



Standing Orders

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1 Meetings

1.1 Meetings

Ordinary Meetings

- 1.1.1 Avon Fire Authority hereinafter referred to as “the Authority” shall meet at least once a quarter and on such other occasions as may be necessary. Meetings shall be held at such places and at such times as the Authority shall from time to time direct.
- 1.1.2 The Authority shall hold an annual meeting each year after the annual meetings of the constituent authorities in May or June.

Extraordinary Meetings

- 1.1.3 The Chair of the Authority may summon an extraordinary meeting of the Authority at any time.
- 1.1.4 If the Chair refuses to call an extraordinary meeting after receiving a requisition for that purpose, signed by five members of the Authority or if, without so refusing, the Chair does not call an extraordinary meeting within seven days after receiving the requisition then any five members of the Authority, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Authority.

1.2 Chair

- 1.2.1 The first item of business on the agenda for the annual meeting shall be the appointment of a Chair for the coming year.
- 1.2.2 The Authority may also (if it resolves to do so) elect up to two Vice-Chairs.
- 1.2.3 The Chair (and, if elected, the Vice-Chairs) shall continue in office until a successor is elected, provided that they continue to be a Member of the Fire Authority.
- 1.2.3A With effect from 1 April 1996, no Member shall hold the position of Chair or Vice Chair of the Fire Authority or any combination of either role for a period exceeding 6 Municipal Years either consecutively or in aggregate.



1.2.4 If the office of Chair (or Vice-Chair) becomes vacant at any time due to the death, resignation or disqualification of the office holder, the Authority shall (in the case of the Chair) and may (in the case of the Vice-Chairs) elect from its members a person to replace the office holder. Such an election to replace the Chair shall take place no later than the next ordinary meeting of the Authority after the office has become vacant.

1.2.5 If the Chair is absent from a meeting of the Authority, one of the Vice-Chairs (if elected) shall preside. If the Chair and Vice-Chairs are absent, another Member chosen by the Members present shall preside.

1.3 Matters to be Included in Agendas

1.3.1 Members' requests for matters to be included on the agenda for a meeting of the Authority shall be in writing and received by the Clerk at least ten days before the next ordinary meeting of the Authority, failing which they shall not be so included without the express approval of the Chair of the Authority.

1.4 Agendas and Reports

1.4.1 A copy of the agenda and reports to be submitted to a meeting of the Authority shall be sent to every Member at least five clear days before the meeting at which the reports are to be submitted.

1.5 Quorum

1.5.1 If, during any meeting of the Authority, the Chair, 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 Chair at the time the meeting is adjourned, or, if such a time is not fixed, to the next ordinary meeting of the Authority.

1.5.2 (* A quorum shall be one third of the total number of Members of the Authority or alternatively any proportion of the total number of the Authority's Members that it determines, provided that this proportion is no smaller than one third. If at any time more than one third of the total number of Members of the Authority are disqualified, then until at least two-thirds of the total number of Members are not disqualified the quorum shall be determined by reference to the appropriate proportion of qualified Members of the Authority rather than of the total number of Members.)

1.6 Minutes

1.6.1 The minutes of the business considered and decisions reached at each meeting of the Authority shall be printed and a copy sent to each Member with or prior to the summons to attend the next meeting of the Authority.

1.6.2 When the minutes of a previous meeting come before the Authority, the Authority shall firstly determine any questions raised as to their accuracy, and when approved



the Chair shall sign the minutes. No other motion or discussion shall take place upon the minutes, except that a Member may request information as to progress or further development of any matter referred to in the minutes.

1.7 Attendance Book

1.7.1 An attendance book, or sheet, shall be laid on the table at every meeting of the Authority in which each Member present shall enter their name. The book or sheet shall constitute the register of attendance of Members, and any omission therefrom may be remedied by the Clerk to the Authority.

1.7A Non-attendance of Members

The objective of this Standing Order is to enable the Fire Authority to take action against a Member who persistently fails to engage in the business of the Fire Authority without reasonable cause.

1.7A.1 Where a Member fails, throughout a period of three months from the date of their last attendance, to attend any meeting of the Fire Authority, then the appropriate Political Group Leader on the Fire Authority shall be advised of the non-attendance and asked to take appropriate action. Where the Member is not a member of a political group the Clerk shall advise the Member directly.

1.7A2 Where a Member fails, throughout a period of six months from the date of their last attendance, to attend any meeting of the Fire Authority, then the Clerk shall write to the Chief Executive of the Member's Unitary Authority advising them of the non-attendance and inviting that Authority to consider removing the Member and appointing an alternative.

1.7A3 Paragraphs 1.7A.1 and 1.7A.2 shall not apply where the failure to attend was as a result of some reason approved by, or on behalf of, the Fire Authority or one of the Unitary Authorities before the expiry of that period.

1.7A4 A 'meeting of the Fire Authority' includes meetings of the Fire Authority itself and of its committees.

1.7A5 Where a situation arises with a Member's non-attendance which is not specifically covered by the preceding paragraphs of this Standing Order the Clerk shall take whatever reasonable action is deemed appropriate



1.8 Motions

- 1.8.1 No motion or amendment other than a motion for the reception or adoption of a report, or for the adoption of a recommendation contained in a report, shall, after the proposer has spoken in support thereof, be discussed or proceeded with unless it has been seconded. Such motion or amendment shall, if required by the Chair, be reduced to writing and handed to the Chair before it is further discussed or put to the meeting.
- 1.8.2 A Member may not propose or second a motion or amendment on which they are disqualified from voting.
- 1.8.3 When a resolution either adopting or rejecting a motion has been passed by the Authority, no motion to rescind that resolution can be brought forward within six months of the original resolution except on a report of a Committee.

