealt with earlier in the meeting given.
  - (d) That any item of business be referred to a committee.
  - (e) That a committee be appointed in connection with any item mentioned in the summons to the meeting.

- (f) Adoption of reports and recommendations of any committee or officer and any consequent resolutions.
- (g) That leave be given to withdraw a motion.
- (h) Extending the time limit for speeches.
- (i) Amendments to motions.
- (j) That the Authority proceeds to the next business.
- (k) That the question now be put.
- (l) That the debate be now adjourned.
- (m) That the Authority do now adjourn.
- (n) Suspending any Standing Orders, subject to the provisions of [Standing Order 4](#).
- (o) Motions to exclude the public, under Section 100A(4) Local Government Act 1972.
- (p) That a member named under [Standing Order 22](#) be not further heard or leave the meeting.
- (q) Giving consent of the Authority where the consent of the Authority is required by these Standing Orders.
- (r) That a recorded vote or secret ballot be taken in accordance with [Standing Order 16.3 or 16.4](#)

## **20. Questions from Members of the Authority**

- 20.1. A Member of the Authority may ask the Chairman of the Authority or the Chairman of a committee any question upon an item of the report of the committee when that item is under consideration by the Authority.
- 20.2. Every question shall be put and answered without discussion.
- 20.3. An answer may take the form of:
  - (a) A direct oral answer; or
  - (b) a reference to that publication where the desired information is contained in a publication of the Authority; or
  - (c) A written answer circulated to Members of the Authority with the minutes of the meeting at which the question has been asked where the reply to the question cannot conveniently be given orally.
- 20.4. Arising from the answers given to questions under [Standing Order 20.1](#), the questioner shall have the right to address a supplementary question.

## **21.\* Rules of Debate**

- 21.1. 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.

### **Seconders' speech**

- 21.2. A Member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.

### **Only one member to speak at a time**

- 21.3. A Member when speaking shall address the Chairman. If two or more Members indicate a wish to speak, the Chairman shall call on one to speak; the other or others shall then be silent. While a Member is speaking the other Members shall remain silent, unless indicating a point of order in personal explanation.

### **Content and length of speeches**

- 21.4. A Member shall direct their speech to the question under discussion or to a personal explanation or to a point of order. Unless the Chairman decides otherwise in a particular case, each speech shall be limited to five minutes. A person exercising a right of reply shall be limited in their reply to five minutes.

### **When a Member may speak again**

- 21.5. A Member who has spoken on any matter shall not speak again whilst that matter is the subject of debate, except:
- (a) in exercise of a right of reply given by [Standing Order 21.9 or 21.10](#);
  - (b) on a point of order; or
  - (c) by leave of the Chairman, by way of personal explanation.

### **Amendments to motions**

- 21.6. 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 re-consideration;
  - (b) to leave out words;
  - (c) to leave out words and insert or add others; or
  - (d) to insert or add words;
- but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.
- 21.7. If an amendment be lost, other amendments to the original motion may be moved. If an amendment be carried, the motion as amended shall take the place of the original motion and shall (without any formal vote to this effect) become the substantive motion upon which any further amendment may be moved.

### **Withdrawal of Motion**

- 21.8. The mover may, with the consent of the seconder and with the consent of the meeting, withdraw a motion or amendment and no person may thereafter speak upon it

### **Rights of Reply**

- 21.9. The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.
- 21.10. If an amendment is moved:
- (a) the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment.
  - (b) the mover of the amendment shall have a right of reply to the debate on his or her amendment, before the mover of the original motion
- 21.11. A reply shall be strictly confined to answering previous speakers and shall not introduce new matters.

### **Motions which may be moved during debate**

- 21.12. When a motion is under debate no other motion shall be moved except the following:
- (a) to amend or alter the motion;
  - (b) to adjourn the meeting;
  - (c) to adjourn the debate;
  - (d) that the question be now put;
  - (e) that a Member be not further heard;
  - (f) by the Chairman under [Standing Order 22.2](#) that a Member do leave the meeting;
  - (g) a motion under Section 100A of the Local Government Act 1972 to exclude the public and press.

