

SECTION 3 – PROCEDURAL MATTERS

PROCEDURAL MATTERS

This section includes the following points:

<u>General Procedural Matters</u>	<u>Paragraph No</u>
Interpretation of Procedure Rules	3.1
Press and Public	3.2 – 3.3
Election of the Chair and Deputy Chair to the Fire Authority	3.4 – 3.7
Appointment of Other Chairs and Deputy Chairs	3.8
Arrangements for Meetings	3.9 – 3.12
Political Group Leaders/Spokespersons	3.13
Appointments to Members' Decision Making Bodies	3.14 – 3.17
Record of Attendance	3.18 – 3.19
Meeting is not quorate	3.20
Agendas and Papers	3.21
Urgent Business	3.22

Before Meeting - Procedural Matters

Substitute Members	3.23 – 3.25
Rights of Constituent Authority Members	3.26

Conduct of Meeting – Procedural Matters

Appointing a Member to Preside Over a Meeting	3.27
Rights of Constituent Authority Members	3.28
Suspension of Procedural Matters	3.29
Variation and Revocation of Procedural Matters	3.30
Order of Business at Fire Authority Meetings	3.31 – 3.32
Rules of Debate	3.33
Notices of Motion	3.34 – 3.42
Voting	3.43 – 3.46
Questions and Petitions by Members of the Public	3.47 – 3.58
Disorderly Conduct of Members	3.59 – 3.61
Disturbance by Members of the Public	3.62 – 3.63
Protocol on Reporting at Meetings	3.64 – 3.80

Post Meeting – Procedural Matters

Publication of Minutes	3.81
Submission of Minutes to the Fire Authority	3.82 – 3.85

Specific Procedural Matters

Rescinding a Decision	3.86
Urgent Business to be determined between Fire Authority Meetings	3.87 – 3.89

Annex 1 - Local Government Act 1972 – Access to Information

Annex 2 – Petitions Protocol

SECTION 3 – PROCEDURAL MATTERS

GENERAL PROCEDURAL MATTERS

Interpretation of Procedure Rules

- 3.1 The Chair (of the Member Decision-Making Body) will provide a ruling as to the construction or application of any of these Procedure Rules, affecting the proceedings of the Member Decision-Making Body (after consulting with the Monitoring Officer).

Press and Public

- 3.2 All meetings of the Fire Authority, and its committees will be open to the press and public. However, the press and public may be excluded by resolution from a part of the meeting when items of a confidential nature or containing exempt information as defined in Part VA Access to Meetings and Documents in Certain Authorities, Committees and Sub-Committees and Schedule 12A to the Local Government Act 1972 are to be considered.
- 3.3 For the avoidance of doubt Councillors who are not Members of a particular Member Decision-Making Body do not have an automatic right to remain in a meeting of a Member Decision-Making Body once a resolution has been passed excluding the press and public from the meeting. Such a Councillor would only be entitled to remain in the meeting if they had been able to establish a “need to know” to the Chair of the relevant Member Decision-Making Body.

NB1: The Authority has adopted a protocol on reporting at meetings (see 3.64 onwards later in this section).

NB2: The existing description of ‘exempt information’ appears in Annex 1 to this section.

Election of Chair and Deputy Chair to the Fire Authority

- 3.4 The Elections will take place at the meeting of the Fire Authority in June each year.
- 3.5 The Chair is elected first. The Monitoring Officer will ask for nominations and then conduct an Election if there is more than one person nominated. If only one person is nominated (and seconded) that person shall take the Chair.
- 3.6 The Election shall be conducted by secret ballot. Each person entitled to vote will receive a ballot paper which will be returned to the Monitoring Officer marked or un-marked. Where no person receives more than one half of the votes cast then the person receiving the least number of votes will be withdrawn. Further ballots will be held until one person receives more than one half of the votes cast.
- 3.7 The Deputy Chair is then elected following the same process used to elect the Chair. The Chair does not have a casting vote where there is an equality of votes.