1.9 Motions During Debate

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

- (a) to amend the motion
- (b) to postpone consideration of the motion
- (c) to adjourn the meeting
- (d) to adjourn the debate
- (e) to proceed to the next business
- (f) that the question be now put
- (g) that a Member be not further heard
- (h) that a Member do leave the meeting
- (i) that the subject of debate be referred to a committee or a sub-committee or be referred back for further consideration.



1.10 Motions for Closure, Adjournment, etc.

- 1.10.1 Where a motion is moved or seconded ‘that the question be now put’, ‘that the debate be now adjourned’, ‘that the Authority proceed to the next business’, or ‘that the Authority be now adjourned’, the Chair, if of the opinion that the question before the meeting has been sufficiently discussed, shall put that motion to the vote and if it is carried, the question before the meeting shall be put to the vote or the subject of debate shall be deemed to be disposed of for that day or the meeting shall stand adjourned, as the case may be.
- 1.10.2 A second motion concerning the same question before the meeting ‘that the question be now put’, ‘that the debate be now adjourned’, ‘that the Authority proceed to the next business’ or ‘that the Authority be now adjourned’ shall not be made within a period of fifteen minutes unless it be made by the Chair.

1.11 Amendments

- 1.11.1 An amendment shall be relevant to the motion and shall be either:
- (a) to leave out words;
 - (b) to leave out words and insert or add others;
 - (c) to insert or add words;
- 1.11.2 but such omission or insertion of words shall not have the effect of introducing a new proposal into or of negating the motion before the Authority.
- 1.11.3 If an amendment is rejected, 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 be the motion upon which any further amendment may be moved.
- 1.11.4 A further amendment shall not be moved until the Authority shall have disposed of every amendment previously moved.

1.12 Alterations or Withdrawal of Motion or Amendment

- 1.12.1 A proposer of a motion may, with the concurrence of the seconder and the consent of the Authority, 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 Chair be reduced into writing and handed to the Chair before the consent of the Authority to the alteration is sought.
- 1.12.2 A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Authority, withdraw the motion or amendment which



he 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.

1.12.3 The giving or refusal of the consent of the Authority to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

1.13 Speech by Secunder

1.13.1 A Member, when seconding a motion or amendment, may if then declaring the intention to do so, reserve their speech until a later period of the debate.

1.14 Motions Affecting Persons Employed by the Fire Authority

1.14.1 If any question arises at a meeting of the Authority or a committee as to the appointment, promotion, dismissal, salary, superannuation, conditions of service or the conduct of any firefighter or any person employed by the Authority, such question shall not be the subject of discussion until the Authority or committee, as the case may be, has decided whether or not the power of exclusion of the public under Schedule 12A of the Local Government Act 1972 shall be exercised.

1.15 Members to Address the Chair

1.15.1 A Member when speaking shall address the Chair. If two or more Members wish to speak, the Chair shall decide the order in which they shall speak.

1.15.2 Whenever the Chair rises during a debate, a Member then speaking and the Authority shall be silent.

1.16 Rights of Speech

1.16.1 A Member may speak on any motion or amendment or on any report at such time as it is actually before the Authority, but Members' remarks shall be strictly confined to the subject matter under discussion or to an explanation or a question of order.

1.16.2 The mover of a motion shall have a right of reply at the conclusion of debate on the motion but shall not raise new points.

1.16.3 The mover of an amendment shall similarly have a right of reply at the conclusion of debate on the amendment.

1.17 Length of Speeches

1.17.1 No speech (other than by the Chair of a committee in support or explanation of any report of such committee) shall exceed five minutes except by consent of the Authority.

1.18 Conduct of Members

1.18.1 A Member shall not impute motives or use offensive expressions to or about any other Member.



1.18.2 If any Member, in the opinion of the Chair signified to the Authority, persistently disregards the ruling of the Chair, or behaves irregularly, improperly, or offensively, or willfully obstructs the business of the Authority, or uses tedious repetition or unbecoming language, the Chair or any other Member may move “that the Member named be not further heard”, and such motion if seconded shall be put and determined without discussion.

1.18.3 If the Member named continues the misconduct after a motion under the last previous paragraph has been carried, the Chair 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 of the Authority for such period as the Chair shall consider expedient.

1.19 Points of Order and Explanations

1.19.1 A point of order shall relate only to an alleged breach of a Standing Order or statutory provision, and the Member raising it shall specify the Standing Order or statutory provision and the way in which it has been broken. A personal explanation shall be confined to some material part of a former speech by the Member which may appear to have been misunderstood in the present debate.

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

1.20 Voting

1.20.1 Subject to Standing Order 1.20.2, all questions shall be determined by the preponderance of voices or by a show of hands. If the Chair shall exercise the right to cast an original vote, such vote shall be given at the same time as the other Members of the Authority shall give their votes. In the event of an equality of votes on a show of hands, the Chair of the meeting shall have a second or casting vote, whether or not the right to give an original vote shall have been exercised.

1.20.2 At the request of 3 Members for a “Named Vote” made prior to the taking of a vote as set out in Standing Order 1.20.1 the vote will be taken by means of the Clerk calling upon each Member to indicate whether they are for or against the resolution upon which the vote is being taken or whether they wish to abstain. The vote of each Member will be recorded by the Clerk and placed in the minutes of the meeting.

1.21 Public Access to Meetings of the Fire Authority

1.21.1 Subject to the provisions of this Standing Order, any person who is a resident of the City and County of Bristol or of any of the Districts of Bath and North East Somerset, South Gloucestershire or North Somerset and/or a representative of a business or voluntary organisation operating in the above areas who is affected by decisions to



be taken by the Fire Authority may address the Authority to present a petition, make a statement, or as leader of a deputation (“the Petitioner”).

