

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Make:	Cabinet
Date:	6 February 2024
Title:	Constitutional update, Standing Orders and Protocol for Member Officer Relations
Report From:	Chief Executive

Contact name: David Kelly-Assistant Director Legal Services and Monitoring Officer

Email: David.kelly@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to:
 - 1.1. Update Standing Orders to enable the Chairman to agree reasonable adjustments to Standing Orders to facilitate the participation of Members and others with disabilities (as defined in the Equality Act 2010) in County Council business.
 - 1.2. Update the Protocol for Member Officer relations to take account of the development of the Member Contact Protocol.

Recommendation(s)

2. That Cabinet approves the revised Standing Order 38 set out in [Appendix 2](#) for recommendation to the County Council.
3. That the Cabinet approves the updated Protocol for Member Officer Relations as set out in [Appendix 4](#) for recommendation to the County Council.

Background

4. The County Council has a duty under the Equality Act 2010 so that where a person has a disability which puts them at a substantial disadvantage in comparison with others who are not disabled to make such adjustments as are reasonable in the circumstances in order to avoid that disadvantage.

5. The County Council's current Standing Orders are set out in [Appendix 1](#). The proposed change to Standing Order 38 is set out in [Appendix 2](#) and it gives the Chairman of the County Council or the Chairman of any Council Committee the ability to agree reasonable adjustments to enable a person to participate in a meeting, on the advice of the Monitoring Officer, with any person suffering a disability.
6. The power given to the Chairman is drafted in general terms so that it will cover any form of disability.
7. The County Council has recently developed a Member Contact Protocol to clarify and regulate contact between Members and Officers. It is now proposed to incorporate these arrangements into the Protocol for Member/Officer Relations and to clarify the position where Members visit County Council workplaces. The intention being to improve the accessibility and visibility of these arrangements. The current Protocol for Member Officer Relations is set out in [Appendix 3](#). The proposed amended Protocol for Member Officer Relations is set out in [Appendix 4](#). See paragraphs 6 and 7 for the relevant amendments.
8. A separate Protocol, which will not be part of the Constitution, which sets out the contact arrangements for Members of other Councils and Members of Parliament will be published on the Member's Portal and on the County Council's website.

Finance

9. There may be some limited financial implications deriving from the changes to Standing Orders but given the County Council's statutory obligations in relation to disability provision will need to be made to cover any additional costs.
10. There are no financial implications deriving from the proposed changes to the Protocol for Member Officer Relations.

Consultation and Equalities

11. The recommendations in the Report are designed to mitigate impacts on people with disabilities.

Climate Change Impact Assessment

12. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

13. The carbon mitigation tool and/or climate change adaptation tool were not applicable because the decision is administrative in nature.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
None	
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
The Equality Act	2010

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The recommendations in the Report are designed to mitigate impacts on people with disabilities.

Part 3 Chapter 1

County Council Standing Orders

1. Copy of Standing Orders to Members

A copy of these Standing Orders shall be supplied to each Member by the Chief Executive upon receipt of such Member's declaration of acceptance of office.

2. Adherence to Constitution and Codes of Conduct

Members shall act at all times in accordance with the County Council's Constitution and adopted Codes of Conduct and Protocols.

3. Interpretation

Throughout these Standing Orders the following words and expressions mean as follows:

* denotes those Standing Orders which apply to Committees, Sub-Committees and Standing Panels of the County Council.

'Agenda' shall mean the agenda for a Meeting or individual Executive Member Decision Day;

'Amendment' shall mean an amendment to a recommendation in a Part I item Report or to a Motion;

'Chairman' shall mean the Chairman of the County Council or the Chairman for the time being of a Meeting;

'Chief Executive' shall mean the Chief Executive of the County Council;

'Committee' shall mean a Committee of the County Council;

'Co-opted Member' shall mean a person who is not an elected member of the County Council but who is a member of a Committee or Sub-Committee of the County Council;

'County Council' shall mean Hampshire County Council;

'Executive' shall mean the Executive of the County Council. The Executive may be referred to as either 'the Executive' or 'the Cabinet' and both terms shall be interchangeable;

'General Question' shall mean a question (other than a question on a Report), asked in accordance with Standing Order 16.2;

'Leader of the County Council' shall mean the Leader of the Executive;

'Quorum' shall mean a quorum of Members present at a Meeting, interpreted in accordance with Standing Order 11;

'Meeting' shall mean a meeting of the County Council, or where the context so admits a meeting of a Committee, Sub-Committee or Standing Panel of the County Council; or meeting of Cabinet or individual Executive Member Decision Days.