SECTION 3 – PROCEDURAL MATTERS

NB: The Monitoring Officer cannot accept a nomination for the position of Deputy Chair if the nominee is from the same constituent authority as the Chair.

Appointment of Other Chairs and Deputy Chairs

- 3.8 The Chair and Deputy Chair of the other Member Decision-Making Bodies will normally be appointed at the meeting of the Fire Authority in June each year. These appointments will be made by agreement or through an election process similar to that described in the section entitled 'Election of Chair and Deputy Chair of the Fire Authority', except they will be concluded by a show of hands.

Arrangements for Meetings

Programme

- 3.9 The Fire Authority will agree an annual programme of meetings taking into account as far as possible the meeting arrangements of the constituent authorities

The Fire Authority will agree an annual programme of meetings taking into account as far as possible the meeting arrangements of the constituent authorities.

Venue

- 3.10 The majority of meetings will take place at Sadler Road, Winsford unless other arrangements are agreed by Members.

Additional Meetings

- 3.11 Additional meetings may be called at the discretion of the Chair, who will take into account, as far as possible, the meeting arrangements of the constituent authorities and ensure that Members are provided with details of the reason(s) for any additional meeting.
- 3.12 Seven or more Members of the Fire Authority may ask the Chair to call an additional meeting of the Fire Authority. The request should state the specific reason(s) for the meeting. The request can be made by email to the Chair (copied to the Monitoring Officer). Once received the Chair should arrange for the meeting to be called within 15 working days of receipt of the request. If the Chair is not minded to arrange a meeting he/she must consult with the Monitoring Officer who will be expected to make a decision and confirm his/her views.

Postponement/Cancellation

- 3.13 The Chair does have discretion to postpone or cancel meetings. Any alternative meeting date should take into account, as far as possible, the meeting arrangements of the constituent authorities. The Chair should only postpone or cancel a meeting with good reason(s) and will ensure that Members are notified of the reason(s).

SECTION 3 – PROCEDURAL MATTERS

Political Group Leaders/Spokespersons

- 3.14 Members of the Fire Authority are entitled to form a political group and appoint a Leader/Group Spokesperson and shall notify the Monitoring Officer. The formalities of the Group Regulations will need to be observed.

Appointments to Members' Decision-Making Bodies

- 3.15 The Monitoring Officer notifies the Leaders of the political groups about the allocation of seats to all bodies within the Authority's structure.
- 3.16 The Leaders shall notify the Monitoring Officer of the individuals from their respective political groups that they wish to be appointed to all of the decision-making bodies within the Authority's structure.
- 3.17 Appointments take place at the meeting of the Fire Authority in June each year.
- 3.18 The Leaders may change their appointments at any time on giving notice to the Monitoring Officer.

Record of Attendance

- 3.19 Members attending a meeting must sign their name on the attendance sheet.
- 3.20 Attendance at meetings is monitored and reported from time-to-time.

Meeting Not Quorate

- 3.21 Where those in attendance do not fulfil the quorum requirements which are detailed elsewhere in this Constitution the Chair has discretion to adjourn the meeting for a period to allow other Members to arrive. If, after a period, to be determined by the Chair, there remain insufficient members of the decision-making body, the Chair will adjourn the meeting to another date. The new date will take into account, as far as possible, the meeting arrangements of the constituent authorities and all relevant Members will be notified as soon as possible.

Agenda and Papers

- 3.22 Members of the decision-making body will be invited to meetings by agenda sent by post and/or left at their place of residence and/or emailed at least 5 clear working days before the meeting to which it refers. The default position is that agendas are provided by email.

Urgent Business

- 3.23 No matter shall be considered at a meeting of the Authority if it is not specified in the agenda for the meeting unless the Chair rules (after receiving advice from the Monitoring Officer) that in their opinion the item should be considered as a matter of urgency and specifies the reason(s) why it is urgent. The ruling, including the reason(s) for urgency, must be recorded in the minutes of the

SECTION 3 – PROCEDURAL MATTERS

meeting.

