

EAST MIDLANDS POLICE AUTHORITIES JOINT COMMITTEE

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Meeting **EAST MIDLANDS POLICE AUTHORITIES JOINT COMMITTEE**

Date **THURSDAY 17 JUNE 2010 – 2.30 P.M.**

Report of **CHIEF EXECUTIVE, LEICESTERSHIRE POLICE AUTHORITY**

Subject **HEADS OF AGREEMENT AND PROCEDURAL STANDING ORDERS**

Purpose of Report

1. This report discusses a review of the Heads of Agreement and Standing Orders agreed by the Joint Committee in 2007.

Commentary

2. The Standing Orders for this Joint Committee were agreed by the Committee on 4 September 2007. A copy appears at Appendix 1 to this report. It is suggested that these standing orders are still fit for purpose and members are asked to agree this document.
3. The Heads of Agreement were agreed by this Committee as minute 03/07 on 2 July 2007. With the passage of time a few amendments have become necessary. A document showing the tracked amendments now proposed appears as Appendix 2. An explanation in relation to the less obvious changes are found below.
4. In paragraph 5 of the Heads of Agreement it is suggested that the servicing authority duties be rotated between the party authorities. Nottinghamshire have been servicing authority up until the start of 2010, when Leicestershire took over. It is suggested that this provision remain in the Heads of Agreement.
5. Also in paragraph 5 of the Heads of Agreement there is a provision preventing the Chairman and the secretariat support falling on the same authority. It is suggested that this be retained.
6. Paragraph 6 of the Heads of Agreement provides that Joint Committee members shall keep their Police Authority apprised of its work to ensure that there is proper mandation to exercise any delegated powers on a given issue. It further provides that the Joint Committee shall hold at least annually a discussion with all members of all party authorities on future development. Practicalities have prevented strict adherence to this annual event, although it is suggested that it is still a laudable aim.

7. In paragraph 9 there are special provisions about voting in respect of collaboration agreements.
8. Paragraph 11 also sets out the formal delegations and terms of reference. The proposed changes to these paragraphs are suggested in order to (a) take into account the new statutory provisions relating to collaboration agreements; (b) take into account the prospect of some collaborations taking place at a sub regional level; (c) emphasise to the participating authorities the true extent of the powers delegated to this Joint Committee; and (d) acknowledge that the Joint Committee exercises scrutiny of EMSOU.
9. If the new wording is agreed it is suggested each Authority is presented with the report to renew the terms of delegation to EMPAJC.

Recommendation

10. Members of the Joint Committee are asked to agree
 - (i) the standing orders at Appendix 1;
 - (ii) the amendments to the Heads of Agreement at Appendix 2; and
 - (iii) that the amended Heads of Agreement document is submitted to each police authority in the region for approval.

Implications

Financial: none. Legal: entire report. Diversity: none. Risk Management: none.

Background Papers

None.

Officer to Contact

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APPENDIX 1

**STANDING ORDERS FOR THE REGULATION OF THE BUSINESS OF THE
EAST MIDLANDS POLICE AUTHORITIES JOINT COMMITTEE (“EMPAJC”)**

STANDING ORDER 1

Meetings of EMPAJC

- (1) EMPAJC shall hold an annual meeting between 1 April and 30 June (inclusive) each year. The first item of business on the agenda for the annual meeting shall be the appointment of Chairman and Vice-Chairman for the ensuing year.
- (2) EMPAJC may fix meetings (“ordinary meetings”) of EMPAJC for the transaction of general business. EMPAJC may vary the date of any meeting.
- (3) The Joint Committee Secretary in consultation with the Chairman may vary the date, time and venue of the meetings by giving not less than 2 weeks’ notice to the Chief Executive of each party authority.
- (4) The Joint Committee Secretary shall convene an extraordinary meeting of EMPAJC if requested to do so by:
 - (a) EMPAJC by resolution;
 - (b) the Chairman;
 - (c) any 3 members of EMPAJC.

The request shall state the reason for the meeting. The business to be conducted at an extraordinary meeting shall be restricted to the matters in the request.

- (5) An extraordinary meeting of EMPAJC shall not be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 to the Local Government Act 1972.

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

The EMPAJC Heads of Agreement recites that the quorum of EMPAJC shall be at least one member of four party authorities. If during any meeting of EMPAJC 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 (s)he does not fix a time, to the next ordinary meeting of EMPAJC.

STANDING ORDER 4

Minutes of EMPAJC

- (1) At a meeting of EMPAJC 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.
- (2) No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
- (3) 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.

STANDING ORDER 5

Questions by the Public

- (1) At each ordinary meeting of EMPAJC, 20 minutes shall be set aside for questions from any resident of the police areas of the party authorities who is present at the meeting concerning the work of EMPAJC.
- (2) No such question shall be asked unless it shall have been put to the Joint Committee Secretary no later than 12 noon two days before the EMPAJC meeting.
- (3) The Joint Committee Secretary may reject the question if it:
 - (a) is not about a matter for which EMPAJC has a responsibility (- questions not related EMPAJC business will be directed to the appropriate body);
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been put at an EMPAJC meeting in the past ten months; or
 - (d) requires the disclosure of confidential or exempt information
- (4) The Chairman will reply or invite the relevant member or officer to reply to the question. Such reply shall not exceed 5 minutes. At the discretion of the Chairman, a supplementary question may be asked if arising directly from the reply provided that the original allocation of 5 minutes is not exceeded.
- (5) In the event of there being more than one question, the questions shall be asked in the order received. At the expiry of the 20-minute period, or after the reply to the final question, whichever shall first occur, EMPAJC will proceed to the next business unless the meeting consents to a longer period.

- (6) The questions put and the answers given shall be minuted.

STANDING ORDER 6

Motions and Amendments

- (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 (s)he is disqualified from voting.
- (3) An amendment shall be relevant to the motion and shall be to leave out words and/or add others; provided that the effect is not to negate the motion.
- (4) If an amendment is lost, other amendments 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.

STANDING ORDER 7

Alterations or Withdrawal of Motion or Amendment

A member may alter or withdraw a motion which (s)he has moved, with the consent of both the meeting and the seconder. Only alterations which could be made as an amendment may be made.

STANDING ORDER 8

Motions Affecting Persons Employed by EMPAJC

If any question arises at a meeting of EMPAJC as to the appointment, promotion, dismissal, salary, superannuation, conditions of service or the conduct of any police officer or any person employed by any party authority, such question shall not be the subject of discussion until EMPAJC has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act 1972, shall be exercised.

STANDING ORDER 9

Voting

- (1) On issues requiring, by the Heads of Agreement, one vote per party authority the vote for each party shall be cast by the most senior member of that authority present. On other issues each member present shall vote in their own right.
- (2) Every proposition shall, unless required by these Standing Orders, or Statute, be determined by show of hands or, at the discretion of the Chairman, by voices.

- (3) In taking the votes on any proposition, only those members who are present in the room when the proposition is put from the Chair, shall be entitled to vote.
- (4) After a proposition is put from the Chair 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/her vote for or against that proposition or abstained from voting.
- (5) Where immediately after a vote is taken any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether (s)he abstained from voting.

STANDING ORDER 10

Record of Attendances

Every member attending a meeting of EMPAJC shall sign his/her name in the attendance book or sheet provided for that purpose.

STANDING ORDER 11

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 or annual meeting of EMPAJC, whichever shall first occur.

STANDING ORDER 12

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 EMPAJC.

STANDING ORDER 13

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 EMPAJC, shall not be challenged at any meeting of EMPAJC.