'Member' shall mean a member of the County Council (or where the context so admits a Co-opted Member); and where any Standing Order is applied to a Committee, Sub-Committee or Standing Panel Meeting, it shall mean a member of that Committee, Sub-Committee or Standing Panel;

'Members of the Executive' and 'Executive Member' shall mean those Members of the Executive appointed by the Leader of the County Council and notified to the Chief Executive;

'Minutes' shall mean the minutes of a Meeting;

'Motion' shall mean a formal Notice of Motion submitted in accordance with Standing Order 18, to be debated and voted on at a Meeting;

'Part I item' shall mean Reports on functions reserved to the County Council as detailed in Part 1, Chapter 4 of the Constitution or any Local Choice Functions reserved to the County Council as detailed in Part 1, Chapter 2, Paragraph 2.2 of the Constitution, and proceedings and recommendations of the Cabinet, individual Executive Members, and Committees of the County Council and Joint Committees requiring a decision;

'Part II item' shall mean Reports of Cabinet, individual Executive Members, and Committees of the County Council, plus Reports of the Hampshire and Isle of Wight Fire and Rescue Authority submitted for information;

'Proposal' shall mean a proposition (other than a formal Motion) which may be moved without notice at a Meeting;

'Recommendation' shall mean a recommendation in a Part I item Report

‘Substantive Proposition’ shall include an original Recommendation or Motion as appropriate;

‘Question on Report’ shall mean a question on a Report within an Agenda;

‘Report’ shall mean a report on a Part I item or a Part II item to be considered at a Meeting

‘Sub-Committee’ shall mean a Sub-Committee of a Committee of the County Council

‘Summons’ shall mean the summons for a Meeting of the County Council;

‘Vice-Chairman’ shall mean the Vice-Chairman of the County Council or the Vice-Chairman for the time being of a Meeting;

‘Working Day’ shall mean any day Monday to Friday inclusive, excluding Bank Holidays.

4. Meetings of the County Council

4.1. There shall be an Annual Meeting of the County Council in May each year together with up to five other Meetings of the County Council in each year, save that in a year of an ordinary election of Members to the County Council such Annual Meeting shall be held on a date fixed by the County Council in accordance with Schedule 12 of the Local Government Act 1972. All ordinary meetings of the County Council shall normally be held on a Thursday at The Castle, Winchester, normally commencing at 10.00am.

4.2. Extraordinary Meetings

An Extraordinary Meeting of the County Council may be called at any time by the Chairman of the County Council.

Any five Members of the County Council may present a requisition to the Chairman of the County Council to call an Extraordinary Meeting. If the Chairman refuses to call an Extraordinary Meeting after a requisition for that purpose, signed by five Members of the County Council, has been presented to him or her; or if, without so refusing, the Chairman does not call an Extraordinary Meeting within seven calendar days after the requisition has been presented to him or her; then any five Members of the County Council may, on refusal or on expiration of seven calendar days, as the case may be, forthwith call an Extraordinary Meeting.

4.3. Special Meetings

A special Meeting of the County Council may be called at any time to confer the title of honorary alderman in accordance with Section 249 of the Local Government Act 1972.

5. ***Summons and Agenda papers**

5.1. Business included on Summons and Agenda;

The Chief Executive shall place, upon every Summons, notice of all business required to be brought before the County Council.

5.2. Circulation of Agenda and confirmation of Minutes;

A copy of the Summons, Agenda and Reports for the forthcoming Meeting and the Minutes of the previous Meeting shall be despatched by the Chief Executive to each Member at least five clear Working Days before such forthcoming Meeting. Such Minutes shall be taken as read when submitted to the County Council for confirmation, unless a majority of the Members then present otherwise order. Unless similarly ordered, any document which comes up for consideration at a Meeting and which has been circulated to each Member at or prior to such Meeting, shall be taken as read when submitted to the County Council for confirmation unless a majority of the Members then present otherwise order.

NB Summons required for Meetings of County Council only.

6. ***Chairmen and Vice-Chairmen**

6.1. The County Council shall, at its Annual Meeting in each year, elect a Chairman and appoint a Vice-Chairman of the County Council

6.2. The County Council shall at its Annual Meeting in each year, appoint a Chairman and Vice-Chairman for every Committee of the County Council, all of whom shall be elected Members of the County Council.

6.3. In the absence of both the Chairman and Vice-Chairman at any Meeting of a Committee or Standing Panel, Members of the Committee or Standing Panel shall appoint a Chairman for that Meeting who shall, while presiding at that Meeting, have any power or duty of the Chairman in relation to the conduct of the Meeting.

7. **Appointment of Leader**

The County Council shall, at its first Annual Meeting following an election of Members to the County Council, elect a Leader of the County Council for a term of office expiring on the day of the next post election of Members to

the County Council Annual Meeting which follows his or her election. If there should be a vacancy in the position of Leader of the County Council, the County Council shall at its next Meeting appoint another Leader of the County Council.