- 1.21.2 A Petitioner must give prior written notice of their wish to address the Authority. The Clerk must receive such notice **at least two clear working days** in advance of the meeting.
- 1.21.3 Copies of petitions and the full text of comments in support of petitions, statements and deputations must be submitted when notice is given. The Petitioner shall only be permitted to speak on the subject matter contained in the text previously supplied to the Clerk. This paragraph is subject to any reasonable adjustments required by a Petitioner in submitting the full text which should be agreed with the Clerk prior to the deadline for receipt of notice set out in paragraph 1.21.2.
- 1.21.4 The right of Petitioners to address the Authority will be subject to any directions (including that a petition, statement or deputation not be heard) the Chair may give (prior to or at the meeting in question) having regard to the number of requests made, the need to consolidate petitions, statements or deputations dealing with the same subject and the fact the Authority has been addressed recently on similar subjects.
- 1.21.5 Petitions, statements or deputations will not be permitted in connection with any matters that:
- (a) are outside the responsibility of the Authority.
 - (b) are sub-judice.
 - (c) are defamatory, frivolous or offensive.
 - (d) requires the disclosure of confidential or exempt information.
 - (e) are about a matter which has already been lodged with the Authority or with another statutory body as a formal complaint (regardless of whether or not that complaint has been dealt with).
 - (f) are matters from employees or former employees connected with their employment or former employment.
 - (g) contain an allegation against, or comments about, the conduct of individual Members or Officers.
- 1.21.6 The total amount of time allocated at each Authority meeting for public access will be no more than 30 minutes, and each speaker will speak for no more than 5 minutes. The Chair shall have discretion to extend these time limits.
- 1.21.7 A Petitioner may nominate a Member of the Authority of their choice to attend any meeting of the Authority considering the petition in order to speak about the petition.
- 1.21.8 A petition, statement or deputation not presented because of the time limit shall be accepted without formal presentation. The Petitioner shall nevertheless retain the



right to nominate a Member of the Authority to speak on the petition at meetings when it is considered.

1.21.9 The Authority may either refer the matter without debate to the relevant Officer for investigation and to report back to the Authority or to one of its Committees; take it into consideration if it relates to an item on a current or forthcoming agenda (at the time that item is to be considered) or order that it lie on the table.

1.21.10 For the avoidance of doubt, public access does not extend to those in respect of whom a notice is to be served or has been served under the Fire Safety (Regulatory Reform) Order 2005.

1.21A Right of Recognised Trades Unions to Speak

1.21A.1 A representative from each of the trades unions recognised by the Authority shall have the right to speak at any meeting of the Authority or its Committees on any item on the agenda.

1.21A.2 The right to speak shall only apply to an item on the agenda to which the public has not been excluded under the provisions of Schedule 12A to the Local Government Act 1972.

1.21A.3 The right to speak shall only apply where the representative has notified the Clerk prior to the start of the meeting that the right is to be exercised for a particular item on the agenda.

1.21A.4 Where the Fire Authority has resolved that the recognised trades unions may participate in the proceedings of a particular Committee or Sub-Committee paragraphs 1 to 3 inclusive above shall not apply.

1.21A.5 For the purposes of Standing Order 1.18 (Conduct of Members) the expression "Member" shall be construed so as to include a representative exercising the right to speak under this rule and in the circumstances set out in paragraph 4 above.

1.22 General Disturbances

1.22.1 If a Member of the public interrupts the proceedings at any meeting, the Chair shall give a warning. If the interruption continues the Chair shall order the person's removal from the room. In case of general disturbance in any part of the room open to the public, the Chair shall order that part to be cleared.

1.22.2 If, in the opinion of the Chair, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in the Chair, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

1.23 Members' Interests

1.23.1 If any Member who has a personal interest in a matter attends a meeting at which the matter is considered that Member must disclose to that meeting the existence



and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

1.23.2 If a Member is present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, and they have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- (i) They may not participate in any discussion of the matter at the meeting.
- (ii) They may not participate in any vote taken on the matter at the meeting.
- (iii) If the interest is not registered, they must disclose the interest to the meeting.
- (iv) If the interest is not registered and is not the subject of a pending notification, they must notify the Monitoring Officer of the interest within 28 days.

1.23.3 Unless a dispensation to remain has been obtained, a Member must withdraw from the meeting room, including from the public gallery, during the whole of the consideration of any item of business in which he/she has an interest in respect of which the Code of Conduct requires him/her not to participate in any consideration or discussion of, or vote on, that item.

1.23.4 The following shall be recorded in the minutes of a meeting:-

- (i) the disclosure by a Member at that meeting of the existence of a personal interest and the nature of that interest;
- (ii) whether the Member disclosing an interest in a matter withdrew from the meeting room during the consideration of the matter;
- (iii) the nature and extent of any dispensation granted to a Member by the Ethics Committee in relation to any matter considered at the meeting and the action taken by the Member at the meeting in consequence of that dispensation.

1.23.5 For the purposes of this Standing Order

- (i) 'meeting' means any meeting of the Authority, or any of the Authority's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees or Advisory Committees.
- (ii) 'Member' includes any co-opted Member of the Authority or of any of the Authority's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees or Advisory Committees; and
- (iii) "personal /private interest' and 'pecuniary and non pecuniary interests' shall have the meaning as designated in legislation and in the Fire Authority's adopted Code of Conduct from time to time.

1.23.6 A Member shall not represent the Authority in staff negotiations contrary to Section 12 of the Local Government and Housing Act 1989 (Conflict of interest in staff negotiations). Prior to any such negotiations being undertaken at a meeting of the



Authority or a Committee, a Member shall, if appropriate, make a declaration to the effect that they are prohibited from taking part in the negotiations by virtue of this Standing Order and shall withdraw from the meeting whilst the negotiations are undertaken.

1.24 Members Acting Against the Fire Authority

1.24.1 A Member of the Authority or of its committees or sub-committees who, whether by themselves or by any partner or associate, or whose employer or company is about to act in any professional or private capacity against the Authority on any matter, shall forthwith notify the fact to the Clerk.

