

DEVON AND CORNWALL POLICE AUTHORITY

PROCEDURE RULES

These Procedure Rules will apply to meetings of the Police Authority and those shown with an * will apply suitable amended to Committees

1. MEETINGS OF THE AUTHORITY

- (1) The Authority shall hold an annual meeting in May or June each year.
- (2) Other meetings of the Authority shall be held on such dates as may be determined at the annual meeting provided that any such date may be varied at a subsequent meeting.
- (3) All meetings shall commence at 10.30am or at such other time as the Chairman or Authority may direct.
- (4) If, at the expiry of thirty minutes from the time at which a meeting is appointed to be held, a quorum (see Procedure Rule 5) be not present, such meeting shall not take place but shall stand adjourned to such date within fifteen days as the Chairman shall appoint, or if he does not fix a date to the next ordinary meeting of the Authority.

2. CONVENING OF MEETINGS *

The Chairman or, in the case of his/her inability to act, the Vice-Chairman may call a meeting of the Authority at any time.

3. CHAIRMAN AND VICE-CHAIRMAN

- (1) At the annual meeting of the Authority the first business to be transacted shall be the appointment of a Chairman and Vice-Chairman.
- (2) Subject to (1) above the person to preside at any meeting of the Authority shall be:

- (a) the Chairman, if present
 - (b) if the Chairman is absent, the Vice-Chairman
 - (c) if the Chairman and the Vice-Chairman are absent, such member as the members of the Authority present shall elect.
- (3) In the absence of the Chairman, any power or duty may be exercised by the person presiding at the meeting.

4. NOTICES OF MOTION *

- (1) A notice of motion shall be required for all motions other than those set out in Procedure Rule 4(6).
- (2) A notice of motion shall be in writing signed by the member giving it and shall be delivered at, or sent by post, to the office of the Chief Executive, who shall enter each such notice, in the order in which it is received, in the summons for the appropriate meeting.
- (3) No motion for which notice is required shall be considered at the meeting of the Authority unless it is received by the Chief Executive ten working days before the day of such meeting.
- (4) If a motion, notice of which is entered in the agenda, be not moved either by the member who has given the notice or by some other member, it shall be deemed to have lapsed and shall not be moved without further notice.
- (5) Motions for which notice has been duly given the subject matter of which comes within the province of any committee or committees shall, upon being moved and seconded, stand referred without discussion to such committee or committees, or to such other committee or committees as the Authority may determine for consideration and report, provided that the Chairman may, if he considers it convenient and conducive to the despatch of business, allow such motion to be dealt with at the meeting at which it is brought forward.
- (6) Every motion shall be relevant to some question over which the Authority have power or which affects the Authority. Motions relating to the following matters may be moved without notice being given under Procedure Rule 6(1):
 - (a) Appointment of a Chairman for the meeting
 - (b) The accuracy of the minutes of the last meeting
 - (c) Variation of the order of business
 - (d) Suspension of procedure rules
 - (e) Adjournment
 - (f) Exclusion of the press and public

- (g) The adoption or amendment of any recommendation contained in a report on the agenda
- (h) The adoption or amendment of any recommendation made by a committee and included in its report to the Authority
- (i) The receiving and adoption of a committee report
- (j) The remission of any matter before the Authority to a committee
- (k) That the question be now put or the Authority proceed to the next business.

5. QUORUM *

At a meeting of the **Authority** five shall be a quorum. If, during any meeting of the Authority, the Chairman, after counting the number of members present, declares that there is not a quorum present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or if he does not fix a time, to the next ordinary meeting of the Authority.

The quorum for a Committee meeting shall be 3; for the **Standards Committee** this will be 3 to include at least one independent Member.

The quorum for a meeting of the **Strategic Planning and Co-ordination Committee** shall be 5.

6. QUESTIONS *

- (1) A member may ask a question and one supplementary question of the Chairman relating to the business of the Authority and which is not referred to in the summons for the meeting.
- (2) Notification of the question shall be given to the Chief Executive at the office of the Police Authority at least three clear days before the meeting.
- (3) The Chairman of the meeting may allow the asking of a question which has not been submitted as required by paragraph (2) above, if he considers that it relates to urgent business. The text of any such question shall, if possible, be delivered to the Chief Executive not later than 10.00 am on the working day immediately before the meeting at which the question is to be asked.
- (4) Every question shall be put orally and answered without discussion.

7. MINUTES *

- (1) No discussion shall take place upon the minutes except as to their accuracy and any question of accuracy shall be raised by motion. Unless the Chairman otherwise directs, such motion shall include the words which the mover thereof wishes to be inserted in the minutes in the place of those whose accuracy is challenged. If no such question

is raised or if it is raised then as soon as it shall have been disposed of the Chairman shall sign the minutes.

- (2) Where in relation to any meeting of the Authority the next such meeting is an extraordinary meeting called under the provisions of paragraph 3 of Schedule 12 of the Local Government Act 1972 the next following meeting (being a meeting called otherwise than under paragraph 3) of the Authority shall be treated as a suitable meeting for the purposes of signing of the minutes.