8. ***Order of Business**

Except where the County Council varies the order of business in line with Standing Order 9, the order of business at every Meeting of the County Council shall be:

- 8.1. to choose a Member to preside if the Chairman and Vice-Chairman are absent;
- 8.2. apologies for absence;
- 8.3. to conduct any business required by statute to be done before any other business;
- 8.4. to allow Members to declare personal and personal prejudicial interests;
- 8.5. to approve the Minutes of the last Meeting of the County Council as a correct record in accordance with Standing Order 5.2;
- 8.6. to receive deputations pursuant to Standing Order 12;
- 8.7. to receive such announcements as the Chairman may desire to lay before the County Council;
- 8.8. to receive such announcements as the Leader may desire to bring before the County Council;
- 8.9. to answer General Questions pursuant to Standing Order 16.1.1 for no more than 30 minutes in the order received, subject to the requirements of Standing Order 16.5 in respect of second, third and subsequent questions;
- 8.10. To answer any urgent questions pursuant to Standing Order 16.1.2
- 8.11. to make appointments to Committees or Standing Panels of the County Council and such alterations in the membership of Committees and Standing Panels of the County Council, Joint Committees or relevant outside bodies as the County Council may think fit;
- 8.12. to receive and resolve Part I items;
- 8.13. to consider Notices of Motion in the order in which they have been received;

- 8.14. for no more than ten minutes to have answered any General Questions which have been submitted in accordance with Standing Order 16.3 on the discharge of the functions of the Hampshire and Isle of Wight Fire and Rescue Authority, subject to the requirements of Standing Order 16.5 on the Hampshire Fire and Rescue Authority in respect of second, third and subsequent questions;
- 8.15. to receive and consider the Report of the Hampshire and Isle of Wight Fire and Rescue Authority;
- 8.16. to receive and consider any remaining Part II items;
- 8.17. to receive and consider other business (if any) specified in the Agenda.

9. **Variation of Order of business**

The Chairman may vary the order of business specified in the Summons so as to give precedence to any matter.

10. ***Recordings, etc of proceedings**

County Council and Cabinet Meetings may be broadcast live on the County Council's website, or they may be recorded by the County Council. County Council Members, the press and members of the public may make reports of Meetings of the County Council, its Committees and Panels, Cabinet and individual Executive Member Decision Days open to the public, provided that no oral commentary shall be allowed while a Meeting or Executive Member Decision Day is in progress. All reporting should be in accordance with the County Council's Filming Protocol. All mobile telephones and any other electronic devices shall be switched to silent mode.

11. ***Quorum**

- 11.1. If within 10 minutes after the time appointed for the commencement of any Meeting of the County Council a quorum (that is one-quarter of the whole number of Members of the County Council) is not present, the Meeting of the County Council shall be dissolved.
- 11.2. If within ten minutes after the time appointed for the commencement of a Meeting of a Committee, Sub-Committee or Standing Panel of the County Council a quorum (in this case one-quarter of whole number of Members, or three Members, whichever is the greater) appointed to such Committee, Sub-Committee or Standing Panel is not present, the Meeting shall be dissolved.

- 11.3. Where reference appears in this Constitution to a 'quorum' of Members 'quorum' shall be interpreted in accordance with this Standing Order.
- 11.4. Whenever, during a Meeting, it is stated to the Chairman by either a Member or the Chief Executive that there is not a quorum present, the Chief Executive shall call the names of the Members. If it appears that there is not a quorum present, the Chairman shall declare the Meeting at an end, and the names of the Members who are then present shall be recorded in the Minutes. Any business not disposed of shall be considered at the next Meeting, whether ordinary or adjourned, in line with Standing Order 8.

12. ***Deputations**

- 12.1. Subject to the provisions of this Standing Order, the County Council shall receive deputations at a Meeting of the County Council on any business that is properly within its terms of reference and the deputation shall be allowed to address the Meeting.
- 12.2. Subject to the provisions of this Standing Order, Cabinet or any Executive Member, Committees or Standing Panels of the County Council shall receive deputations at any Meeting or Individual Executive Member Decision Day relating to business that is properly within the Agenda for such Meeting or Individual Executive Member Decision Day and the deputation shall be allowed to address the Meeting or Individual Executive Member Decision Day.

For the purpose of this Standing Order:

- 12.2.1. notice in writing shall be given to the Chief Executive (to the Head of Democratic and Member Services via members.services@hants.gov.uk) that a deputation wishes to address a Meeting or Individual Executive Member Decision Day and the notice shall specify the subject on which the deputation wishes to speak. In the case of a County Council Meeting, the notice shall be given at least 10 clear Working Days in advance. In the case of other Meetings or Individual Executive Decision Days, the notice shall be given at least three clear Working Days in advance.
- 12.2.2. deputations shall consist of not more than four people who shall (except in the case of a deputation to the Regulatory Committee when it is exercising a function within the Functions Regulations, Regulation 2 and Schedule 1, or in respect of a deputation to the Pension Fund Panel and

Board or a Sub Committee of the Pension Fund Panel and Board) be local government electors for the administrative area of Hampshire County Council, or otherwise and subject to the provisions set out at paragraph 12.2.3 below, have attained the age of seven years or older;