1.25 Expectations of Members

1.25.1 There is an expectation that each Member shall volunteer to sit on at least one Committee of the Fire Authority and in default the Fire Authority shall allocate that Member to a Committee unless there is a good reason not to do so.

1.25.2 The Fire Authority has adopted a role description for Members and there is an expectation that each Member will fulfil that role description (as amended from time to time) upon appointment and throughout their tenure as a Member.

1.25.3 Members have a responsibility to keep their compliance with the role description under regular review and if they feel at any time that they are unable to meet its requirements then they should consult their Unitary Authority about their continued membership.



2 Committees and Sub-Committees

2.1 Appointment of Committees

2.1.1 The Authority shall appoint such Committees as are necessary to carry out the work of the Authority in accordance with the Terms of Reference delegated in accordance with Standing Order 5.5 and may, at any time, dissolve a Committee or alter the membership thereof.

2.1.2 Where a Member of a Committee (who is also a Member of the Authority) is unable to attend a meeting of a Committee, the Clerk shall be authorised to effect a temporary membership change at the request of the relevant political group for the duration of the meeting. The Clerk shall be advised in writing of such a request before the meeting commences.

2.2 Chair of Committee

2.2.1 The appointment of the Chair of a Committee shall be matter for the Committee itself to decide.

2.2.2 If the Chair of a Committee is absent from a meeting of the Committee, the Members present shall choose one of their number to preside over the meeting.

2.3 Meetings of Committees

2.3.1 The Chair of a Committee or the Chair of the Authority may cause a special meeting of the Committee to be called at any time.

2.3.2 A special meeting of a Committee shall be called on the request of at least one quarter of the whole number of Members of the Committee by notice in writing signed by them and given to the Clerk and specifying the business for which the Meeting is to be called provided that no special meeting of a Committee shall be called unless such notice is signed by at least two Members of the Committee.

2.4 Ex-officio Members and Independent Person(s)

2.4.1 Except in the case of any Committee considering appeals arising from staffing matters, the Chair of the Authority shall be an ex-officio Member of every Committee but without voting rights. This Standing Order shall not apply where the Chair is appointed to serve on a Committee by name.

2.4.2 In respect of the Code of Conduct for Members, the Authority may from time to time by resolution appoint an independent person or independent persons, upon the recommendation of Members so authorised by the Authority.

2.4.3 An independent person shall hold the appointment for such period as the Authority shall determine at the time the appointment is made.

2.4.4 An independent person may resign his/her appointment by giving notice in writing to the Clerk.



- 2.4.5 The Authority may at any time by resolution terminate the appointment of an independent person.
- 2.4.6 If at any time the Authority would be precluded from appointing a person to be an independent person (notwithstanding that an appointment had been duly advertised, that person had submitted an application for appointment and his/her appointment had been approved by a majority of the Members of the Authority) and that person is then an independent person he/she shall cease to be an independent person.
- 2.4.7 For the purposes of these Standing Orders “independent person” means a person appointed pursuant to the requirements of the Localism Act 2011.

2.5 Filing of Vacancies

- 2.5.1 In case any vacancy shall occur in the membership of a Committee, the same shall be filled by the Authority at its next meeting.

2.6 Continuity of Committees

- 2.6.1 Committees shall, subject to the provisions of Section 102 of the Local Government Act 1972, continue in office until they have been re-constituted by the Authority.

2.7 Application of Standing Orders to Committees

- 2.7.1 Where the sense allows, these Standing Orders excluding Standing Order 1.8.3 shall apply to Committees with any necessary modification.
- 2.7.2 Where the proceedings or the validity of the proceedings of a Committee are subject to requirements imposed by or under the authority of an Act of Parliament those requirements shall be complied with and shall prevail over any conflicting requirements of these Standing Orders.

2.8 Sub-committees

- 2.8.1 With the approval of the Authority, a committee may appoint one or more standing or ad hoc sub-committees with executive or advisory powers to assist in the conduct of its business.
- 2.8.2 These Standing Orders shall apply to the proceedings of sub-committees in the same way that they apply to those of Committees.

3 Contracts

3.1 Definitions

In this part 3:-

- “the Law” - means all relevant English Law including relevant European Law in force for the time being in England.
- “the Procurement Regulations” - means The Public Contracts

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- Regulations 2015 or other Regulations for the time being amending or replacing the same.
- “Contracts Standing Orders” - means the Standing Orders contained in this Part 3.
- “appropriate Officer” - means the officer of the Authority who is authorised by the Chief Fire Officer to let the relevant contract.
- “Financial Regulations” - means the Authority’s Financial Regulations for the time being.
- “Offer” - means an offer (in whatever terms expressed) in relation to the relevant contract.

“the anticipated value” of a contract shall be its value under the Procurement Regulations.

3.2 Compliance with the Law and Contracts Standing Orders

- 3.2.1 All contracts and the procedures for entering into them shall comply with the Law.
- 3.2.2 In the event of any conflict between Contracts Standing Orders and the Law the Law shall prevail.
- 3.2.3 It is an implied condition of employment of all staff of the Authority involved in the letting of contracts that they shall observe the provisions of Contracts Standing Orders.
- 3.2.4 Where outside consultants are employed to supervise Authority contracts they shall be required by their contracts for services to comply with Contracts Standing Orders.

3.3 Requirement for Tenders or Quotations

- 3.3.1 Where, in relation to a contract, the Procurement Regulations require the seeking of Offers to be undertaken in accordance with a procedure laid down by those Regulations, such contract shall be made only after Offers have been sought in accordance with the requirements of the Procurement Regulations.
- 3.3.2 Where paragraph one above applies to a contract the procedure for the seeking of Offers to be adopted for the contract under the Procurement Regulations shall be determined by the appropriate Officer with the agreement of the Clerk.
- 3.3.3 The provisions of Contracts Standing Orders relating to tenders shall apply to Offers sought in accordance with the Procurement Regulations insofar as they are not inconsistent with those Regulations and the term “tender” shall include such Offers.
- 3.3.4 Except where paragraph one above applies, every contract made by the Authority anticipated to exceed £100,000 in value for the supply of goods or services or for the



execution of works shall be made only after tenders have been invited in accordance with Contracts Standing Orders.

