

LANCASHIRE COMBINED FIRE AUTHORITY *

**CONSTITUTIONAL, PROCEDURAL AND CONTRACTUAL STANDING
ORDERS
APPROVED AS AT 18 JUNE 2012**

CONSTITUTIONAL AND PROCEDURAL STANDING ORDERS

INTERPRETATION

In these Standing Orders any reference to a paragraph is a reference to a paragraph of these Standing Orders, and any reference to the masculine include the feminine, and -

Interpretation

'The Authority' means the Lancashire Combined Fire Authority.

'Constituent Authorities' means Lancashire County Council, Blackburn with Darwen Borough Council and Blackpool Borough Council.

1 CONSTITUTION OF THE AUTHORITY

1.1 The Authority shall consist of not more than 25 members

Constitution of the Authority

1.2 Each member of the Authority shall be appointed by a Constituent Authority from its own members.

Appointment of Members

1.3 A member of the Authority shall come into office on the date of his appointment and shall subject to paragraphs 1.4 and 1.5 hold office for such period or periods as shall be determined by the Constituent Authority which appointed him.

Period of Office

1.4 A member of the Authority may resign his membership by giving notice in writing to that effect to the Clerk to the Authority

Resignation

1.5 A member of the Authority who ceases to be a member of the Constituent Authority which appointed him shall cease to be a member of the Authority.

1.6 (a) A person is disqualified from being a member of the Authority if he holds any paid office or employment with the Authority.

Disqualification

(b) Nothing in paragraph 1.6 (a) shall apply to a member because of election as Chairman or Vice-Chairman of the Authority or any of its Committees.

1.7	<p>(a) Subject to paragraph (b) below, if a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of his period of office, the Constituent Authority which appointed him shall appoint a representative to replace him who shall come into office on the date of his appointment and unless he resigns, becomes disqualified or otherwise ceases to be a member of the Authority shall hold office for the remainder of the period for which his predecessor would have held office had he not resigned, become disqualified or otherwise ceased to be a member of the Authority.</p> <p>(b) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his period of office, the Constituent Authority which appointed him shall not be required to appoint a representative to replace him for the remainder of such period unless on the occurrence of such a vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 1.1.</p>	Ceasing to hold office
1.8	<p>(a) The Authority shall, at its annual meeting, elect a Chairman, and may elect a Vice-Chairman, from among its members.</p> <p>(b) The Chairman and Vice-Chairman, if elected, shall, subject to paragraphs 1.3 to 1.6, remain in office until the next annual meeting unless sooner determined.</p> <p>(c) Sub paragraph (b) shall not prevent a person who holds office or has held office as Chairman or Vice-Chairman, as the case may be, from being re-elected to either of those offices.</p> <p>(d) On a vacancy arising during the term of Chairman or Vice-Chairman the Authority shall elect from its members a person to replace the Chairman and may so elect a person to replace the Vice-Chairman.</p> <p>(e) The election to replace the Chairman under sub paragraph (d) shall take place not later than the next meeting of the Authority.</p>	<p>Election of Chairman and Vice-Chairman</p> <p>Period of office of Chairman and Vice-Chairman</p> <p>Re-election of Chairman and Vice-Chairman</p> <p>Election to replace Chairman and Vice-Chairman</p>

2	MEETINGS	
2.1	The administrative year shall commence on the 1 April.	Administrative Year
2.2	The Authority shall hold an Annual Meeting between the 1 April and the 30 June each year at an appropriate venue.	Annual Meeting
2.3	(a) The programme of scheduled meetings for the Authority shall be determined annually by the Authority and additional meetings of the Authority may be held as determined by the Authority, or at the discretion of the Chairman.	Scheduled and Additional Meetings
	(b) Meetings of Committees appointed in accordance with Standing Order 4 below shall be held as and when necessary or at the discretion of the chairman of the Authority or the Chairman of the Committee.	Meetings of Committees
2.4	The Chairman may at any time call an Extraordinary Meeting of the Authority	Extraordinary Meetings
2.5	The venue of all meetings of the Authority except the Annual Meeting shall be fixed by the Clerk to the Authority in consultation with the Chairman of the Authority or of a particular Committee.	Venue
3	MATTERS RESERVED TO THE AUTHORITY	
3.1	The following matters shall be reserved for decision by the Authority and are excepted from the terms of any delegation to any Committee	Matters reserved to Authority
	(a) the approval of the budget; and the determination of the precept;	
	(b) assessment of each Constituent Council's contribution to the Combined Fire Service Fund;	
	(c) arrangements for the proper administration of the Authority's financial affairs;	
	(d) matters of major policy or of new principle including such matters arising out of any Sub-Committee's terms of reference;	
	(e) the making of Standing Orders and Financial Regulations and any matter reserved to the Authority thereunder;	

- (f) the general structure of the Authority's administrative organisation including delegation of powers;
- (g) the constitution and terms of reference of Committees appointed under Standing Order 4.1 (a).
- (h) the appointment of Chairmen and Vice-Chairmen of committees;
- (i) the appointment of Chief Fire Officer to the Authority;
- (j) the appointment of Clerk and Treasurer to the Authority;
- (k) the external relations of the Authority;
- (l) such other matters as the Authority may from time to time determine.