### **Closure Motions**

- 21.13. A Member may move without comment at the conclusion of a speech of another Member:
- “That the Authority proceed to the next business”;
  - “That the question be now put”;
  - “That the debate be now adjourned”; or
  - “That the Authority do now adjourn”

and on the seconding of which the Chairman shall proceed as follows:

- (a) **on a motion to proceed to next business:** unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;

- (b) **on a motion that the question be now put:** unless in their opinion the matter before the meeting has been insufficiently discussed, they 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 their right of reply under [Standing Order 21.9](#) before putting their motion to the vote;
- (c) **on a motion to adjourn the debate or the meeting;** if in their opinion the matter before the meeting has not been sufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion;
- (d) provided that if any of the motions contained in this [Standing Order 21.13](#) be put and negated, the same motion shall not be moved in respect of the same business, question, debate or meeting (as the case may be) within a period of fifteen minutes without leave of the Chairman.

### **Points of Order**

- 21.14. A Member may raise a point of order and be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify (including by number if so required by the Chairman) the Standing Order or statutory provision and the way in which they consider it has been broken. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

### **Personal Explanations**

- 21.15. A Member may raise a personal explanation and with the approval of the Chairman shall be entitled to be heard forthwith. A personal explanation shall be confined to some material part of a former speech by them that may appear to have been misunderstood in the present debate.

## **22.\* Improper Conduct**

- 22.1. If at a meeting any Member, in the opinion of the Chairman and notified to the Authority, misconducts themselves by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Authority, the Chairman or any other Member may move "that the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

### **Continuing misconduct by a named Member**

- 22.2. If the Member named continues their misconduct after a motion under [Standing Order 22.1](#) 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 a period as the Chairman considers expedient.

**General disturbance**

- 22.3. In the event of a general disturbance, which, in the opinion of the Chairman, renders the proper conduct of business impossible, the Chairman in addition to any other power vested in them may adjourn the meeting for such a period as they consider expedient.

**23.\* Disturbance by Members of the Public**

- 23.1. If a member of the public interrupts the proceedings at any meeting the Chairman shall warn them. If they continue the interruption the Chairman may order their removal from the meeting room. In the case of general disturbance in any part of the meeting room open to the public the Chairman may order that part to be cleared.
- 23.2. In the event of persistent disruption by members of the public, the Chairman may order that the public be excluded, and may for that purpose adjourn the meeting for such period as they may consider necessary.

**24. Motion to Rescind**

- 24.1. Subject to [Standing Order 24.3](#) below,
- (a) no motion to rescind (or which would have the effect, however worded, of negating) any resolution passed within the preceding six months; and
  - (b) no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless notice thereof has been given in pursuance of [Standing Order 18](#) (notices of motion) signed by at least one third of the Members of the Authority.
- 24.2. When any such motion or amendment referred to in [Standing Order 24.1](#) above has been dealt with by the Authority it shall not be open to any Member to propose a similar motion within a further period of six months.
- 24.3. This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee or an Officer of the Authority.

**25.\* Interests of Members**

- 25.1. If any Member has a disclosable interest, (as defined in the Members' Code of Conduct or legislation) in any matter under consideration, the Member shall as required by the Code or legislation disclose to the meeting the existence and nature of that interest at the commencement of the meeting or failing that at the commencement of the consideration of the matter or when the interest becomes apparent to the Member.
- 25.2. If that interest requires the Member to leave the meeting in accordance with the Members' Code of Conduct or legislation, the Member shall withdraw from the room where the meeting is taking place whenever it becomes apparent that the



matter is being considered at that meeting and for the duration of the consideration, unless:

- (a) the Member has obtained a dispensation from the Audit & Standards Committee; or
- (b) attendance and participation is otherwise permitted in accordance with the Members' Code of Conduct.

- 25.3. Any disclosure, withdrawal or dispensation under this Standing Order shall be recorded in the minutes of the meeting concerned.

### **PART III – COMMITTEES**

#### **26. Appointment of Committees**

- 26.1. The Authority shall at its annual meeting appoint the Committees mentioned in Part 3 of the Authority's Constitution and may at any time appoint such other Committees as it considers necessary.

