

STANDING ORDERS

DERBYSHIRE POLICE AUTHORITY (March 2010)

I N D E X

1. Meetings of the Authority
2. Chairman of the Meeting
3. Quorum
4. Minutes of the Authority
5. Agenda Items, Formal and Public Questions
6. Motions and Amendments Generally
7. Amendments to Motions
8. Alterations or Withdrawal of Motion or Amendment
9. Conduct of Members
10. Points of Order and Explanations
11. Next Business Etc
12. Adjournment of Debate
13. Closure
14. Previous Decisions and Motions
15. Appointments by the Authority
16. Voting
17. General Disturbances
18. Interests in contracts and other matters
19. Canvassing of and recommendations by Members
20. Relatives of Members or Employees
21. Record of Attendances
22. Sealing and Attestation of Documents

23. Petitions
24. Recordings at Meetings
25. Attendance at the exempt stage of full Police Authority Meetings
26. Record of questions to the Derbyshire Police Authority by the Derby City Council and / or Derbyshire County Council
27. Appointment of Committees and Sub-Committees
28. Meetings of Committees and Sub-Committees
29. Proceedings of Committees and Sub-Committees
30. Substitute Members
31. Chairman of Committees and Sub-Committees
32. Variation and Revocation of Standing Orders
33. Suspension of Standing Orders
34. Interpretation of Standing Orders

STANDING ORDER 1

Meetings of the Authority

- (1) The Authority shall hold an annual meeting between 1st April and 30th June each year. The first item of business on the agenda for the annual meeting shall be the appointment of the Chairman for the ensuing year.
- (2) In addition to the annual meeting of the Authority and any meetings convened by the Chairman or by members of the Authority, meetings for the transaction of general business shall be held on such days as may be determined by the Authority at its annual meeting provided that any such date may be varied at a subsequent meeting or by the Chairman.
- (3) In these Standing Orders “ordinary meeting” means a meeting described in paragraph (1) or (2) above other than a meeting convened by the Chairman or by members of the Authority.
- (4) The Chairman may call a special meeting of the Authority at any time. If the office of Chairman is vacant, or if the Chairman is unable to act for any reason, the Vice-Chairman may at any time call a special meeting of the Authority.
- (5) Three or more members of the Authority may require the Chief Executive to call a special meeting provided that the requisition is in writing setting out the business and signed by each of the members and the special meeting will consider only the business so set out.
- (6) The term “year” means the period from 1st April in one calendar year to 31st March in the next following year. Unless the Authority otherwise determines, all meetings of the Authority shall be held at 09.30 am on a weekday.
- (7) Save as provided elsewhere in these Standing Orders, all meetings of the Authority, including committee, sub-committee and working party meetings shall be called by the Chief Executive.

STANDING ORDER 2

Chairman of the Meeting

Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

STANDING ORDER 3

Quorum

- (1) The quorum prescribed by statute for meetings of the Authority is one quarter of the whole number of members.
- (2) If during any meeting of the Authority the Chairman after counting the number of members present declares that there is not a quorum present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Authority.
- (3) Any decision to issue a precept under Section 40 of the Local Government Finance Act 1992 or to make the budget calculations required by Section 42 of that Act may only be taken if the members approving it:
 - (i) constitute at least half of the total membership of the Authority at the time of the decision, and
 - (ii) include more than half of the local authority-appointed members at that time.

STANDING ORDER 4

Minutes of the Authority

- (1) Minutes of every meeting of the Authority shall be signed at the same or next suitable meeting of the authority by the person presiding thereat.
- (2) At a meeting of the Authority at which minutes of a previous meeting are submitted for approval as a correct record, the Chairman shall move that those minutes be so approved.
- (3) No motion shall take place upon the minutes except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment. Matters arising may only be allowed at the discretion of the Chairman
- (4) If no such matter is raised, or if it is raised, then as soon as it has been disposed of the Chairman shall sign the minutes.
- (5) Where in relation to any meeting of the Authority the next such meeting is a meeting called under Paragraph 3 (Extraordinary Meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Authority being a meeting called otherwise than under that paragraph shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that schedule.