- 12.2.3. any deputation request received from a child of compulsory school age shall be accompanied by the following:
 - 12.2.3.1. written consent from the parent of or person with Parental Responsibility for the child to the making of the deputation, including in respect of a request to make a deputation at a Meeting of the County Council or Cabinet, to the deputation being recorded and available for broadcast; and
 - 12.2.3.2. in the case of a request to make a deputation within school term time, written consent to the making of the deputation from the Headteacher of the school the child attends, without which consent(s) the deputation shall not be heard.
- 12.2.4. without prejudice to the provisions of 12.2.3 above, deputations will not be received from children in cases where, in the opinion of the Director of Children's Services, it is not in the best interests of the child to make the deputation.
- 12.2.5. any member of a deputation may address a Meeting or Individual Executive Decision Day;
- 12.2.6. deputations shall be taken at the beginning of the Meeting or Individual Executive Decision Day in the order received (after the Minutes) and the total time for all deputations in any Meeting or Individual Executive Decision Day shall not exceed one hour in duration;
- 12.2.7. the total time taken by a deputation in addressing a Meeting or Individual Executive Decision Day shall not exceed 10 minutes provided that where the number of deputations in any Meeting or Individual Executive Decision Day would otherwise mean that the maximum time for deputations would be exceeded, the time allowed per deputation will be reduced on a proportional basis;

- 12.2.8. any deputation which has appeared before a Meeting of the County Council, the Executive, a Individual Executive Decision Day or any Committee or Standing Panel of County Council, shall not reappear at any such Meeting or any other Meeting or Individual Executive Decision Day within a period of six months on the same or similar topic (except in the case of a deputation to the Regulatory Committee when it is exercising a regulatory function, in which case a deputation may reappear where an item is adjourned, or when there is another similar application submitted in respect of the same site);
- 12.2.9. for the avoidance of doubt a deputation to a Meeting of the Executive, a Committee or Standing Panel or an Individual Executive Decision Day must relate to an item on the Agenda for that Meeting or Individual Executive Decision Day;
- 12.2.10. no discussion shall take place with the presenters of a deputation but the Chairman of the Meeting or the Executive Member may inform the deputation how, if at all, the matter will be dealt with by noting, action or referral. At a Meeting of the County Council, the Chairman may invite the Leader or appropriate Executive Member or Committee Chairman to give this information to the deputation.
- 12.2.11. Deputations in respect of Individual service concerns will not be received where, in the opinion of the Chief Executive in consultation with the Monitoring Officer, the subject matter of the deputation relates to issues which are more properly dealt with through the County Council's Corporate Complaints Procedure, or which might cause the County Council to breach confidentiality rules.
- 12.3. Deputations at Meetings of the County Council, Committees, Standing Panels and Cabinet will be received in person at the Meeting.
- 12.4. Where an Individual Executive Member Decision Day is open to the public remotely in accordance with the provisions of Part 3, Chapter 2, Paragraph 4 of the Constitution, or is open to the public both in person or remotely by way of hybrid meeting room technology, then deputations will be received in person or remotely.

NB: The Purpose of Standing Order 12 is to give members of the public an opportunity to address the County Council, the Executive, its Committees or Standing Panels. Elected Members of other Councils, political parties, trade unions and members of staff have

other opportunities to bring matters to the County Council's attention and will not be received under the provision of Standing Order 12.

Arrangements with regard to Non-Committee Members speaking at meetings of Committees of the County Council are contained within Standing Order 40. Arrangements for Non-Executive Members speaking at meetings of Cabinet and Individual Executive Member Decision Days are contained within Executive Procedures at Part 3, Chapter 2, Paragraph 4.

Additional arrangements apply in respect of Regulatory Committee or when the County Council is otherwise exercising a function within the Functions Regulations. These arrangements are set out within the Local Protocol on Planning, Rights of Way and Commons and Village Green Registration, Paragraph 9, contained at Appendix B and in respect of the Pension Fund Panel and Board, the additional arrangements are set out in the Pension Fund Panel and Board's Terms of Reference at Part 1 Chapter 8.

13. Presentation of Reports of the Leader, Executive Members and Committees

Part I items

- 13.1. The Leader on behalf of Cabinet or as Executive Member for Hampshire 2050 and Corporate Services and any Executive Member or Chairman or Vice-Chairman of a Committee may present a Report to the County Council for decision on any matter that falls within their area of responsibility. The Leader, Executive Member, or Chairman or Vice-Chairman of the relevant Committee (as the case may be), will introduce the Report and move the Recommendations.
- 13.2. The Chairman shall ask whether there are any questions on the Report. Any Member may ask the Leader, Executive Member, or Chairman or Vice-Chairman of a Committee (as the case may be) presenting the Report, a question on a numbered Paragraph of the report, referring to the Paragraph number in question. In cases where a question relates to a purely technical matter, the Leader, Executive Member or Chairman or Vice-Chairman of a Committee, may with the agreement of the Chairman of the Council meeting, indicate that the question should be answered by the Chief Officer of the relevant service.
- 13.3. In cases where it is considered appropriate (in accordance with Standing Order 13.2 above) that a Chief Officer answer a technical question, the Chief Officer will answer the question. Otherwise, the

Leader, Executive Member, or Chairman or Vice-Chairman of a Committee (as the case may be) will answer any questions or remaining questions on the Report.