#### **27. Membership of Committees**

- 27.1. The size and composition of each committee shall be determined by the Authority.
- 27.2. Where the membership of any committee is required to be politically balanced in accordance with the provisions of Local Government (Committees and Political Groups) Regulations 1990:
- (a) notification of all political groups and of the nominations for membership of each committee shall be given to the Clerk to the Authority:
    - (i) not later than Five working days prior to the annual meeting of the authority; and
    - (ii) at any other time as soon as practicable after any changes;
  - (b) appointments to the Committee shall be made by the Authority and (in so far as any seats are allocated to political groups) in accordance with the wishes of the Group Leaders; and
  - (c) the Clerk to the Authority shall make such alterations to the membership of any committee as may be necessary to give effect to the wishes of the Group Leaders from time to time
- 27.3. Subject to [Standing Orders 27.2\(c\) and 33](#), each member of a committee shall hold office until the next annual meeting of the Authority held following the date of their appointment;

## **28. Appointment of Chairmen of Committees**

- 28.1. The Authority will normally appoint the Chairmen and Vice-Chairmen of Committees at its annual meeting.
- 28.2. The Chairman and Vice-Chairman shall be appointed from among the Members of the Authority serving on the particular Committee.
- 28.3. In the event of a vacancy occurring in the office of Chairman or Vice-Chairman, the Committee shall at its next meeting elect from its Members a person to replace the Chairman and may so elect a person to replace the Vice-Chairman, as the case may be.

## **29. Quorum at Committees**

- 29.1. Except where authorised by statute, or required by the Authority business shall not be transacted at a meeting of any Committee unless at least one third of the whole number of the Committee is present.
- 29.2. In no case shall the quorum of a Committee or working group be fewer than three Members.

## **30. Right to Attend Meetings**

- 30.1. Any Member of the Authority may attend a meeting of any Committee, of which they are not Members, except where the business concerns a quasi judicial matter or information of a personal nature supplied in confidence or relates to legal proceedings by or against the Authority, and may receive any relevant papers on request.
- 30.2. [Standing Order 30.1](#) does not confer any right to speak (unless the Member is invited to do so by the Chairman concerned) nor to vote.

## **31. Right to Include Items on Committee Agenda**

- 31.1. Any Member of the Authority may ask for an item of business to be included on the agenda for any committee provided the matter falls within the terms of reference of that committee and:
  - (a) the item shall be discussed at the next ordinary meeting of the relevant committee
  - (b) the Member, if not already a member of that Committee, shall be entitled to speak to the item but not vote and the Committee shall have regard to the Member's representations in determining what action (if any) to take.
  - (c) the Member shall be informed of the Committee's decision.

## **32. Substitute Members at Committees**

- 32.1. Where any Member of a Committee is unable to attend a meeting thereof, he/she may nominate any other member of the Authority to attend as a substitute Member at that meeting PROVIDED that:
- (a) the substitute Member is a Member of the same political group (or no group, as the case may be) as the Member unable to attend the meeting; and
  - (b) notice of substitution is given prior to the start of the meeting to the Clerk or his/her representative attending the meeting.
- 32.2. The agenda for each Committee shall contain as its second item 'Named Substitutes' and the Clerk or his/her representative shall then report the notifications given.
- 32.3. If a Member who is appointed to act as a substitute joins the meeting after consideration of the second (above) item, he or she shall advise the Clerk upon arrival and the Chairman will interrupt proceedings, if necessary, in order that notice of substitution can be given to the meeting.
- 32.4. A substitute Member may attend, speak and vote as a Member of the Committee for which he/she is a substitute Member.
- 32.5. A Member of a Committee, who attends the meeting after his/her substitute has been declared, may only observe proceedings and may not vote on any matter.
- 32.6. An adjournment of a meeting to a different day shall be considered a different meeting for the purpose of this Standing Order in cases where the appointed Member is able then to attend.

## **33. Resignations from Committees/Other Bodies**

- 33.1. Resignations from Committees shall be notified to the Clerk.
- 33.2. Where a member resigns from a Committee but was a member of a political group to which that seat remains allocated, the Clerk shall appoint a replacement member of the Committee in accordance with the wishes of the relevant Group Leader.

### 34. Standing Orders to Apply to Committees

In addition to [Standing Orders 26 to 33](#) above the Standing Orders set out below shall, with any appropriate modification, apply to Committees:

Standing Order 2	Interpretation of Standing Orders
Standing Order 4	Suspension of Standing Orders
Standing Order 6	Calling of Meetings
Standing Order 7	Admission of the Public and Press
Standing Order 9	Identification of Reports containing “Confidential” or “Exempt” information
Standing Order 10	Record of Attendance
Standing Order 12.5	Election of Chairman and Vice-Chairman
Standing Order 13	Chairmanship of Meetings
Standing Order 15	Minutes
Standing Order 16	Voting
Standing Order 17	Adjournment of Meetings
Standing Order 21	Rules of Debate
Standing Order 22	Improper Conduct
Standing Order 23	Disturbance by members of the Public
Standing Order 25	Interests of Members

# Access to Information Procedure Rules

## 1. SCOPE

These rules apply to all meetings of the Authority, and all Committees (together called 'relevant meetings'). They do not apply to meetings of panels or working parties.