BEFORE MEETING - PROCEDURAL MATTERS

Substitute Members

- 3.24 From time to time appointed members of committees or sub-committees may be unable to attend a meeting.
- 3.25 The Fire Authority allows a political group to provide a Substitute Member who is entitled to receive all papers as if he/she were an Appointed Member and who is able to attend the meeting and take part in the meeting as if he/she was an Appointed Member.
- 3.26 If a Political Group wishes to provide a Substitute Member it must ensure that notification is received by the Monitoring Officer before the start of the meeting that the substitute Member is due to attend.
- NB1.** If the Appointed Member and Substitute Member attend the meeting, the Substitute Member must stand down.
- NB2.** If a Substitute Member attends a meeting this shall be stated orally at the start of the meeting and noted in the minutes.
- NB3.** Substitute members are not allowed for Audit Committee.

Rights of Constituent Authority Members

- 3.27 An elected Member of a Constituent Authority, who is not a Member on the Fire Authority may, with the permission of the Chair, (or in his/her absence the Deputy Chair) address the Authority where a matter under consideration has a particular significance for his/her council, electoral division, or ward. Questions should be submitted in accordance with the requirements in the Conduct of Meetings – Procedural Matters part of this section.

CONDUCT OF MEETING - PROCEDURAL MATTERS

Appointing a Member to Preside Over a Meeting

- 3.28 In the absence of the Chair (and Deputy Chair, if one is appointed) the Authority or other Members' Decision-Making Body will elect someone to preside over the meeting from amongst the Members present. Any power or duty invested in the Chair in relation to the conduct of a meeting will be exercised by the person appointed to preside over the meeting.

Rights of Constituent Authority Members

- 3.29 An elected Member of a Constituent Authority, who attends a meeting of the Fire Authority, shall address the Authority for no more than five minutes unless the consent of the Chair is given to continue.

SECTION 3 – PROCEDURAL MATTERS

Suspension of Procedural Matters

3.30 Motion Required

Subject to paragraph 3.30 below, any of the Procedure Rules may be suspended so far as regards any business at the meeting of the Fire Authority where its suspension is approved by the majority of Members.

Variation and Revocation of Procedural Matters

3.31 Any motion to vary, add to or revoke these Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next meeting of the Authority. Any changes are to take effect from the end of the meeting at which they are agreed unless the Authority determines otherwise at the time.

Order of Business at Fire Authority Meetings

3.32 The order of business at at meetings of the Authority shall normally be as follows:

- (a) at the Annual meeting, to appoint the Chair and a Deputy Chair for the ensuing year;
- (b) to appoint a Chair for the meeting if the Chair and Deputy Chair of the Authority are absent;
- (c) to deal with any business required by law or those Procedural Matters to be dealt with before any other items;
- (d) to receive any Chair's announcements;
- (e) to agree the Minutes of the previous meeting as a correct record so that the Chair of the meeting can sign them;
- (f) to deal with questions and petitions submitted by Members of the Public in accordance with the requirements in the Conduct of Meetings - Procedural Matters part of this section;
- (g) to deal with any outstanding business from the previous meeting;
- (h) to consider recommendations/advice and/or decisions from any decision-making body.
- (i) to consider motions submitted in accordance with the requirements in the Conduct of Meetings – Procedural Matters part of this section; and
- (j) to deal with any other business on the Agenda and any urgent business.

3.33 The order of business at a meeting of the Fire Authority other than for items (a), (b), (c) and (d) may be varied at the Chair's discretion.

Rules of Debate

3.34 The rules of debate which apply to proceedings of the Fire Authority meetings, and all other appropriate meetings within the political structure, are as follows:

(a) Motions and Amendments

No motion or amendment shall be discussed unless it has been proposed and seconded. If it is lengthy or complicated the Chair, or Monitoring Officer shall read it out for the benefit of all Members. This

SECTION 3 – PROCEDURAL MATTERS

requirement does not apply to motions submitted prior to the meeting in accordance with the requirement in the Notice of Motions part of this section.