- 13.4. Following questions on the Report, the Chairman will call for debate. During debate, a Member can move an Amendment to a Recommendation in the Report. The normal rules of debate, as contained in Standing Order 17, shall apply.
- 13.5. After consideration of the Report, and after any questions or debate, the Recommendations of the Executive or the Committee in the Report shall be put to the County Council one at a time, and when all the Recommendations of the Executive or the Committee have been disposed of and any questions dealt with, the Chairman of the County Council shall then move that the Report of the Executive or of the Committee be agreed, or that the Report of the Executive or of the Committee as amended be agreed, as the case may be.

Part II items

- 13.6. The Leader and any Executive Member or Chairman or Vice-Chairman of a Committee may present a Part II item Report on any matter that falls within their area of responsibility. The Leader, Executive Member or Chairman or Vice-Chairman of the relevant Committee (as the case may be) will introduce the Report.
- 13.7. Any Member may ask the Leader, Executive Member, or Chairman or Vice-Chairman of a Committee (as the case may be) presenting the Report a question on a numbered Paragraph in the Report.
- 13.8. In cases where it is considered appropriate (in accordance with Standing Order 13.2 above) that a Chief Officer answer a technical question, the Chief Officer will answer the question. Otherwise, the Leader, Executive Member, or Chairman or Vice-Chairman of a Committee (as the case may be) will answer any questions or remaining questions on the Report.
- 13.9. When questions on all paragraphs have been answered, the Report shall be open to debate and the Chairman shall invite debate on the Report and the normal rules of debate, as contained in Standing Order 17 shall apply so far as they relate to Part II items, and the Report shall be received after debate.

NB: Reports of the Hampshire and Isle of Wight Fire and Rescue Authority are Part II items.

14. Presentation of Draft Plans and Strategies by Executive

14.1. In this Standing Order:

“plan or strategy” means:

- 14.1.1. a plan or strategy of a description specified in column (1) of the table in Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (functions not to be the sole responsibility of an authority’s executive), as amended from time to time;
- 14.1.2. a plan or strategy for the control of a relevant authority’s borrowing or capital expenditure; or
- 14.1.3. any other plan or strategy whose adoption or approval is, by virtue of Regulation 5(1) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (Discharge of Executive Functions by Authorities), as amended from time to time, a matter for determination by a relevant authority;

and “working day” shall mean any day which is not a Saturday, a Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday in England or a day appointed for public thanksgiving or mourning (and “bank holiday”) means a day to be observed as such under Section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971);

as defined in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

- 14.2. the Leader or other Executive Member may present on behalf of the Executive a draft plan or strategy to the County Council.
- 14.3. Where the Executive of the County Council has submitted a draft plan or strategy to the County Council for its consideration and, following consideration of that draft plan or strategy, the County Council has any objections to it, the County Council must take the action set out in paragraph 14.4.
- 14.4. Before the County Council -
 - 14.4.1. amends the draft plan or strategy;
 - 14.4.2. approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - 14.4.3. adopts (with or without modification) the plan or strategy,

it must inform the Leader by majority vote of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- 14.5. Where the County Council gives instructions in accordance with paragraph 14.4, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the executive within which the Leader may –
- 14.5.1. submit a revision of the draft plan or strategy as amended by the Executive (the “revised draft plan or strategy”), with the Executive’s reasons for any amendments made to the draft plan or strategy, to the County Council for the County Council’s consideration;
- or
- 14.5.2. inform the County Council of any disagreement that the Executive has with any of the County Council’s objections and the Executive’s reasons for any such disagreement.
- 14.6. When the period specified by the County Council, referred to in paragraph 14.5, has expired, the authority must, when –
- 14.6.1. amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- 14.6.2. approving, for the purpose of its submission to the secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- 14.6.3. adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive’s reason for those amendments, any disagreement that the Executive has with any of the County Council’s objections and the Executive’s reasons for that disagreement, which the Leader submitted to the County Council, or informed the County Council of, within the period specified.

Process by which the Budget shall be developed:

- 14.7. For the purposes of this Constitution, the Budget shall be defined as meaning the process whereby in any financial year, the Executive submits to the County Council for its consideration in relation to the following financial year:
- 14.7.1. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;
 - 14.7.2. estimates of other amounts to be used for the purposes of such a calculation;
 - 14.7.3. estimates of such a calculation; or
 - 14.7.4. amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,
- 14.8. The County Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. In considering the matter, the County Council shall have before it the Executive's proposals and any comments or recommendations from the Hampshire 2050, Corporate Services and Resources Select (Overview and Scrutiny) Committee.
- 14.9. The County Council's decision will be publicised and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the County Council accepts the Executive's proposals without amendment) or (if the Executive's proposals are not accepted without amendment), that the County Council's decision will become effective on the expiry of five clear working days after the publication of the notice of decision, unless the Leader objects to it in that period. The Leader may, in writing, waive that right, thus giving immediate effect to the decision. If the County Council resolves to refer the matter back to the Executive for the further consideration, that decision shall take effect immediately.
- 14.10. If the Leader objects to the decision of the County Council, he shall give written notice to the Chief Executive to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive shall convene a further Meeting of the County Council to reconsider its decision, and the decision shall not be effective pending that Meeting. Where the County Council has referred the matter back to the Executive for further consideration, the Chief Executive shall convene a further Meeting of the County Council to reconsider the matter following the Executive's further considerations.