## 2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

## 3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all relevant meetings subject only to the exceptions in these rules.

## 4. NOTICES OF MEETING

The Authority will give at least three clear days' notice of any relevant meeting by posting details of the relevant meeting at Fire Service Headquarters, 2 Kings Court, Charles Hastings Way, Worcester WR5 1JR and on the Authority's website at [www.hwfire.org.uk](http://www.hwfire.org.uk).

## 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Authority will make copies of the agenda and reports open to the public available for inspection at the designated office at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Members) will be open to inspection from the time the item was added to the agenda.

## 6. SUPPLY OF COPIES

The Authority will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the proper officer thinks fit, copies of any other documents supplied in connection with an item

to any person on payment of a charge for postage and any other costs.

## **7. ACCESS TO MINUTES ETC AFTER THE MEETING**

The Authority will make available copies of the following for six years after a relevant meeting:

- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10)

### **8.2 Public inspection of background papers**

The Authority will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and available to the public at the Authority's main offices

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **10.1 Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### **10.2 Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### 10.3 Meaning of confidential information

Confidential information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### 10.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition) if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

CATEGORY	CONDITION
1. Information relating to any individual	Information is not exempt information unless it relates to and is recognisable as referring to a particular individual
2. Information which is likely to reveal the identity of an individual	Information is not exempt information unless it relates to and is recognisable as referring to a particular individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Information is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter "Labour relations matters" are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	

CATEGORY	CONDITION
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Information is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

## 11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Authority may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.



# **Officer Employment Procedure Rules**

## **1. Recruitment and appointment**

### **(a) Declarations**

- (i) The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer of the Authority; or of the partner of such persons.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the Chief Fire Officer or an officer nominated by him/her.

### **(b) Seeking support for appointment.**

- (i) The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.
- (ii) No Member will seek support for any person for any appointment with the Authority.

## **2. Appointments to be advertised**

Where the Authority proposes to employ any officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Authority will:

- (a) draw up a statement specifying:
  - (i) the duties of the officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

## **3. Appointment of certain officers**

The full Authority shall approve the appointment of the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Treasurer and Monitoring Officer following the recommendation of such an appointment by a committee, before an offer of appointment is made to him/her.

#### **4. Other appointments**

##### **(a) Officers**

Appointment of officers other than those mentioned in paragraph 3 above (other than assistants to political groups) is the responsibility of the Head of the Paid Service or his/her nominee, and may not be made by Members of the Authority.

##### **(b) Assistants to political groups.**

Appointment of an assistant (if any) to a political group shall be made in accordance with the wishes of that political group.

#### **5. Disciplinary action**

Members of the Authority will not be involved in the disciplinary action against any officer other than the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Treasurer and Monitoring Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Authority's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

#### **7. Dismissal**

- (a) Members of the Authority will not be involved in the dismissal of any officer other than the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Treasurer and Monitoring Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Authority's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.
- (b) No notice of dismissal shall be given to the Head of the Paid Service unless the dismissal is first approved by a meeting of full Authority.

## **Part 5 – Codes and Protocols**

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## Members' Gifts and Hospitality Local Protocol

This document is intended as a guide to assist Members in determining the correct course of action with regard to acceptance and declaration of gifts and hospitality offered to you in your capacity as a Member of the Fire Authority (or which might impact upon that role).

The guide sets out a recommended approach in dealing with gifts etc., depending on their nature and value. A decision in respect of the gifts and hospitality rests with you, although guidance can be obtained from the officers set out below.

Acceptance of gifts or hospitality could bring you or the Authority into disrepute if it creates the impression that someone may be seeking, or have already received, special treatment or is seeking to influence decisions. In deciding whether to accept any gifts or hospitality, regardless of the value, you should consider whether a member of the public, knowing the facts, would reasonably think that you might have been influenced by the gift or hospitality received.