(b) **Secunder's Speech**

When seconding a motion or amendment a Member may advise the Chair that he/she will reserve his/her right to speak until a later point in the debate.

(c) **Only One Member to Speak at a Time**

When speaking at an Authority meeting, and other meetings, a Member shall address the Chair. If two or more Members wish to speak, they shall indicate this by raising their arm, the Chair will call on one to speak and the other(s) will then be called in turn. While a Member is speaking the other Members will remain silent, unless rising on a point of order or in personal explanation.

(d) **Content and Length of Speeches**

A Member will confine his/her speech to the matter under discussion, a personal explanation or a point of order. With the exception of speeches by the Chair of the Authority no speech will exceed four minutes, except by consent of the Chair or the Authority.

(e) **When a Member may speak again**

At an Authority meeting a Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another Member;
- b) if the motion has been amended since he/she last spoke, to move a further amendment;
- c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she has spoken was carried;
- d) in exercise of a right of reply;
- e) on a point of order;
- f) by way of personal explanation;
- g) with the Chair's approval.

(f) **Amendments to Motions**

An amendment shall be relevant to the original motion and shall be either:

1. to leave out words;
2. to leave out words and insert or add others;
3. to insert or add words;

but such omission, insertion or addition of words shall not have the effect of a direct negative to the original motion.

(g) **Number of Amendments**

Only one amendment may be moved and discussed at a time. No further

SECTION 3 – PROCEDURAL MATTERS

amendment shall be moved until the amendment under discussion has been disposed of although the Chair may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

(h) **Status of Amendments**

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is 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.

(i) **Alterations to Motions or Amendments**

A Member may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the Authority is required. There should be no discussion on whether consent should or should not be given.

(j) **Withdrawal of Motion**

A motion or amendment may be withdrawn by the mover provided the seconder and the Authority, without discussion agree. Once the mover has asked for permission to withdraw, there should be no further discussion unless the Authority refuses to agree to the request.

(k) **Right of Reply**

The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

(l) **Motions which may be moved during a debate**

When a motion is under debate no other motion shall be moved except the following:

1. to amend the motion;
2. to adjourn the meeting;
3. to adjourn the debate;
4. to proceed to the next business;
5. to suspend a Procedure Rule;
6. that the question be now put;
7. that a Member be not further heard;
8. That (the Chair) requires a Member to leave the meeting;
9. a motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public;

(m) **Closure Motions**

A Member may move, without comment, at the conclusion of a speech of another Member, "That the Authority proceed to the next business",

SECTION 3 – PROCEDURAL MATTERS

“That the question be now put”, “That the debate be now adjourned”, or “That the Authority do now adjourn”. When one of these Motions has been seconded the Chair shall proceed as follows:

1. **on a motion to proceed to the next business** - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to the next business;
2. **on a motion that the question be now put** - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote;
3. **on a motion to adjourn the debate or the meeting** - if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

(n) **Points of Order**

A Member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the Member shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. 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 current debate.

(o) **Ruling of Chair on a Point of Order/Personal Explanation**

The ruling of the Chair of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

(p) **Respect for the Chair**

At the Authority meetings whenever the Chair rises during a debate a Member if standing shall resume his/her seat and the Authority shall be silent.

Notices of Motion

3.35 A Notice of Motion, except those as follows which can be moved without notice, must relate to some matter for which the Fire Authority has a responsibility or which affects the Authority.