- 14.11. The County Council Meeting must take place within either six clear working days of receipt of the Leader's written objection, or within 11 clear working days of the date of the Meeting where the County Council has referred the matter back to the Executive for further consideration (or such other timeframe in order to meet any statutory deadlines). At that County Council Meeting, the decision of the County Council shall be reconsidered in the light of the objection or further considerations by the Executive, which shall be available in writing for the County Council.
 - 14.12. The County Council shall at that Meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented from the first day of the following financial year, save for any preparatory, consultative or Executive decisions required to implement the Budget as referred to in the Budget Report.
 - 14.13. Paragraphs 14.7 to 14.12 shall not apply in relation to:
 - 14.13.1. calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
 - 14.13.2. amounts stated in precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.
 - 14.14. Any Member may ask the Leader or appropriate Executive Member a question on the draft plan or strategy or may call for a debate on the draft plan or strategy. Once a debate has been called for, the Report shall become subject to debate and the normal rules of debate, as contained in Standing Order 17 shall apply.
15. **Presentation of Reports of Chief Executive, Chief Financial Officer and Monitoring Officer**
- 15.1. The Chief Executive, the Chief Financial Officer (Section 151 Officer) and Monitoring Officer in respect of their statutory roles may present a Report to the County Council for decision.
 - 15.2. Once a debate has been called for, the Chairman will move the recommendations and a debate shall then immediately take place; the normal rules of debate as contained in these Standing Orders shall apply. Recommendations contained in the Report shall be put to the County Council one at a time.
16. **Questions by Members**

16.1. **General Questions**

At any Meeting, a Member may:

- 16.1.1. if notice is received by the Chief Executive (to the Head of Democratic and Member Services via members.services@hants.gov.uk) not later than noon on the Thursday immediately preceding a Meeting of the County Council (other than a special or extraordinary meeting), ask the Chairman, the Leader or any Executive Member or the Chairman of the appropriate Committee, any question on any matter in relation to which the Council, the Executive or a Committee has powers or duties, or which affects the County Council but which is not otherwise before the County Council
- 16.1.2. with the permission of the Chairman, put to the Chairman, the Leader or Executive Member, or to the Chairman of the appropriate Committee, any question relating to urgent business
- 16.1.3. notice under 16.1.1 above must be given to the Chief Executive in writing and shall set out, in full, the question to be asked; and the notice shall be signed and dated or sent electronically by the Member giving the notice
- 16.1.4. every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer
- 16.1.5. where a reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to Members of the County Council, within six Working Days of the Meeting.

N.B. Where a Meeting is held on a day other than a Thursday, the notice period for receipt on questions shall be noon on the day one calendar week immediately preceding the Meeting.

16.2. **Questions on Reports**

At any Meeting, a Member may ask any question upon Reports submitted to the County Council by the Executive, Leader or other Executive Member, a Statutory Officer (the Chief Executive, the Chief Financial Officer or the Monitoring Officer) or a Committee, for which the purpose the Rules of debate procedure as set out in Standing Order 17 shall apply.

16.3. **Questions concerning the Hampshire and Isle of Wight Fire and Rescue Authority**

Notice of any questions concerning the Hampshire and Isle of Wight Fire and Rescue Authority must be set out in full and submitted to the Chief Executive in accordance with paragraph 16.1.1, not later than noon on the Thursday immediately preceding a meeting of the County Council. The provisions of paragraph 16.1 apply.

16.4. Supplementary Questions

In respect of paragraphs 16.1.1 and 16.3 above, the Member putting the question may ask a supplementary question on that question, provided it arises from the answer given.

16.5. Second Questions

A Member may not ask a second question until all first questions put by other Members have been dealt with. The same guiding principle will apply to third and subsequent questions.

16.6. Questions relating to Employees

If any question arises at a meeting of the County Council, the Executive, or a committee to which Part I of Schedule 12A of the Local Government Act 1972 applies as to the appointment, promotion, dismissal, salary, pension, condition of service or conduct of any person employed by the County Council, such question shall not be the subject of discussion until a Motion under Part I of Schedule 12A of the Local Government Act 1972 to exclude the press and public has been moved by the Chairman and put without debate.

17. Rules of debate – Part I items

Amendments to Recommendations to be in writing and seconded.

17.1. The mover of an Amendment shall, prior to moving the Amendment, and before speaking to, it put it in writing and deliver it to the Chairman. The Amendment shall not be discussed until after the Amendment has been seconded and the mover has spoken to it.

17.2. A Member may with the consent of the seconder, and of the County Council signified without discussion, alter an Amendment that they have proposed.