The Authority has decided that any gifts or hospitality worth more than **£5** should be recorded.

### Gifts

There is no need to declare a gift worth less than **£5**.

Where you accept any gift in your capacity as a Member of the Fire Authority (or which is likely to impact upon your role worth more than **£5** you must record the details in the Register of Gifts and Hospitality. The Register is kept in the Committee and Members' Services Section at Service headquarters.

The more valuable a gift, the greater the degree of caution required. As a general guide, you should think carefully before accepting any gift which you know or believe to be worth more than **£25**. If you accept such a gift, you must inform the Monitoring Officer as well as recording the details in the Register of Gifts and Hospitality.

You should also record in the register any gifts that you have declined.

### Hospitality

In general attendance in an official capacity at a function organised by a public authority or local non-profit-making organisation or is acceptable. Offers of hospitality from individuals or profit making organisations should be treated with care. An offer should be declined if you believe that it could have been made to exert influence, or to improve the standing of an individual or organisation, in relation to current or future dealings with the Authority.

If you accept an offer of hospitality and subsequently discover that the reason behind it was to exert undue influence, then you should, as soon as is practically possible, write to Monitoring Officer, giving details. For your own protection, you should advise the Monitoring Officer of any situation where you are concerned over the underlying intention behind the offer of hospitality, even where such an offer has been refused.

The table overleaf sets out examples of hospitality and the recommended course of action.

<b>Example of Hospitality</b>	<b>Action</b>
Light refreshments prior to site meetings; presentations etc.	No need to record
Lunch/evening meal provided as part of an event by another public authority	No need to record
Reception or meal sponsored by private sector organisation as part of wider public sector/professional conference	No need to record
Lunch provided as part of a private sector sponsored conference or promotional event	Record in Register
Evening meals and overnight accommodation as part of a private sector sponsored conference or promotional event	Caution advised: If possible, decline the offer
Lunch/evening meal provided by a voluntary body at a meeting or AGM	No need to record
Lunch/evening meal provided by a voluntary body, at a meeting for the specific purpose of fund raising/lobbying	Caution is advised; consideration should be given to the underlying motives. If accepted, it should be recorded in the Register.

## **Process for Managing Standards Complaints under the Localism Act 2011**

### **Key:**

<b>C</b>	<b>Complainant</b>
<b>IO</b>	<b>Investigating Officer</b>
<b>IP</b>	<b>Independent Person</b>
<b>MO</b>	<b>Monitoring Officer</b>
<b>SM</b>	<b>Subject Member</b>

**Note:** The Monitoring Officer reserves the right, at any stage in the process, to seek to consult with 'relevant parties' on any aspect of a complaint, or on any proposed course of action in relation to a complaint. For this purpose relevant parties may include amongst others:

- The Leaders of the Political Groups; and
- A representative of the Police or other relevant regulatory body.

### **Stages in the Process**

1. Written complaint received by the MO.
2. The MO will send a written acknowledgement of the complaint to the C and the SM, which will explain the process involved and confirm any relevant timeframes.
3. The MO will review the complaint, in consultation with the IP, to determine whether it can be dealt with (in the first instance at least) via local resolution, or whether a formal investigation is required.

(Note: If any criminal conduct or breach of other regulation is identified the MO may refer the matter to the Police or other regulatory agency. The MO will, at the same time, continue to undertake any separate course of action on behalf of the Authority in relation to the complaint, as deemed appropriate and where necessary in consultation with the IP, with a view to maintaining high standards of Member conduct).

4. Once having reviewed the complaint the MO will notify the C and SM in writing of how he/she intends to proceed with the complaint and the reasons for the decision.

### **Local Resolution**

5. If the MO attempts to deal with the complaint under local resolution he/she will liaise with the relevant parties to seek to agree a way forward.

6. If the SM accepts that his/her conduct was unacceptable and offers an apology, and/or if other remedial action is offered/undertaken by either the SM or the Authority, the MO will notify the C of any reasonable terms offered by either the SM and/or the Authority.
7. If the C accepts the terms offered the MO will write to all parties detailing the outcome and the matter will be closed.
8. If the C does not accept the terms offered the MO will determine, in consultation with the IP, whether the complaint merits a formal investigation.
9. The MO will write to the relevant parties detailing his/her decision and the reasons for the decision and the matter will either be closed or a formal investigation will take place.