STANDING ORDER 5

Agenda Items and Formal Questions

- (1) The Agenda for a meeting of the Authority shall include consideration of any item requested by a member, subject to the Chief Executive receiving written notice at least 10 days before the date of the meeting.
- (2) A member may ask the Chairman a formal written question on a matter within the purview of the Authority. The member may do so only if the question is written and signed by the member and given to the Chief Executive before noon on the day before a meeting of the Authority. A copy of the question and answer or reply will be sent by the Chief Executive to all members of the Authority.

Questions by the Public

- (3) Members of the public may ask questions at ordinary Police Authority meetings.
- (4) Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- (5) A question may only be asked if notice has been given by delivering it, in writing or by electronic mail, to the Chief Executive no later than noon, on the third working day before the meeting. Each question must give the name and address of the questioner and must be addressed to the Chairman.
- (6) At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.
- (7) The Chief Executive may reject a question if in his/her opinion it:
 - is not a matter for which the Authority has a responsibility
 - does not affect the Authority's area
 - is defamatory, frivolous, offensive or vexatious
 - is substantially the same as a question which has been put at a meeting of the Authority in the past six months
 - requires the disclosure of confidential or exempt information
- (8) The Chief Executive will record each question and will immediately send a copy of the question to the Chairman. Rejected questions will include reasons for rejection. Copies of all valid questions will be circulated and will be made available to the public attending the meeting.
- (9) The Chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chief Executive to put the question on their behalf. The Chief Executive may ask the question on the questioner's behalf. The Chairman may indicate

that a verbal or written reply will be given at the meeting or decide, in the absence of the questioner, that the question will not be dealt with.

- (10) A questioner who has put a question in person, may also put one supplementary question without notice. A supplementary question may arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in rule (5) above.
- (11) The time for public questions will be no more than 30 minutes. Any question which cannot be dealt with during public question time because of a lack of time will be dealt with by a written answer.
- (12) Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by the question be referred to the appropriate committee. Once seconded, such a motion will be voted on without discussion.

STANDING ORDER 6

Motions and Amendments Generally

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.
- (2) A member may not propose or second a motion or amendment on which he/she is disqualified from voting.

STANDING ORDER 7

Amendments to Motions

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

as long as the effect of (b), (c) or (d) above is not to negate the motion.

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

STANDING ORDER 8

Alterations or Withdrawal of Motion or Amendment

- (1) A proposer of a motion may, with the concurrence of the seconder and the consent of the meeting, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairman be reduced into writing and handed to him/her before the consent of the meeting to the alteration is sought.
- (2) A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the meeting, withdraw the motion or amendment which he/she has proposed, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
- (3) The giving or refusal of the consent of the meeting to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

STANDING ORDER 9

Conduct of Members

- (1) A member shall direct his/her speech to the Chairman and to the question under discussion or to a personal explanation or to a point of order and shall not impute motives or use offensive expressions to or about any other member.
- (2) If any member in the opinion of the Chairman misconducts himself/herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the authority, or by tedious repetition or unbecoming language in his/her speech, the Chairman or any other member may move "the member named be not further heard", and such motion if seconded shall be put and determined without discussion.
- (3) If the member named continues his/her misconduct after a motion under the last previous paragraph has been carried, the Chairman shall either:
 - (a) move "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
 - (b) adjourn the meeting for such period as he/she in his/her discretion shall consider expedient.

STANDING ORDER 10

Points of Order and Explanations

- (1) A member may raise a point of order or request a personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision, and the member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- (2) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

STANDING ORDER 11

Next Business etc

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

STANDING ORDER 12

Adjournment of Debate

- (1) A member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another member, move that the debate be adjourned to that hour or occasion.
- (2) If the member does not specify an hour or occasion, the motion shall be deemed to intend that the debate shall be resumed at the next ordinary meeting of the Authority.
- (3) The proposer of such a motion may speak thereon but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion except that the mover of the original motion may speak on it.