Withdrawal of Amendment

- 17.3. An Amendment may be withdrawn by the proposer with the concurrence of the seconder, and the consent of the County Council, which shall be signified without discussion, and no Member may speak upon it after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.

Reservations of speech by seconder

- 17.4. The seconder of any Amendment may, if they want to and they indicate their intention when seconding, reserve their speech until a later period of the debate.

One Amendment at a time

- 17.5. When an Amendment to a Recommendation has been moved and seconded, the Chairman shall call for any other Amendments to be moved and seconded. The Chairman may then permit all Amendments to be discussed in the ensuing debate, if the Chairman considers that this course would facilitate the proper conduct of the County Council's business. Otherwise, all Amendments shall be discussed (but not voted on) in the order in which they were proposed.

Member not to move or second more than one Amendment

- 17.6. A Member who has moved or seconded an Amendment to any Recommendation shall thereafter neither move nor second any further amendment to that Recommendation, or to any Recommendation which has displaced it.

Notice of further Amendment

- 17.7. Notice of the terms of all further Amendments to Recommendations in a Report must be given before the reply to the debate commences (or, in the absence of a reply, before the vote is taken) on the Amendment (or if more than one, Amendments), by the Leader, appropriate Executive Member or Chairman of the appropriate Committee (as the case may be).

Amendment inconsistent with amended Recommendation already carried

- 17.8. When an original Recommendation has been amended, any further Amendment moved to, or to any proposition displacing, such

amended Recommendation shall not be inconsistent with the Amendment(s) already carried.

- 17.9. When any Amendment has been duly put and either carried or lost, it shall be the Chairman's duty to refuse to put, at the same Meeting, any subsequent Amendment which would substantially contradict, override, repeat or reintroduce the subject matter of the previous Amendment.

Right to speak

- 17.10. A Member shall not speak more than once in any debate on any Recommendations or Amendment, except when the Chairman determines any Amendments should be debated separately, or in exercising their right of reply given by Standing Order 17.11, or on a point of order, or by way of personal explanation.

Right of reply to Amendment

- 17.11. If any Amendment is proposed the Leader, appropriate Executive Member, or the Chairman of the appropriate Committee (as the case may be), shall be entitled to a reply at the close of the debate upon the Amendment, or if more than one Amendment is proposed, Amendments. The mover of an Amendment shall not be entitled to a right of reply. A Member exercising a right of reply shall not introduce new matter. After the reply to which this Standing Order refers, a decision shall then be taken without further discussion.

Substantive Propositions

- 17.12. Amendments shall be voted on against the original Recommendation in reverse order. This means that the last Amendment to be moved shall be voted on first. Where an Amendment to a Recommendation is carried, the Recommendation shall be displaced by the Amendment carried, which shall itself become the Substantive Proposition. Where the last Amendment fails and all other Amendments have failed, the question shall be put on the Substantive Proposition without further debate.

Formal Proposals moved in accordance with Standing Order 20 – Part I items

- 17.13. A Member who has not spoken may, at the conclusion of a speech of another Member, move without comment 'that the vote on the Recommendation be now put', or 'that the County Council proceed

to the next item of business', or 'that the Meeting or debate be adjourned', on the seconding of which the Chairman shall put that Proposal to the vote without amendment or discussion, and if it is carried, the Recommendation before the Meeting shall (after allowing an opportunity for a Member to speak in seconding any Amendment which has been moved, and subject to the right of reply given by Standing Order 17.11), be put to the vote provided that if, on the moving and seconding of any such formal Proposal, the Chairman decides that the matter has not been sufficiently discussed, the Chairman may either refuse to accept the Proposal at that time, or may indicate how many more members will be permitted to speak before putting the Proposal.

Point of order and explanation

17.14. A Member may rise to a point of order or in personal explanation and, on rising, shall be entitled to be heard forthwith. The ruling of the Chairman on a point of order, or on the admissibility of a personal explanation, shall be final.

General conduct and demeanour of Members

17.15. Members shall stand when speaking and addressing the Chairman. If two or more Members indicate that they wish to speak on the same item, the Chairman shall decide the order in which they are to speak. No Member, upon rising in their place, shall commence to address the Meeting until the Chairman calls on them.

17.16. Whenever the Chairman rises, no other Member shall remain standing, and, until the Chairman sits, no Member shall rise. The Council shall be silent so that the Chairman may be heard without interruption.

18. Notices of Motion

18.1. Procedure for giving Notice of Motion

18.1.1. Every Notice of Motion shall be in writing, signed by the Member or Members giving the notice, and delivered 10 clear Working Days before the next Meeting of the County Council at the office of the Chief Executive (to the Head of Democratic and Member Services via members.services@hants.gov.uk) by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every Member.

18.1.2. The requirement regarding submission of the notice in writing and signature shall not apply where notice is given by e-mail, authenticated by the identification of the Member concerned.

18.2. Notices to be inserted in the Summons

The Chief Executive shall insert in the Summons for every Meeting of the County Council all Notices of Motion duly given, in the order in which they have been received, unless the Member giving such notice has, when giving it, intimated in writing that it is proposed to move it at some later Meeting, or has withdrawn it in writing.