These motions which can be moved without notice as referred to above are:

- appointment of a Chair of a meeting at which the motion is made
- motions relating to the accuracy of the Minutes

SECTION 3 – PROCEDURAL MATTERS

- an item of business in the summons should have precedence
 - appointment of a committee, panel or group of Members occasioned by an item mentioned in the agenda
 - adoption of recommendations of subordinate bodies
 - that consent be given to withdraw a motion or amendment
 - receipt of reports of officers and any consequential resolutions
 - extending the time limit for speeches
 - authorising the sealing of documents
 - giving the consent of the Authority when its consent is required by these Procedure Rules.
 - Dealing with the misconduct of a member.
- 3.36 A Notice of Motion shall be submitted by email in writing and shall be signed and dated by the Member or Members submitting it.
- 3.37 The Notice must be delivered to the Monitoring Officer of the Authority to arrive no later than twelve clear working days before the meeting of the Authority.
- 3.38 On receipt of the Notice the Monitoring Officer will record the date and time it is received, will number it in the order it is received and will enter it in a book (or electronic record) which shall be open to inspection by every Member of the Authority.
- 3.39 The Monitoring Officer will set out in the Agenda for the meeting all valid Notices of Motions, submitted in the order in which they are received unless the Member or Members have given notice in writing before the Agenda is issued that it has been withdrawn.
- 3.40 If a motion set out in the Agenda is not moved either by the Member or Members who gave Notice of it or by some other Member then it will, unless the Authority agrees otherwise be treated as withdrawn. It cannot be moved subsequently without a new Notice being submitted.
- 3.41 The order of speeches will be as follows once it has been moved and seconded:
- a) the mover of the motion
 - b) the seconder (unless he/she reserves his/her right to speak)
 - c) other Members
 - d) the seconder (if he/she has reserved his/her right to speak and has not done so)
 - e) the mover of motion to exercise his/her right of reply.
- 3.42 Where a motion is moved and seconded at one meeting and then considered at a subsequent meeting, the mover can either speak to the motion when it is moved or reserve his/her right to speak at the subsequent meeting. He/she cannot speak to the motion on both occasions except to exercise his/her right of reply.
- 3.43 The mover of the motion has the right of reply to any amendment on the motion. The mover of the amendment does not have any right of reply.

SECTION 3 – PROCEDURAL MATTERS

Voting

- 3.44 Voting at meetings of Member Decision-Making Bodies shall be by a show of hands (except in relation to the appointment of Chair and Deputy Chair of the Fire Authority).
- 3.45 Before a vote is taken a Member of the Authority, with the support of two other Members, may request that the voting on any motion or amendment shall be recorded to show how each Member present and voting, cast their vote or whether he/she abstained. A recorded vote cannot be requested if the vote has already been taken by a show of hands. The Minutes will show how each person voted, or abstained.
- 3.46 Before a vote is taken a Member of the Authority may request that the Minutes of the meeting shall show the number of votes cast for and against a motion or amendment and the number of abstentions. The Monitoring Officer will record the details in the Minutes.
- 3.47 Before a vote is taken a Member of the Authority may request that the Minutes of the meeting shall show how he/she voted individually on any motion or amendment. The Monitoring Officer will record the detail in the Minutes.

Questions and Petitions by Members of the Public

- 3.48 A member of the public from within the area covered by the Fire Authority may ask the Chair of the Authority a question about any issue which falls within the powers and duties of the Authority.
- 3.49 The question must be submitted to the Monitoring Officer of the Authority by email or in writing at least five clear working days before the meeting takes place. The questioner must sign and date the question (unless it is submitted by email).
- 3.50 The Chair, in consultation with the Monitoring Officer, will decide on the procedure to be followed in putting questions at the meeting.
- 3.51 It is a matter for the Chair as to how he/she will respond and he/she may decide to do so in writing.
- 3.52 If the Chair replies at the meeting, the questioner may ask one supplementary question which must relate to the answer given by the Chair to the original question.
- 3.53 The Chair may refuse to respond to a question or a supplementary question if in his/her opinion it is unduly lengthy, expressed in terms inappropriate for consideration at the meeting or is not related in the case of a supplementary question to his/her previous answer.
- 3.54 There is no requirement for a discussion on any matters raised by the question (including any matters raised by the supplementary question) unless the matters are already covered in a report to be considered by Members at the

SECTION 3 – PROCEDURAL MATTERS

meeting when the question is put. The Authority will determine whether an item should be placed on the agenda for its next meeting.