- (4) On the resumption after adjournment of an interrupted debate, the Authority shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Standing Orders.

STANDING ORDER 13

Closure

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

STANDING ORDER 14

Previous Decisions and Motions

- (1) Motion to rescind a previous decision. A motion or amendment to rescind a decision made at a previous meeting of the Authority within the past six months cannot be moved unless the notice of motion is signed by a least nine Members and included in the agenda of the meeting. A Motion or amendment to rescind a decision made at the current meeting of the Authority cannot be moved unless the motion or amendment is supported by a least nine Members
- (2) Motion similar to one previously rejected. A motion or amendment in similar terms to one that has been rejected at a meeting of the Authority in the past six months cannot be moved unless the notice of motion or amendment is signed by at least nine Members and included in the agenda of the meeting. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

STANDING ORDER 15

Appointments by the Authority

Where three or more persons are nominated for any position and there is not a majority in favour of any one person, the person having the least number of votes shall be disregarded and a fresh vote taken and so on until there is a majority in favour of one person.

STANDING ORDER 16

Voting

- (1) Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by show of hands, or, at the discretion of the Chairman, by voices.
- (2) In taking the votes on any proposition, those members only shall be entitled to vote who are present in the room when the proposition is put from the Chairman.
- (3) After a proposition is put from the Chairman but before the vote is taken, any three members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present gave his vote for or against that proposition or abstained from voting.
- (4) Where members are required to elect the Chairman or Vice-Chairman of the Police Authority and two or more candidates have been nominated for either office, election will be by way of show of hands or where 3 members at the meeting demand it by paper ballot. The Chief Executive will announce the result of the ballot immediately the result is known.

STANDING ORDER 17

General Disturbances

- (1) If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him/her. If he/she continues the interruption the Chairman shall order his/her removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
- (2) If, in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him/her, may without the question being put, suspend the meeting for a period not exceeding 30 minutes.

STANDING ORDER 18

Interests in Contracts and Other Matters

- (1) A member shall withdraw from a meeting if he or she has a prejudicial interest within the meaning of Paragraph 10 of the Code of Conduct for Members, in any matter which is under consideration at the meeting, unless the member has a dispensation from the Standards Committee. Where a member has declared an interest at a meeting, left the meeting and has chosen to remain within easy reach, that member shall be recalled before any further business has begun.

- (2) Any member who has a personal interest as defined in Paragraph 8 of the Code of Conduct in any matter shall forthwith disclose that interest but may remain, speak and vote unless the interest is prejudicial, in which case the member shall withdraw from the room.

STANDING ORDER 19

Canvassing of and Recommendations by Members

- (1) Canvassing of members of the Authority, or any committee or sub-committee of the Authority, directly or indirectly for any appointment under the Authority or as a police officer, shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any form of application.
- (2) A member of the Authority shall not solicit for any person any appointment under the Authority or as a police officer, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority or the Chief Constable with an application for appointment.

STANDING ORDER 20

Relatives of Members or Employees

- (1) A candidate for any appointment under the Authority who knows that he/she is related to any member or employee of the Authority shall disclose that relationship in his/her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
- (2) Every member and senior officer of the Authority shall disclose to the Chief Executive any relationship known to him to exist between himself and any person who he/she knows is a candidate for an appointment under the Authority.
- (3) The purport of this Standing Order shall be included in any form of application.
- (4) For the purpose of this Standing Order "senior officer" means any officer so designated by the Authority.

STANDING ORDER 21

Record of Attendances

Every member attending a meeting of the Authority, or of any of its committees or sub-committees of which he/she is a member, shall sign his/her name in the attendance book or sheet provided for that purpose.