8. RULES OF DEBATE *

- (1) No member shall speak (except to raise a point of order) unless called upon by the Chairman.
- (2) A member may not speak on any matter after the same has been put to the vote by the Chairman.
- (3) A motion or amendment shall not be discussed until it has been moved and seconded and, except for motions (a) for adjournment of a debate or of a meeting (b) "that the question be now put" or (c) to proceed to the next business, every motion or amendment, if required by the Chairman shall be put in writing and handed to the Chairman.
- (4)
 - (a) A member shall not speak more than once on any motion or amendment except in exercise of the right of reply given by paragraph (b) of this Procedure Rule; provided that if a member formally seconds a motion or amendment without speaking thereon, s/he shall not be considered to have thereby exhausted his/her right to speech; provided also that a member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the way in which s/he considers that it has been broken. A personal explanation shall be confined to some material part of a former speech made by him/her which may appear to have been misunderstood in the present debate.
 - (b) The proposer of a motion, but not of an amendment, shall have a right of reply at the close of the debate upon such motion or on any amendment to it, immediately before it is put to the vote, or immediately before any motion for the adjournment of the debate, or for proceeding to other business, or for the adjournment of the Authority is put to the vote.

A member exercising a right to reply shall not introduce a new matter.

- (5) No member shall, in addressing a meeting on any motion or amendment, speak longer than five minutes, provided that this shall not apply to the mover of any original motion either in moving or replying, or in cases where the meeting decides on a motion duly moved and seconded, that an extension of a further period of five minutes be granted.

- (6) A member moving that the Authority do now adjourn may speak for not more than three minutes and, if the motion be seconded, it shall be seconded without a speech and put by the Chairman without debate.
- (7) A member moving that the Authority 'do now proceed to the next business', or 'that the debate be now adjourned', may speak for not more than three minutes; and, if the motion be seconded, it shall be seconded without a speech. The Chairman shall then call on the mover of the original motion to speak to the motion just moved after which the latter motion shall be put to the vote and, if carried, the matter shall be deemed to be disposed of for the day or stand adjourned, as the case may be.
- (8) If a member moves 'that the question be now put', such motion shall be moved and seconded without speeches. If the Chairman senses the Authority to be in favour of closing the debate he shall put the motion without debate. If such motion be carried, then, subject to the right of reply of the proposer of the original motion, the question under debate shall be put.
- (9) If, on the introduction of any motion and before the mover speaks to it, the Chairman shall give it as his opinion that the said motion is not relevant to the statutory business of the Authority it shall not be moved.

8. RULES OF DEBATE (Contd.)

- (10) An amendment shall be either:-
 - (a) to leave out words; or
 - (b) to leave out words and insert or add others; or
 - (c) to insert or add words; or
 - (d) to refer or refer back any matter to a committee;but such omission, insertion or addition of words shall not have the effect of introducing a substantially new proposal into, or of negating, the motion before the Authority.
- (11) Whenever an amendment to an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of. Notice of any number of amendments may be given, but if an amendment to refer or refer back to a committee be carried, a subsequent amendment may not be moved.
- (12) If an amendment be rejected, other amendments, not being to the same effect as the rejected amendment, may be moved to the original motion.
- (13) If an amendment, other than a reference or reference back to a committee, be carried the motion as amended shall take the place of the original motion and shall become the question upon which any further amendment must be moved.

- (14) A member who speaks shall confine him/herself to the question before the Authority, or to a point of order.
- (15) If a motion for the adjournment of a debate be made and negated, a fresh motion for adjournment shall not, except by leave of the Chairman, be in order until half an hour thereafter has elapsed.
- (16) A motion for the adjournment of the Authority shall not be moved until all the business on the agenda shall have been dealt with, except by leave of the Chairman.

9. RESCISSION OF RESOLUTIONS *

No motion to rescind any resolution which has been passed within the preceding six months, nor any motion or amendment to the same effect as one which has been negated within the preceding six months, shall be proposed unless notice thereof shall have been given and specified in the agenda and the notice shall bear, in addition to the name of the member who proposes the motion, the names of six other members supporting it. When any such motion has been disposed of by the Authority no member shall propose a similar motion within a further period of six months. This Procedure Rule shall not apply to motions which are moved by the Chairman or other member of committee in pursuance of a recommendation in the minutes of that committee.

10. DISORDERLY CONDUCT *

- (1) If at a meeting any member of the Authority, in the opinion of the Chairman, misconducts him/herself by persistently disregarding the ruling of the Chair, 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.
- (2) If the member named continues his/her misconduct after a motion under paragraph (1) of this Procedure Rule has been carried; the Chairman shall either:-
 - (i) move 'that the member named do leave the meeting' (in which case the motion shall be determined without seconding or discussion); or
 - (ii) adjourn the meeting of the Authority for such period as s/he, in his discretion, shall consider expedient.
- (3) If a motion 'that the member named do leave the meeting' is carried in accordance with paragraph (2) of this Procedure Rule, the Chairman shall order the member named to retire from the meeting for the remainder thereof and if such member should refuse to do so, the Chairman may order his/her removal from the place of the meeting.