3.3.5 Except where paragraph one above applies, contracts whose anticipated value exceeds £10,000 but is less than or equal to £100,000 shall be made only after competitive quotations have been sought in accordance with Contracts Standing Orders.

3.3.6 Contracts whose anticipated value is less than £10,000 shall only be entered into following the receipt of 2 quotations unless there is a good reason for not obtaining such quotations. Where quotations are not obtained the appropriate Officer shall keep a record of those reasons for inspection.

3.3.7 The value of the contract shall be calculated following the provisions of the Procurement Regulations.

3.3.8 A purchase order which commits the Authority to financial expenditure is a form of contract, and its making shall comply with this Standing Order.

3.3.9 This Standing Order shall not apply to a contract to which Standing Order 3.12 (Collaboration and Joint Procurement) applies.

3.4 Exceptions in Special Circumstances

3.4.1 This Standing Order is subject to the provisions of the Procurement Regulations.

3.4.2 In the case of Contracts not bound by the Procurement Regulations nothing in Contracts Standing Orders shall require tenders or quotations to be invited or advertisements to be placed if the Authority or a Committee or Sub-Committee or the appropriate Officer is duly satisfied that:-

- (a) the work, goods or services are so urgently required, for reasons brought about by events unforeseeable by and not attributable to the Authority, that it would be against the Authority's interests to incur the delay of placing advertisements or inviting tenders or quotations, or
- (b) the work, goods or services required are of such a special nature that no advantage would accrue by inviting competitive tenders; or
- (c) there is no effective competition for the work, goods or services required by reason of the fixing of prices or charges under statutory authority or because of patent restrictions; or
- (d) for the acquisition of land, including existing buildings and other structures and any estate, interest, easement, servitude or right in or over land, Standing Orders 4.1 to 4.5 apply; or
- (e) for arbitration or conciliation services; or
- (f) there are other special circumstances which justify an exception to the normal procedure.



- 3.4.3 In all cases in which this Standing Order is relied on by the appropriate Officer with the effect that tenders or quotations are not invited or advertisements are not placed, as normally required by Contracts Standing Orders:
- (a) A written notice shall be drawn up, containing a reasoned justification of the action taken, including the grounds on which tenders or quotations were not invited or advertisements were not placed.
 - (b) The written notice shall be signed by the appropriate Officer, the Chief Fire Officer and the Treasurer. The notice shall be held by the appropriate Officer in the contract file and shall be open to inspection by Members of the Authority.
- 3.4.4 Where in relation to a proposed contract a written notice has been drawn up and signed in accordance with paragraph 3.4.3 of this Standing Order the appropriate Officer may (subject to Standing Order 3.8.7 (b) to (f)) negotiate and conclude a contract with a single contractor.

3.5 Contract Notices

- 3.5.1 Where tenders are to be invited in accordance with Standing Order 3.3.4, public notice shall be given in one or more newspapers, journals, tender portals or websites accessible by such persons as undertake such contracts as may be chosen by the appropriate Officer and/or such other publications (if any) as are required by Law stating the nature and purpose of the contract. Such notice shall either:-
- (a) invite contractors to submit tenders, or
 - (b) invite contractors to apply for the opportunity to submit tenders as the appropriate Officer shall determine.
- 3.5.2 Where permitted by Law, a list of standing approved contractors may be compiled in accordance with paragraph 3.5.1 (b) of this Standing Order and shall be reviewed at least every two years.

3.6 Selection of Tenderers

- 3.6.1 Where contractors have been invited to apply for the right to tender, those to be invited to tender shall be chosen by the appropriate Officer from amongst the contractors who have applied and on the basis of a written evaluation. The appropriate Officer shall hold the evaluation in the contract file which shall be open to inspection by Members of the Authority and Auditing bodies.
- 3.6.2 Where tenders are to be invited in accordance with Standing Order 3.3.4 the criteria for the evaluation shall be determined by the appropriate Officer but shall include the ability and technical capacity of the contractor to perform the contract and the economic and financial standing of the contractor. Evaluation criteria, including weightings and sub-weightings shall be published in the tender documentation.



Tenderers must be treated equally and in a non-discriminatory way and Officers must act in a transparent manner

3.6.3 Where Offers are to be sought in accordance with Standing Order 3.3.1 the criteria for evaluation shall be determined by the appropriate Officer in compliance with the requirements of the Procurement Regulations.

3.6.4 Wherever practical tenders shall be invited from no less than five suitable contractors. The invitation to tender may in any case be limited to a lesser number of suitable contractors (not being less than 3) if the Treasurer considers that this will give best value for money to the Authority.

3.7 Invitations to Tender

3.7.1 Whenever tenders are invited, the invitation shall state that each tender shall be submitted to the Clerk to be received not later than a specified date and time.

3.7.2 The invitation shall state the method(s) by which a tender shall be submitted, as selected by the appropriate Officer, which may be one or both of the following:

- (a) the tender to be submitted in a plain sealed package which bears the word "Tender" followed by the subject to which it relates and the address to which it is to be delivered;
- (b) the tender to be submitted by a secure electronic tendering system which automatically precludes opening other than by an authorised person on the appropriate opening date and record when the electronic tender was initially despatched.

and shall state that the submission shall not bear any marking which might reveal, directly or indirectly, the identity of the tenderer prior to the opening of the tender.

3.7.3 The invitation shall state that the Authority does not bind itself to accept the lowest, most advantageous or any tender.