- 3.55 Question time at any Authority meeting will not exceed 15 minutes unless, at the Chair's discretion or by resolution of the Authority, it is agreed to extend the period.
- 3.56 Petitions may be presented at meetings of the Authority. The Monitoring Officer must be notified in writing at least five clear working days before the meeting that a Petition is to be presented.
- 3.57 Petitions must be accompanied by a form and comply with the Authority's Petitions Protocol. If the Promoter of a Petition does not attend the Fire Authority meeting the Monitoring Officer will provide Members with details of the Petition.
- 3.58 Petitions will not normally be discussed at the meeting when they are presented / brought to the attention of Members unless there is a report on the Agenda about the issue raised in the Petition. Members may ask for an item to be placed on the Agenda for the next meeting.
- 3.59 Where there is more than one petition they will be presented in the order in which notification is received.

Disorderly Conduct by Members

- 3.60 If any Member is misconducting himself/herself by persistently disregarding the ruling of the Chair or is behaving irregularly, improperly or aggressively, or by wilfully obstructing the business of the meeting, the Chair or any other Member may move "That the Member (named) be not further heard". The motion if seconded shall be put and decided without discussion.
- 3.61 If the Member continues the misconduct after a motion has been carried under paragraph 3.59 above the Chair may either move "That the Member (named) shall leave the meeting" or he/she may adjourn the meeting for such period as he/she considers expedient. A motion to exclude the Member, if seconded, shall be put and decided without discussion.
- 3.62 Where a Member is excluded under paragraph 3.60 from a meeting he/she is not entitled to vote during his/her period of absence.

Disturbance by Members of the Public

- 3.63 If a Member of the public interrupts the proceedings of any meeting, the Chair shall warn him/her. If the person continues to interrupt the meeting the Chair shall order his/her removal from the meeting room.
- 3.64 Where a general disturbance occurs in any part of the meeting room the Chair may order that that part of the room be cleared. If the Chair considers it necessary he/she may adjourn the meeting for such period as he/she considers appropriate.

SECTION 3 – PROCEDURAL MATTERS

PROTOCOL ON REPORTING AT MEETINGS

Introduction

3.65 Cheshire Fire Authority is committed to openness and transparency in how it conducts its business. This Protocol sets out its approach to certain types of reporting at its decision-making meetings. It outlines some basic principles and practical points aimed at balancing the requirements of both those wishing to report the meeting and those attending and taking part.

Reporting

3.66 The Local Government Act 1972 provides that individuals may carry out reporting at meetings of local government bodies. This Protocol is primarily concerned with reporting that involves filming, photographing, and/or audio-recording of meetings.

Before the meeting

3.67 There is no requirement to obtain permission or to make a prior arrangement to attend a meeting for the purpose of reporting upon it. However, if you are intending to film, photograph and/or audio-record, it would be helpful to contact Democratic Services (see contacts below) to ensure that suitable arrangements can be made to accommodate you.

3.68 There will be a designated position in the meeting room for you to see and hear the meeting and to allow you to film, photograph and/or audio-record it. You will normally have access to a seat and desk (although this may depend on how much space is available).

3.69 The Chair of the meeting will be informed if the reporting includes filming, photographing and/or audio-recording. Those attending the meeting who are not Members or officers will be made aware that they have the right to object to being filmed, photographed and/or audio-recorded by you.

3.70 You must not start filming, photographing and/or audio-recording until the Chair opens the meeting.

During the Meeting

3.71 The Chair will announce at the beginning of the meeting that the meeting is being filmed, photographed and/or audio-recorded. He or she will then ask attendees whether they agree to be filmed, photographed and/or audio-recorded to allow them to register a personal objection. If anyone has a personal objection then the Chair can temporarily suspend filming, photographing and/or audio-recording to allow attendees to have their say.