4 COMMITTEES

- | | | |
|-----|--|--|
| 4.1 | <ul style="list-style-type: none"> (a) The Authority may appoint and approve terms of reference for such Committees as it deems appropriate and may, subject to Standing Order 3, delegate specific powers of decision to such Committees. (b) Committees may make recommendations to the Authority in respect of matters within their terms of reference where power of decision is not so delegated. (c) The Authority may on the recommendation of a Committee give directions to any Committee in relation to the exercise of delegated functions. (d) It shall be open to any Committee to submit a matter to the Authority for decision notwithstanding that the matter may fall within the powers delegated to the Committee. | <p>Appointment of Committees</p>
<p>Recommendations of Committees</p> |
| 4.2 | <ul style="list-style-type: none"> (a) Committees shall submit reports on their Meetings to the next scheduled Meeting of the Authority. (b) Other than where such reports contain specific recommendations for decision by the Authority, they shall be regarded as being submitted for the information of the Authority, subject to the provisions of paragraph 4.5. | <p>Submission of Reports by Committees</p> |

<p>4.3 The adoption of the recommendations of a Committee shall be moved by the Chairman of the Committee, or in the absence of the Chairman by the Vice-Chairman, or in the absence of both, by the person presiding at the Authority's meeting, and shall be seconded.</p>	<p>Recommendations to the Combined Fire Authority</p>
<p>4.4 The Authority may disapprove, amend or refer back for further consideration any recommendation of a Committee relating to a matter for decision by the Authority.</p>	
<p>4.5 Members of the Authority may ask questions regarding any matter contained in the report of a Committee.</p>	
<p>5. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN</p>	
<p>5.1 The Authority shall:</p> <ul style="list-style-type: none"> (a) at its Annual Meeting as the first business, elect one of its members to the office of Chairman and Vice-Chairman. (b) appoint a Chairman and Vice-Chairman for each Committee appointed under Standing Order 4.1 (a). 	<p>Chairmen and Vice-Chairmen</p>
<p>6 CONDUCT OF MEETINGS</p>	
<p>6.1 The Chairman of the Authority shall preside at meetings of the Authority. The Chairman of each Committee shall preside at the meeting of that Committee.</p>	<p>Chairing of meetings</p>
<p>6.2 In the absence of the Chairman at any meeting, the Vice-Chairman shall preside at the meeting. In the absence of both, the members present shall, as their first item of business, appoint one of their number to be Chairman of the meeting.</p>	
<p>6.3 The Quorum for any meeting shall be one third of the membership (or to the nearest whole number above such number) including, in the case of meetings of the Authority only, at least one representative from each constituent Authority.</p>	<p>Quorum</p>
<p>6.4 In the event of any meeting being inquorate, it shall stand temporarily adjourned for 30 minutes and if, thereafter, there is still not a quorum the meeting shall stand finally adjourned. At the point of adjournment, or subsequently, the Chairman may agree arrangements for the meeting to be reconvened.</p>	

6.5	(a) The order of business for any meeting shall be determined by the agenda for that meeting. (b) With the exception of the appointment of Chairman, the order of business as set out in the agenda may be varied by the Chairman at his discretion.	Order of Business
	(c) Members may submit requests to the Clerk to the Authority for items to be included in an agenda. Save in exceptional circumstances, which are governed by paragraph 6.5(d), requests are to be submitted as early as possible, and not less than 10 working days prior to the relevant meeting.	Requests for items by members
	(d) An item of business not included in the Agenda shall only be considered where by reason of special circumstances which shall be specified in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.	Urgent Business
6.6	Motions relating to items on the agenda must be moved and seconded and will then be open to debate.	Conduct of Meetings
6.7	Subject to Standing Orders 6.8 and 6.9, a Member may not be interrupted whilst speaking or asking a question	
6.8	If the Chairman acts to call a Member to order or to direct the course of the proceedings, the Member speaking shall give way.	Calls to order
6.9	A member may at any time raise a point of order, whereupon the Member speaking shall give way to allow the Chairman to give his decision.	Points of Order
6.10	Where an amendment to a motion is moved and seconded, this will be debated and, if carried upon being put to the vote, will replace the original motion as the substantive motion.	Amendments
6.11	When an amendment is moved and seconded, no other amendment shall be taken into consideration until the first amendment has been disposed of.	
6.12	A motion or amendment, once seconded, may be withdrawn only with the permission of the Authority or a Committee who will decide upon the question of withdrawal without debate.	Withdrawal of Motion or Amendment
6.13	Unless otherwise agreed by the Authority or a Committee in a particular instance, voting shall be by show of hands.	Voting