3.7.4 The invitation shall state that the Authority will not consider a tender which is not submitted in full conformity with the requirements imposed under this Standing Order.

3.8 Opening and Acceptance of Tenders

3.8.1 Packages submitted in accordance with paragraph 3.7.2(a) of Standing Order 3.7 shall upon receipt be placed in the custody of the Clerk and shall remain there until the time appointed for the opening.

3.8.2 The exterior of the package containing any tender received after the latest date and time for receipt shall be endorsed by the person receiving the same with a note of the date and time of receipt. The Clerk shall open the package only to ascertain the



identity of the person submitting it and shall advise that person that the tender was received too late for consideration.

- 3.8.3 Tenders (by whatever means submitted) shall be opened at one and the same time in the presence of a Member of the Authority, the Clerk (or an officer designated by him) and the Chief Fire Officer (or an officer designated by him). The Clerk shall maintain a record of the number of tenders received and opened and the names of the contractors submitting them.
- 3.8.4 Tenders shall be evaluated by the appropriate Officer on the basis of a written evaluation. The appropriate Officer shall hold the tenders and the evaluation in the contract file which shall be open to inspection by Members of the Authority and Auditing bodies.
- 3.8.5 Tenders shall be evaluated to ascertain which represents the most economically advantageous offer to the Authority assessed by reference to criteria set in advance by the appropriate Officer and approved by the Treasurer and the Clerk. Evaluation criteria, including weightings and sub-weightings shall be published in the tender documentation. Tenderers must be treated equally and in a non-discriminatory way and Officers must act in a transparent manner. The use of electronic reverse auctions in the evaluation process must be set out in advance and approved of the Treasurer and the Clerk.
- 3.8.6 Tenders shall include a clear detailed written technical specification defining the characteristics of the materials, goods or services such as quality levels, environmental performance levels, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, use of a product, safety or dimensions. No reference shall be made to materials or goods of a specific make or source or to a particular process or to trademarks, patents, types, origin or means of production.
- 3.8.7 Tenders suitable for acceptance under Contracts Standing Orders may (subject to compliance with paragraph 3.8.8 below) be accepted and acted upon by the appropriate Officer, provided that:-
- (a) the tender represents the most economically advantageous offer received by the Authority assessed in accordance with this Standing Order.
 - (b) the proposed expenditure can be contained within the approved estimates of the Authority or the proposed expenditure is otherwise permitted under Financial Regulations.
 - (c) All consents and approvals for the execution of the relevant project required from third parties have been obtained;
 - (d) All grants, loans, financial contributions and other funding mechanisms required for the relevant project are in place or are otherwise secured;
 - (e) The estimated value of the contract does not exceed £250,000; and



- (f) (if the contract involves the provision of services to the Authority) the contract will terminate (unless extended by the Authority), or can be terminated by the Authority by notice, in either case within a period of 36 months from the date the provision of the services commences.

In all other cases acceptance of tenders must be approved by the Authority, a Committee or Sub-Committee.

- 3.8.8 Prior to entering into a contract, the appropriate Officer shall comply with any requirements imposed by Law as to :-
- (a) the giving of notice to contractors of a decision to award the contract; and
 - (b) the elapsing of any period before the contract is entered into.

3.9 Quotations

- 3.9.1 Where quotations are required before a contract is made, competing quotations are to be sought from suitable contractors.
- 3.9.2 If the anticipated value of a contract for which quotations are required exceeds £25,000 sealed quotations shall be sought in accordance with paragraph 3.9.4 of this Standing Order.
- 3.9.3 Whenever practical quotations shall be invited from no less than three suitable contractors selected by the appropriate Officer. The invitation to submit quotations may in any case be limited to such lesser number of contractors as the appropriate Officer (with the agreement of the Treasurer) may determine if he considers that this will give best value for money to the Authority.
- 3.9.4 Where sealed quotations are to be sought, the provisions of Standing Orders 3.7 and 3.8 shall apply but as if the word "quotation" were substituted for the word "tender" wherever the same occurs, the term " appropriate Officer" were substituted for the word "Clerk" wherever the same occurs (other than in paragraph 3.8.5 of Standing Order 3.8) and as if paragraph 3.8.3 of Standing Order 3.8 were amended so as to specify those to be present at the opening of sealed quotations to be the appropriate Officer (or an officer designated by him) and the Treasurer (or an officer designated by him).

3.10 Negotiation with Potential Contractors

- 3.10.1 Subject to the requirements of the Procurement Regulations, following identification of the most favourable tender or quotation, negotiation may take place with the contractor submitting that tender or quotation to better meet the Authority's requirements under the contract where:-
- (a) the tender or quotation exceeds the planned budget; or
 - (b) is otherwise too high; or



(c) alteration of the Authority's requirements would provide better value for money.

3.10.2 All such negotiations shall be documented and the documentation shall be held with the tenders or quotations.

3.11 Disposal of Assets

3.11.1 This Standing Order shall apply to the disposal of all property owned by the Authority (other than land and property to which Part 4 of these Standing Orders applies).

3.11.2 Disposals of property shall be undertaken in accordance with arrangements approved by the Treasurer under Financial Regulations.

3.11.3 Where tenders are sought for the disposal of any property the provisions of Standing Orders 3.7 and 3.8 shall apply (so far as reasonably practicable) but as if in paragraph 3.7.3 of Standing Order 3.7 the word "highest" were substituted for the word "lowest" and paragraph 3.8.3 of Standing Order 3.8 were amended so as to specify those to be present at the opening of the tenders to be the Chief Fire Officer (or an officer designated by him) and the Clerk (or an officer designated by him).