### **Formal Investigation**

10. If (at stages 3 or 8) the MO determines that a formal investigation is necessary the MO will appoint an IO.
11. The IO will conduct the investigation and in doing so will liaise with any relevant parties, as appropriate.
12. The IO will produce a draft report detailing his/her findings and will send a copy of the report to the C and SM for comment.
13. Following comments from the C and/or the SM the IO will finalise his/her report and will send a copy of the final report to the MO.
14. The MO will review the IO's report and, depending on the IO's findings and the reasons for those findings, will determine the next course of action.

### **Available Options following Formal Investigation**

15. If the IO finds that there is no evidence of any failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings, the MO will, following consultation with the IP, write to the C and SM enclosing a copy of the final report and confirming that he/she is satisfied that no further action is required. The matter will then be closed.
16. If the IO finds that there is evidence of failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings, the MO will determine, in consultation with the IP and depending on the seriousness of the failure in question, whether to send the matter for a local hearing or to seek to resolve the matter via local resolution.

17. If the MO attempts to conclude the matter via local resolution he/she will liaise with the relevant parties to seek to agree a fair resolution, with a view to ensuring higher standards of conduct by the SM in the future.
18. If a fair resolution is agreed and the SM complies with the suggested resolution. No further action will be taken and the matter will then be closed.
19. If (at stage 17) the C tells the MO that any suggested resolution is not adequate, or if the SM is not prepared to undertake any proposed remedial action, the MO will refer the matter for a local hearing.

### **Local Hearing**

20. The hearing will take place in accordance with the published procedure and a formal written decision of the Hearings Sub-Committee will follow as soon as reasonably practicable after the hearing.

### **Additional Notes**

21. The Authority can, by resolution, amend these arrangements and can delegate to the Chairman of the Hearings Sub-Committee the right to depart from these arrangements where the Chairman considers it is expedient to do so in order to secure effective and fair consideration of a matter.
22. There is no right of appeal for either the C or SM against a decision of either the Monitoring Officer or of the Hearings Sub-Committee.



## **SANCTIONS FOR BREACHES OF THE CODE OF CONDUCT**

It is recommended that the following sanctions be considered for adoption:

- Reporting findings to the Authority for information;
- Censure by the Authority;
- Agreement by the Member to apologise or a recommendation to the Member's Group Leader that he/she facilitates an apology from the member;
- Recommending to the Member's Group Leader (or in the case of ungrouped Members to the Authority or Committees) that the Member be removed from any or all of the Council's Committees or Sub-Committees;
- Instructing the Monitoring Officer to arrange training for the Member;
- Withdrawing facilities provided to the Member by the Authority such as computer, website and/or email facilities and internet access; and
- Excluding the Member from the Authority's offices or other premises with the exception of meeting rooms as necessary for attending FRA meetings, Committee and Sub-Committee meetings.

There may be criminal sanctions if a Member:

- Fails to register a Pecuniary Interest within 28 days of taking office;
- Fails to declare a Pecuniary Interest at meetings;
- Fails to register Pecuniary Interests within 28 days of disclosure; and
- Participates in any discussion or votes on a matter in which the Member has a Pecuniary Interest.



## Protocol for Use of ‘Call In’ Procedure

These are the criteria against which the Authority expects Members to judge any request for “call in”. The Authority does **NOT** expect Members to call in Committee decision **UNLESS** one or more of the following circumstances applies –

- the decision appears, having regard to advice from the Monitoring Officer, to be contrary to the Budget or one of the “policy framework” plans or strategies;
- the decision appears to be inconsistent with any other form of policy approved by the Authority or a Committee;
- the Committee making the decision appears to have:
  - overlooked some relevant consideration in arriving at its decision; or
  - failed to consult relevant stakeholders or other interested persons before arriving at its decision;
- the decision in question has already generated particular controversy amongst those likely to be affected by it or, in the opinion of Members, it is likely so to do;
- the decision appears to be particularly “novel” and therefore likely to set an important precedent; or
- the decision appears to give rise to significant legal, financial or propriety issues.

In addition, the Authority expects Members to satisfy themselves, before deciding to call in a particular Committee decision that –

- the decision in question is more than “*a day to day management or operational decision of the type normally taken by officers*” – such decisions should **not** normally be called in; and
- the delay which will ensue, as a consequence of calling in the decision in question, is unlikely to cause prejudice to the interests of the Authority or third parties.