STANDING ORDER 22

Sealing and Attestation of Documents

- (1) The common seal of the Authority shall be kept in a safe place in the custody of the Chief Executive.
- (2) The common seal of the Authority shall be affixed to a document only on the authority of:
 - (a) a resolution of the Authority;
 - (b) a resolution of a committee or sub-committee which the Authority has empowered to authorise the use of the seal;
 - (c) a decision by the Authority, or by a duly authorised committee, sub-committee or officer, to do anything where a document under the common seal is necessary to complete the action.
- (3) The affixing of the common seal shall be attested by the Chief Executive or the person authorised by him/her. An entry of every sealing shall be made and numbered consecutively in a book kept for the purpose and shall be signed by the person who shall have attested the seal.
- (4) In addition to any other person who may be authorised by resolution of the Authority for the purpose, the proper officer for the purpose of section 234 of the Local Government Act 1972 (authentication of documents) shall be the Chief Executive.

STANDING ORDER 23

Petitions

Any petition signed by ten or more members of the public and not required to be dealt with under a procedure regulated by law shall be reported to the Authority or appropriate committee or sub-committee as quickly as possible. At the request of the petitioners they will be given the opportunity to meet the Chairman of the Authority or Committee Chairman, as appropriate, or nominee.

STANDING ORDER 24

Recordings at Meetings

No-one may make unauthorised recordings of any kind other than written notes unless the Chairman has given permission. If anyone does so without permission the Chairman can either require the person to leave at once and/or adjourn the meeting for as long as he/she thinks fit.

STANDING ORDER 25

Attendance at the exempt stage of full Police Authority Meetings

- (1) Only the following may remain at the exempt stage of a full Police Authority Meeting:
 - a. Police Authority Members
 - b. The Chief Executive
 - c. The Treasurer
 - d. The Deputy Chief Executive
 - e. ACPO Officers
 - f. The EOAS Officer taking the Minutes
- (2) Subject Matter Experts (SMEs) may be invited to attend for specific items. Their presence should be limited to the agenda item in question and they should wait to be called into the meeting by the Chief Executive or his representative, as and when required. They should then leave on the completion of the item.
- (3) Exempt papers for full Police Authority meetings will be distributed only to those listed at sub paragraphs a-e.

STANDING ORDER 26

Record of questions to the Derbyshire Police Authority by the Derby City Council and / or Derbyshire County Council

All questions asked of the Derbyshire Police Authority by either Derby City Council and / or Derbyshire County Council are to be recorded as reports to the next meeting of the Derbyshire Police Authority.

STANDING ORDER 27

Appointment of Committees and Sub-Committees

- (1) The Authority shall at the annual meeting appoint such committees as it is required to appoint by or under any statute and such other committees, as the Authority deems appropriate, and shall determine the terms of reference of these committees.
- (2) The Authority may at the annual meeting or at any other time appoint such other committees and such sub-committees of committees as are necessary to carry out the work of the Authority.
- (3) Subject to any statutory provision in that behalf the Authority:
 - (a) shall not appoint any member of a committee or sub-committee so as to hold office later than the next annual meeting of the Authority;

- (b) may at any time dissolve a committee or sub-committee or alter its membership; every vacancy on a committee or sub-committee shall be reported by the Chief Executive at the first meeting of the authority after the vacancy has arisen and the Authority may thereupon proceed to fill the vacancy.
- (4) Every committee appointed by the Authority may appoint sub-committees for purposes to be specified by the committee and, subject to these Standing Orders and to any resolution of the Authority in that behalf, may delegate to any such sub-committee any power or duty delegated to the committee by the Authority.
 - (5) Except in the case of the Standards Committee or an advisory committee or sub-committee, any committee or sub-committee appointed under this Standing Order shall not include persons who are not members of the Authority.
 - (6) A committee shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Authority and may at any time dissolve a sub-committee or alter its membership.
 - (7) The Chairman and Vice-Chairman of the Authority may attend and speak (but not vote) at a meeting of a committee or sub-committee of which they are not members.
 - (8) These Standing Orders shall, with any necessary modification, apply to meetings of committees and sub-committees.