Note: this does not apply to Members and officers.

3.72 If the Chair considers that the filming, photographing and/or audio-recording is disrupting the meeting he/she can instruct you to stop doing so. Therefore, it

SECTION 3 – PROCEDURAL MATTERS

is worth noting that your equipment should not be noisy or otherwise distracting (e.g. flash and spotlights can be problematic).

- 3.73 You will not normally be allowed to give a live commentary on proceedings as this is highly likely to be disruptive.
- 3.74 If you refuse to stop filming, photographing and/or audio-recording when requested to do so, the Chair may ask you to leave the meeting. If you refuse to do so then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. There are provisions in the Authority's Constitution that allow this.
- 3.75 When the meeting is officially closed by the Chair you must stop filming, photographing and/or audio-recording.

Exclusion from Meetings

- 3.76 The majority of the Authority's decision-making take place in meetings open to the public and press. You may only be excluded from a meeting when issues are being considered that involve confidential or exempt information (as defined in Section 100 of the Local Government Act 1972).
- 3.77 Even if you are excluded you will know the nature of the business to be dealt with while you are excluded from the meeting and any decision will be made known after the meeting.
- 3.78 No filming, photographing and/or audio-recording is permitted during any exclusion. All equipment for filming, photographing and/or audio-recording must be removed from the meeting room.

Interpretation of this Protocol

- 3.79 Any decision taken by the Chair on the interpretation of this protocol before, or at the meeting in question is final.

Authority Audio Recording

- 3.80 The Authority will make an audio-recording of all Member meetings that are held in public.
- 3.81 Meeting agendas will carry a statement about this Protocol.

Contact: Democratic Services, Cheshire Fire and Rescue Service
Headquarters, Sadler Road, Winsford, Cheshire CW7 2FQ
Tel: 01606 868804
E-mail: DemocraticServices@cheshirefire.gov.uk

POST MEETING - PROCEDURAL MATTERS

Publication of Minutes

- 3.82 **Minutes of the Authority – Open for Inspection**

SECTION 3 – PROCEDURAL MATTERS

- 3.83 The Minutes of the previous Fire Authority meeting will be submitted to its next meeting for confirmation as an accurate record of the proceedings.
- 3.84 The Chair will ask the Authority to confirm them as an accurate record and that he/she should sign them as such. Once the Minutes have been confirmed, with or without amendment, the Chair will sign them.
- 3.85 Any discussion about the Minutes must relate solely to their accuracy and/or sufficiency.
- 3.86 The Authority will also receive for information the Minutes of its Committees meetings and other bodies within the political structure.

SPECIFIC PROCEDURAL MATTERS

Rescinding a Decision

- 3.87 At a meeting of the Fire Authority, no motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period; provided that such a motion may be moved if:
- (a) It is recommended by one of the other Committees; or
 - (b) notice of such a motion has been given and signed by at least three Members.

NB: A motion to rescind may not normally be pursued if the decision has been actioned and it would not be in the interest of the Authority to rescind the decision.

Urgent Business to be determined between Fire Authority Meetings

- 3.88 Where an item of business should be dealt with by Members that cannot await the next meeting of the Authority, it may be determined by the Chief Fire Officer and Chief Executive, Monitoring Officer, and Treasurer.
- a) The Chief Fire Officer and Chief Executive and/or the Monitoring Officer and/or the Treasurer will summarise the matter that requires a decision and provide any advice required by Members in a form entitled 'Urgent Business to be Decided Between Fire Authority Meetings'. This should aim to provide sufficient information upon which Members are able to form a judgement and make a decision and may involve the production of the same level of detail as a report to the Fire Authority.
 - b) The form will then be submitted to the Chair (or the Deputy Chair in the Chair's absence) and the spokespersons of all other political groups represented on the Authority (with a copy to the Deputy Chair for information).
- 3.89 The action may only be taken if the majority of those consulted support the action.