3.12 Collaboration and Joint Procurement

3.12.1 The Authority may, upon the decision of the appropriate Officer, enter into a contract for the supply of goods or services or for the execution of works arranged for the Authority by a government department, by a local authority, another fire and rescue authority, a consortium of local authorities and/or fire and rescue authorities and/or other public authorities, or any other authority, company, body or consortium purporting to arrange such a contract on behalf of the Authority (whether specifically or by generic description), provided that:-

- (a) the Authority is required to do so by Law; or
- (b) the Authority is required to do so by a minister or government department; or
- (c) this accords with a procurement strategy approved by a minister or government department, or the Authority; or
- (d) the Chief Fire Officer and the Treasurer are satisfied that it would be in the interests of the Authority to do so.

and to do so would accord with the Procurement Regulations so far as applicable.



3.12.2 Where paragraph 3.12.1 of this Standing Order applies to a contract, the provisions of the following Standing Orders shall not apply, namely:-

- Standing Orders 3.3 to 3.8 (inclusive) (other than paragraph 3.8.6 of Standing Order 3.8).

3.12.3 but the principles embodied in Standing Orders 3.7 and 3.8 shall be applied to any form of competition undertaken by the Authority in pursuance of such an arrangement in a manner approved by the Clerk.

3.12.4 Where the collaborative or joint procurement has established a framework contract containing more than one supplier where a preferred supplier has not been identified the provisions of Standing Orders 3.7 to 3.9 shall apply.

3.13 Preparation of Contracts and Signature

3.13.1 Wherever practical, contracts shall be in writing. Every oral contract shall be confirmed in writing as soon as practicable.

3.13.2 The provisions of Financial Regulations relating to the official order system shall be followed.

3.13.3 Appropriate legal advice shall be sought through the Clerk before settling or agreeing the terms and conditions of written contracts except where approved standard terms and conditions are employed.

3.13.4 Every contract for the execution of works shall in appropriate cases provide for liquidated damages to be paid by the contractor in the event of the contract not being duly performed.

3.13.5 Every contract which includes provision for payment to be made to the contractor prior to the completion of the supply of goods or services or the completion of the execution of works shall, where required by the Treasurer, provide for security for the due performance of the contract.

3.13.6 In every written contract a clause shall be inserted to the effect that the Authority shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Authority or for showing favour or forbearing to show disfavour to any person in relation to the contract or any other contract with the Authority, or if the like acts shall have been done by any person employed by him or acting on his behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Authority the contractor or any person employed by him or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or the Bribery Act 2010, or shall have given any fee



or reward the receipt of which is an offence under sub-section (2) of Section 117 of the Local Government Act 1972.

3.13.7 Subject to Standing Order 3.14, contracts shall be signed by the relevant Officer except that contracts for the acquisition or disposal of land as described in Standing Order 4.1 shall be signed by the Clerk.

3.14 Sealing of Documents and Custody of Seal

3.14.1 The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a committee or sub-committee with delegated powers in this behalf, but a resolution of the Authority (or of a committee or sub-committee) or a decision of an Officer acting under delegated powers duly authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any contract, or the doing of any other thing, shall be sufficient authority for sealing any document necessary to give effect to the authorisation.

3.14.2 Contracts with a value in excess of £50,000 should be sealed.

3.14.3 The seal shall be attested by the Clerk provided that in any transaction to which The Regulatory Reform (Execution of Deeds and Documents) Order 2005 applies, the seal shall be attested by a Member of the Authority and the Clerk.

3.14.4 An entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be authenticated by the person who has attested the seal.

3.14.5 The common seal shall be kept in some safe receptacle secured by a lock, the key of which shall be in the keeping of the Clerk.

3.15 Interests of Officers in Contracts

3.15.1 If it comes to the knowledge of any officer that a contract in which the officer has any pecuniary interest, whether direct or indirect, has been, or is proposed to be, entered into by the Authority or any committee or sub-committee or officer, the officer shall as soon as practicable give notice in writing of the fact to the Authority. This requirement does not apply if the officer is a named party to the contract.

3.15.2 The Clerk shall record in a register to be kept for the purpose particulars of any notice given by an officer of any pecuniary interest in a contract, and the register shall be open during office hours to the inspection of Members of the Authority.

3.15.3 An officer shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration.



3.15.4 (Note: The provisions of this Standing Order are drawn from section 117 of the Local Government Act 1972, which makes contravention of them a criminal offence).

3.15.5 In addition to any other requirement arising from this Standing Order, every Member and Officer (at the level of Group Manager and above including support staff equivalents) shall complete and return an Annual Declaration of Interests in Contracts form as directed by the Treasurer.

3.16 Auctions of Property (other than land or buildings)

3.16.1 An Officer may with the prior approval of the Chief Fire Officer and the Treasurer bid at auctions for property (other than land or buildings) required for any of the Authority's functions provided:-

- (a) the terms have been approved by, or on behalf of, the Clerk, and
- (b) the bid does not exceed the sum indicated by the Authority or appropriate Committee or Sub-Committee or where no such sum has been indicated the amount allowed in the Authority's approved estimates (subject to any allowance under the Authority's Financial Regulations) for that purpose.

3.17 Appointment of Consultants

3.17.1 Consultants may be appointed at the discretion of the appropriate Officer, subject to compliance with Standing Orders 3.3 to 3.12, provided that the proposed expenditure can be contained within the approved estimates of the Authority or the proposed expenditure is otherwise permitted under Financial Regulations.

3.17.2 The appropriate Officer shall stipulate that prior approval is required for work additional to the original commission and such work shall not be undertaken unless the consultant has provided a prior estimate of the cost of the work and received written approval for the work.

3.17.3 A consultant shall not be engaged on a payment by time basis unless either it is the custom in the profession for payment for that kind of work to be on a time basis or a tender or quotation for the work cannot be obtained in any other way. In these cases an upper financial level should be set on the sum payable.

4 Land Transactions

4.1 Land

4.1.1 In this Part 4:- "land" has the meaning given in Section 205 of the Law of Property Act 1925. In particular, but without limiting that meaning, land includes buildings easements and options to dispose of or acquire an interest in land.