STANDING ORDER 28

Meetings of Committees and Sub-Committees

- (1) The Chairman of a committee or sub-committee or the Chairman of the Authority may cause a special meeting of the committee or sub-committee to be called at any time.
- (2) A special meeting of a committee or sub-committee shall be called on the request of a least one quarter of the whole number of members of the committee or sub-committee by notice in writing signed by them and given to the Chief Executive and specifying the business for which the meeting is to be called.
- (3) A copy of the agenda of every meeting of a committee and sub-committee together with the index of reports, if any, shall be sent to every member of the Authority.

STANDING ORDER 29

Proceedings of Committees and Sub-Committees

- (1) The quorum of every committee and sub-committee, unless a special quorum is otherwise prescribed, shall be at least one quarter of the whole number of the committee or sub-committee, or two, whichever is the greater number.
- (2) Any Authority member may attend as an observer at meetings of committees and sub-committees (except those committees and sub-committees which the Authority may from time to time determine for the purposes of this Standing Order) to which he/she has not been appointed as a member, including meetings or items of business from which the public has been excluded.

If given permission by the Chairman of the meeting, a member attending as an observer may speak (but not vote) on any matter.

(Note: the Authority has determined the following as exceptions for the purposes of Standing Order 27(2):

- (a) the Appeals Committee of the Authority and any conditions of service committee or any other committee or sub-committee established to consider individual cases under any grievance or disciplinary procedures for employees of the Authority or for Police Officers.
 - (b) committees or sub-committees established to consider individual cases of salary grading or appointments).
- (3) Subject to the provision of Section 100 of the Local Government Act 1972, all committee and sub-committee reports and all documents marked as "confidential", "exempt" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Authority's business.
 - (4) No act of a sub-committee shall have effect until approved by the appointing committee except to the extent that the committee has itself power to act without the approval of the Authority and the power so to act has been conferred upon the sub-committee.

STANDING ORDER 30

Substitute Members

A substitute member of the Police Authority may take the place of a member of the Police Authority who is unable to attend a meeting of a committee or sub-committee. Such substitute members will be accepted onto the committee with power to speak and vote.

STANDING ORDER 31

Chairman of Committees and Sub-Committees

- (1) The Chairman of a committee, or of any sub-committee which the Authority may from time to time determine for the purposes of this Standing Order, shall be appointed by the Authority in accordance with this Standing Order and may be removed by the Authority or may resign. If the Authority so decides, the appointment of the Chairman of a committee or sub-committee may be left for that body itself to decide.
- (2) The appointment of the Chairman of a committee or sub-committee shall be conducted in the same way as an appointment is required to be made by the Authority under Standing Order 14.
- (3) Subject to paragraph (1) of this Standing Order, the Chairman of a committee or sub-committee appointed by the Authority shall hold office until the next annual meeting of the Authority after his/her appointment.
- (4) If the Chairman of a committee or sub-committee is absent from a meeting of the committee or sub-committee, the members present shall choose one of their number who is a member of the Authority to preside over the meeting, subject to paragraph (5) of this Standing Order.
- (5) If the Chairman of a committee or sub-committee arrives at a meeting of the committee or sub-committee after the time for which the meeting has been summoned, he/she shall preside over the meeting after any item of business under discussion on his/her arrival has been disposed of but not before then.

STANDING ORDER 32

Variation and Revocation of Standing Orders

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

STANDING ORDER 33

Suspension of Standing Orders

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

STANDING ORDER 34

Interpretation of Standing Orders

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

Approved by the Derbyshire Police Authority
30 March 2010

1. Amended 18 November 1997 (Standing Order 15(4) and 4(5))
2. Amended 30 July 2002 (Standing Order 14)
3. Amended 16 November 2006 (Standing Order 5)
4. Amended 11th September 2008
 - a. all references to Clerk replaced with Chief Executive
 - b. Standing Orders 1(6); 4(3); 5(5), (7), (11); 10(1); 11(1); 14(1); 16 (new 4), 24,
5. Amended 20 March 2010
 - a. Insert Standing Order 25 and 26.
 - b. Old Standing Orders 25 – 32 become Standing Orders 27 – 34.

Simon Bate OBE
Chief Executive