6.14 The Chairman, or person presiding at a meeting, shall have, in case of equality of votes, a second or casting vote.	Casting Vote
6.15 Where any Member so requires immediately following a vote, it shall be recorded in the minutes of the proceedings of the meeting whether that Member voted for or against the question or abstained from voting.	Recording of Vote
6.16 A member may require his dissent from a decision of the Authority or a Committee to be recorded in the minutes thereof.	Dissent from Decision
6.17 Members of the Authority shall be entitled to attend meetings of Committees other than those on which they are placed, but shall not take part in any proceedings without the consent of the Committee nor in any case vote.	Attendance at Committees
6.18 (a) Agendas for meetings of Committees shall, subject to (b) below, be furnished only to Members of such Committees. Reports contained in Part II of Agenda for the Authority and Committees shall be marked as "Private and Confidential. Not for publication by virtue of paragraph () of Part I of Schedule 12A to the Local Government Act 1972". (b) Members not serving on such Committees may, on request in writing to the Clerk, be supplied with Part I of the Agenda and Part II of the Agenda for the Committees concerned, where allowed under the provisions of the Local Government Act 1972 subject to those reports in Part II being treated as private and confidential.	Supply of Agenda
6.19 A motion or amendment which is not carried shall not again be moved for a period of six calendar months from the date of the Authority meeting at which it was moved unless the Authority decide otherwise on the grounds of altered circumstances or other good reason.	Motions not carried not to be revived
6.20 If any Member refuses to obey the ruling of the Chairman, the Chairman shall be empowered to 'name' such offending Member and thereupon it may be moved and seconded (without debate thereon) that the offending Member be suspended from the meeting and, if upon such motion being carried, the offending Member refuses to comply therewith, the Chairman may take steps for the removal of the offending Member.	Suspension of Member

6.21	If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him. If he continues the interruption the Chairman shall order his removal. The Chairman if he considers it essential for the purpose of the effective conduct of business may adjourn the meeting to another place, day or time.	Disturbances by members of the public
6.22	<p>(a) The Authority or a Committee may, by resolution, exclude the Press and other members of the public from a meeting during an item of business upon a motion duly made and seconded being carried by a majority wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972.</p> <p>(b) The Press and other members of the public shall be excluded from a meeting whenever it is likely that confidential information as defined in S100A(3) of the Local Government Act 1972 would be disclosed to them in breach of the obligation of confidence.</p> <p>(c) The business the subject of a resolution under this Standing Order shall stand adjourned until all other business of the meeting has been transacted whereupon the Press and other members of the public shall leave the meeting and the adjourned business shall be considered.</p>	Exclusion of the Public
6.23	Any one or more of the Standing Orders relating to the order of debate and voting may be suspended at any meeting so far as regards any business at such meeting, providing the Authority or Committee so determine.	Suspension of Standing Orders
6.24	Smoking shall not be permitted at meetings.	Smoking
6.25	The ruling of the Chairman upon the construction and application of these Standing Orders shall be final.	
6.26	For the avoidance of doubt, this Standing Order shall apply to meetings of any Committees of the Authority.	Application of Standing Orders

7 PERSONAL AND PREJUDICIAL INTERESTS

7.1 A member with a personal interest in a matter as defined in paragraph 8 of the Authority's Code of Conduct who attends a meeting of the Authority or its Committees at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that meeting or when the interest becomes apparent.

7.2 A member with a prejudicial interest in any matter

(a) shall withdraw from the room where the meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the Monitoring Officer of the Authority, and

(b) shall not seek improperly to influence a decision about the matter.

8 NOTIFICATION OF FINANCIAL AND OTHER INTERESTS, GIFTS AND HOSPITALITY

8.1 A member must within 28 days of being appointed to the Authority register his or her financial and other interests with the Clerk to the Authority in accordance with section 4 of the Authority's Code of Conduct.

8.2 A member must notify the Clerk to the Authority of any change to those interests referred to in paragraph 8.1 within 28 days.

8.3 There is no longer a requirement for a Member to declare or register any gifts and hospitality; however, gifts in excess of £50.00 should not be accepted.

9 COMMON SEAL

9.1 The Common Seal of the Authority shall be kept in a secure place, determined by the Clerk to the Authority.

Safe Custody of common seal

9.2	The Common Seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or a Committee to which the Authority have delegated their powers in that behalf, or by an officer exercising delegated powers under the Authority's Scheme of Delegation. Such a resolution or authorisation for the acceptance of any tender, the purchase, sale, letting or taking of any property, the presentation of any petition, memorial or address, the making of any contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the decision.	Sealing of Documents
9.3	An entry of the sealing of every Deed and other document to which the Common Seal shall have been affixed shall be registered in a separate book to be provided for the purpose.	Records of Deeds Sealed
9.4	Every document sealed shall be attested by the actual sign manual of the Clerk to the Authority or Lancashire Fire and Rescue Service, Head of Democratic Services or Lancashire Fire and Rescue Service, Solicitor.	Attestation of Sealed Deeds