SECTION 3 – PROCEDURAL MATTERS

- 3.90 A report on the action taken will be made to the next meeting of the Authority. The report shall include the names of the Members consulted and their response. The Monitoring Officer may also notify all Members at the time that the urgent decision is made.

SECTION 3 – PROCEDURAL MATTERS

ANNEX 1 TO SECTION 3 – GENERAL PROCEDURAL MATTERS

LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION

Descriptions of exempt information under the new Schedule 12A are:

1. Information relating to an individual;
2. Information which is likely to reveal the identity of an individual;
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information);
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;
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
6. Information which reveals that the Authority proposes to – (a) give under any enactment, a notice under which requirements are imposed on a person, (b) or make an Order or direction under any enactment;
7. Information relating to any action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

SECTION 3 – PROCEDURAL MATTERS

ANNEX 2 TO SECTION 3 – PETITIONS PROCTOCOL

Information and guidance regarding the Authority's Petitions Protocol.

Who can Petition Cheshire Fire Authority?

Anyone that has an interest in the area covered by Cheshire Fire Authority, i.e. lives or works in the boroughs of Cheshire East, Cheshire West and Chester, Halton or Warrington.

Members of Cheshire Fire Authority cannot petition.

What can a Petition be about?

Normally it can cover anything that is relevant to what Cheshire Fire Authority is responsible for. However, certain petitions may not be accepted and the following is a list of examples:

- If it is concerned with issues that should be considered using the Complaints Procedure.
- If it is about the behaviour of individual officers and/or Members which should be dealt with using disciplinary processes.
- If it is about employee's terms and conditions of employment.
- If it contains defamatory statements, or discriminatory language.
- If it makes accusations about someone breaking the law.
- If its purpose is to support a political party.

Petitions concerned with issues over which Cheshire Fire Authority has no control will not normally be accepted.

What should be included with the Petition?

Cheshire Fire Authority has a form which should be completed. It is in our legitimate interests to ask for the detail required and is designed to help officers and promoters of petitions deal with Petitions. The form is required whether the Petition is hard copy or electronic.

[Petitions protocol form](#)

Who should I send the Petition to?

If the Petition is hardcopy please post it to:

Democratic Services
Cheshire Fire and Rescue Service Headquarters
Sadler Road
Winsford
Cheshire
CW7 2FQ

SECTION 3 – PROCEDURAL MATTERS

If the Petition is electronic, please inform Democratic Services by e-mail at democraticservices@cheshirefire.gov.uk and explain how the Petition can be accessed once the period for signature of the Petition has expired

What happens to the Petition?

It will firstly be checked to ensure that it is a valid Petition. If any issues need to be considered prior to deciding on the validity of a Petition, the Democratic Services team will contact the Promoter of the Petition.

If a Petition is not accepted the Democratic Services team will inform the Promoter of the Petition.

If a Petition is valid the Democratic Services team will verify the number of signatures. This total may also be split to assist Members, for example between signatures from individuals that have a direct interest in the issue and those that appear not to. Members will take into account the number of signatories when considering a Petition.

Valid Petitions are brought to the attention of Members normally at the next available Fire Authority meeting. Promoters of Petitions are not required to attend the meeting, but are able to do so. There will not normally be any discussion about a Petition at the Fire Authority meeting that it is presented to, unless it concerns an issue which is already the subject of a report to the Authority. In such instances, the Promoter of the Petition may wish to attend the meeting to listen to be debate and/or ask questions (which must be submitted in advance).

Promoters of Petitions can expect a written response on behalf of Cheshire Fire Authority.

Data Protection

Individuals that sign petitions should realise that the details that they include in a petition will be open to public scrutiny. They should not expect their name to be withheld as a Petition will be treated as a public document. It will be open to public inspection and may be published. Where published, we will remove your address, telephone and email.

We will keep a record of the petition for seven years.

Please see our website to find out more information about your [Data Protection Rights](#) or contact our Data Protection Officer. You also have a right to complain to the [Information Commissioner](#).