4.1.2 Reference to the acquisition of land includes the acceptance of gifts of land and the taking of leases, licences and easements or any other interest of or over any land



(including buildings) or the taking of an option, whether by way of valuable consideration or exchange.

4.1.3 Reference to the disposal of land includes the granting of leases, licences and easements or any other interest of or over any land (including buildings) or the grant of an option, whether by way of valuable consideration or exchange.

4.1.4 “Valuer” means a suitably qualified and experienced person appointed by the Chief Fire Officer for the purpose of the relevant transaction.

4.2 Acquisition of Land

4.2.1 Before acquiring any land, the Authority or Committee or Sub-Committee or Officer acting under delegated powers shall consider an estimate by the Valuer of the value of the land concerned and shall not acquire land at a consideration in excess of that ultimately recommended by the Valuer or determined by the Lands Tribunal.

4.2.2 The consideration for any acquisition shall not exceed the amount allowed in the Authority’s approved estimates (subject to any allowance under Financial Regulations) for that purpose.

4.2.3 The terms of any acquisition shall be approved by the Clerk.

4.3 Acquisition of Land at Auction

4.3.1 The Valuer may bid at auctions for land required for any of the Authority’s functions provided:

(a) the terms have been approved by or on behalf of the Clerk

(b) the bid does not exceed the sum indicated by the Authority or appropriate Committee or Sub-Committee or Officer acting under delegated powers or where no such sum has been indicated the amount allowed in the Authority’s approved estimates (subject to any allowance under the Authority’s Financial Regulations) for that purpose.

(c) the amount of the consideration does not exceed the amount ultimately recommended by the Valuer.

4.4 Management of Estate

4.4.1 The Chief Fire Officer is empowered:-

(i) in accordance with appropriate professional advice, to determine any action as appropriate in connection with reviewing rating assessments, lodging objections, attending at valuation courts, dealing with tenants’ / licensees’ requests to assign or carry out improvements and requests to vary conditions of tenancies, or licences and to determine routine matters of estates management;



- (ii) in accordance with the advice of the Valuer to determine the rent or licence fee payable or receivable on review.
- (iii) In accordance with appropriate professional advice to authorise the grant of licences to use land of the Authority.

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4.5 Disposal of Land

- 4.5.1 Subject to Standing Order 4.4, the Authority or a Committee or Sub-Committee shall first approve in principle the disposal of any land.
- 4.5.2 The Chief Fire Officer shall, in accordance with appropriate professional advice, determine the method of disposal likely in the circumstances to achieve for the Authority the best price reasonably obtainable, and shall undertake such method of disposal unless the law requires otherwise.
- 4.5.3 No disposal shall be undertaken until a market valuation of the interest to be disposed of has been obtained from the Valuer.
- 4.5.4 Unless the law requires otherwise or the Authority or a Committee or Sub-Committee resolves specifically to the contrary, disposal of land shall be for the best price reasonably obtainable which shall not be less than the consideration ultimately recommended by the Valuer.
- 4.5.5 Where competitive sealed bids or offers are to be sought the principles embodied in Standing Orders 3.7 and 3.8 shall be applied to the competition in a manner approved by the Clerk, but subject to the requirements of paragraph 4.5.4 of this Standing Order to achieve the best price reasonably obtainable.
- 4.5.6 The terms for any disposal shall be approved by or on behalf of the Clerk.

5 Miscellaneous

5.1 Duties of Clerk and Urgent Action

- 5.1.1 Unless otherwise provided, the Clerk shall, from time to time (after consulting the Chair of the Authority), take all necessary steps for protecting the interests or advancing the business of the Authority, including taking any necessary decisions or action required in cases of urgency; provided that the decisions or actions taken shall in all cases be reported to the next ordinary meeting of the Authority.

5.2 Suspension of Standing Orders

- 5.2.1 (Subject to paragraph 5.2.2 of this Standing Order, any of these Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- 5.2.2 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.

5.3 Variation or Revocation of Standing Orders

- 5.3.1 Subject to paragraph 5.3.2 below, a 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.



5.3.2 Paragraph 5.3.1 of this Standing Order shall not apply to a motion to adopt recommendations contained in a written report submitted by the Clerk or Treasurer.

5.4 Interpretation of Standing Orders

5.4.1 Any reference in these Standing Orders to the “Clerk”, “Treasurer” or “Chief Fire Officer” shall be deemed to include the duly authorised representatives of such Officers respectively. A list of duly authorised representatives for the purposes of these Standing Orders and the extent of their authorisation shall be maintained by the Clerk. Reference to the “Chief Fire Officer” is a reference to the Chief Fire Officer & Chief Executive for the time being.

5.4.2 Where the context admits, any reference in these Standing Orders to “the Chair” shall, in relation to proceedings at a meeting of the Authority be a reference to the person for the time being presiding at the meeting.

5.4.3 At any time when the office of Chair of the Authority is vacant or the office holder is absent or otherwise unable to undertake his responsibilities under these Standing Orders, those responsibilities may be undertaken by a person then holding the office of Vice Chair.

5.4.4 In these Standing Orders words importing the masculine gender shall include the feminine and vice versa.

(Any reference in these Standing Orders to “the Act” is a reference to the Local Government Act 1972.

5.4.5 The ruling of the Chair as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority, shall be final.

5.5 Delegation

5.5.1 The Authority may discharge the powers and functions for which it is responsible through delegation to committees, sub committees or officers.

5.5.2 Delegation to committees or sub committees will be by Terms of Reference as determined by the Authority from time to time.

5.5.3 Delegation to officers will be by the Scheme of Delegation to Officers as determined by the Authority from time to time.

5.5.4 The Authority may revoke, revise, amend or alter the Terms of Reference or Scheme of Delegations in accordance with Standing Order 5.3.


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