- (4) In the event of general disturbance which, in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman, in addition to any other power vested in him/her, may without question, adjourn the meeting of the Authority for such period as s/he in his/her discretion shall consider expedient.

11. DISTURBANCE BY MEMBERS OF THE PUBLIC *

If a member of the public interrupts the proceedings of any meeting, the Chairman shall warn him/her. If s/he continues the interruption, the Chairman shall order his/her removal from the Chamber. In case of general disturbance in any part of the Chamber open to the public, the Chairman shall order that part to be cleared.

12. VOTING *

- (1) The mode of voting at the meetings of the Authority shall be show of hands, provided that:-
 - (a) the Authority may decide that the mode of voting on any particular question shall be by ballot; or
 - (b) on the requisition of any member of the Authority made before the vote is taken and supported by a majority of the members present who signify support by rising in their places the voting on any question shall be by roll-call and shall be recorded in the minutes so as to show how each member present and voting gave his vote. The name of any member not voting shall also be recorded.
- (2) In the case of an equality of votes the person presiding at a meeting shall have a second or casting vote.
- (3) Where a roll call vote is not taken, a member may request that his/her vote is recorded as for, against or in abstention.

13. VOTING ON APPOINTMENTS *

- (1) Where there are more than two persons nominated for one position to be filled by the Authority and of the votes given there is not an overall majority 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 an overall majority of votes is given in favour of one person.
- (2) In the case where more than one position is to be filled and there are more persons nominated than there are vacancies, the same procedure as in paragraph (1) above shall apply.
- (3) In the case of equality of votes and the Chairman does not exercise his/her casting vote the matter shall be determined by lot.

14. CONFIDENTIAL DOCUMENTS

Documents marked confidential shall be treated as confidential unless and until they become public in the ordinary course of business.

15. MEMBERS' ABSENCE

- (1) If any member fails throughout a period of six consecutive months to attend any meeting of the full Authority, the circumstances shall be reported to the Authority and s/he shall cease to be a Member of the Authority unless the failure is due to some reason approved by the Authority and the Authority shall proceed to fill the vacancy.
- (2) If any Member fails throughout a period of six consecutive months to attend any meetings of any panel or committee of which s/he is a member (provided that at least two such meetings have been convened within the period), the circumstances shall be reported to the Authority and s/he shall cease to be a member of the panel or committee unless the failure is due to some reason approved by the Authority and the Authority shall proceed to fill the vacancy.

16. INTEREST OF MEMBERS IN CONTRACTS *

If any member of the Authority or committee has any pecuniary interest, direct or indirect, within the meanings of Sections 94 and 95 of the Local Government Act 1972 in any contract, proposed contract or other matter, that member shall withdraw from the meeting of the Authority or committee while the contract, proposed contract or other matter is under consideration unless the disability to discuss that matter imposed upon him/her by the Section has been removed by the Secretary of State for the Environment under Section 97 of the Local Government Act 1972.

17. INTEREST OF OFFICERS IN CONTRACTS *

An officer shall give notice of any pecuniary interest, direct or indirect, s/he may have in a contract to which the Authority is a party and the Chief Executive of the Authority shall record such a notice in a book to be kept for the purpose, which shall be open during office hours to the inspection of any member of the Authority.

18. SUSPENSION OF PROCEDURE RULES

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

19. VARIATION AND REVOCATION OF PROCEDURE RULES

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

20. FINANCIAL REGULATIONS *

Every committee and officer of the Authority shall comply with such Financial Regulations as may from time to time be made by the Authority.

21. BREACH OF PROCEDURE RULES *

In the event of a breach, or alleged breach, of Procedure Rules the matter will be referred in the first instance to the Chief Executive as Monitoring Officer. S/He will arrange for an appropriate report to be submitted to the Standards Committee for consideration.

22. DELEGATION

(1) Every Committee shall have such delegated powers and duties as approved from time to time by the Authority including any power and duties incidental to enforcing the provisions of any legislation

(2) Any discussion of a committee on a matter for which it has delegated powers to act shall be known as a "Starred" Minute and will be denoted by inserting an asterisk (*) before the Minute Number

(3) No discussion will be allowed in relation to a starred minute and any question may only be asked in accordance with Procedure Rule 6

23. INTERPRETATION

(1) The Interpretation Act 1978 shall, save where the context otherwise requires, apply to these Procedure Rules as it applies to the interpretation of an Act of Parliament.

(2) The ruling of the Chairman as to the construction or application of any of these Procedure Rules or as to any proceedings of the Authority shall not be challenged at any meeting of the Authority.

24. URGENT DECISION PROCEDURE

In this context "Urgent" means a decision that needs to be taken either under delegated powers as a high priority by the Chief Executive or a decision that needs to be made by Members but cannot wait until the next meeting of the relevant committee. The process to be followed is as follows:

Urgent Decision Procedure

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