18.3. Motion not moved

If a Motion, notice of which is specified in the Summons, is not moved by its originator, it shall, unless postponed by consent of the County Council, be treated as abandoned and shall not be moved without fresh notice.

18.4. Procedure for Notices of Motions

Motions under this Standing Order, after being moved and seconded, and spoken to by the proposer of the Motion in accordance with Standing Order 19.1, shall be debated by the County Council unless immediately following the seconding of the motion and after the proposer of the Motion has spoken to the Motion, and following any observations of the Leader or Executive Member for the function(s) concerned or the Chairman of the appropriate Committee or Committees, the County Council resolve to refer the Motion to the Executive or any Committee or Committees. Upon being so resolved, the Motion shall stand referred, without discussion, to the Executive or to such Committee or Committees as the County Council may determine for consideration and report to the next Meeting of the County Council, unless circumstances necessitate a report to a later Meeting.

18.5. Proposer of Motion may attend subsequent Executive or Committee Meeting

A Member of the County Council who has proposed a Motion which has been referred to the Executive, or to any Committee, shall have notice of the meeting of the Executive or Committee and any Sub-Committee or Standing Panel at which it is proposed to consider the Motion and, if they attend, shall have the opportunity of explaining it, but shall not take part in the voting.

19. **Rules of debate – Motions**

Motions and Amendments to be in writing and seconded.

- 19.1. Notices of Motion will only be received in accordance with Standing Order 18, the mover of any Motion or Amendment shall, immediately on moving the Motion or Amendment, and before speaking to it – put it in writing and deliver it to the Chairman. The Motion or Amendment shall not be discussed until after the mover has spoken to it and the Motion or Amendment has been seconded.
- 19.2. A Member may with the consent of the seconder, and of the County Council signified without discussion, alter a Motion that they have proposed provided that the Alteration is in accordance with Standing Order 19.6.

Withdrawal of Motion or Amendment

- 19.3. A Motion or Amendment may be withdrawn by the proposer with the concurrence of the seconder, and the consent of the County Council, which shall be signified without discussion, and no Member may speak upon it after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.

Right of reply to Notice of Motion

- 19.4. The proposer of a Motion shall have a right of reply at close of the debate upon the Motion immediately before it is put to the vote (and after any Proposal ‘that the vote on the Motion be now put’ or ‘that the County Council do proceed to the next item of business’ is put and carried). If an Amendment is proposed, the Leader or other appropriate Executive Member and proposer of a Motion shall be entitled to a reply at the close of the debate upon the Amendment. The proposer of the Motion shall speak last. The mover of an Amendment shall not be entitled to a right of reply. A Member exercising a right of reply shall not introduce new matter. After every reply to which this Standing Order refers, a decision shall then be taken without further discussion.

Reservations of speech by seconder

- 19.5. The seconder of any Motion or Amendment may, if they want to and they indicate their intention when seconding, reserve their speech until a later period of the debate.

Relevance of Amendments to original Motion

19.6. An Amendment shall be relevant to, and a modification of, the Motion.

19.7. An Amendment shall be:

19.7.1. to leave out words, or;

19.7.2. to leave out words and insert or add other words, or;

19.7.3. to insert or add words

but such omission or insertion of words shall not have the effect of introducing a materially new issue into or of negating the Motion before the County Council.

One Amendment at a time

19.8. When an Amendment to a Motion has been moved and seconded, the Chairman shall call for any other Amendments to the Motion to be moved and seconded. The Chairman may then permit all the Amendments to the Motion to be discussed in the ensuing debate, if the Chairman considers that this course would facilitate the proper conduct of the County Council's business. Otherwise, any Amendments to a Motion shall be discussed in the order they were proposed.

Member not to move or second more than one Amendment

19.9. A Member who has moved or seconded an Amendment to any Motion shall thereafter neither move nor second any further amendment to that Motion, or to any Amendment which has displaced it.

Notices of further Amendment

19.10. Notice of the terms of all further Amendments to a Motion must be given before the reply to the debate commences (or, in the absence of a reply, before the vote is taken) on the Motion.

19.11. When any Motion or Amendment thereto has been duly put and either carried or lost, it shall be the Chairman's duty to refuse to put, at the same Meeting, any subsequent Amendment which would

substantially contradict, override, repeat or reintroduce the subject matter of the previous Motion or Amendment.

Substantive Propositions

- 19.12. Amendments to a Motion shall be voted on against the original Motion in reverse order. This means that the last Amendment to a Motion shall be voted on first. Where an Amendment to a Motion is carried, the original Motion shall be displaced by the Amendment, which shall itself become the Substantive Proposition. Where the last Amendment fails and all other Amendments to a Motion have failed, the question shall be put on the Substantive Proposition without further debate.

Right to speak

- 19.13. A Member shall not speak more than once on any Motion or Amendment, except when the Chairman determines any Amendments to a Motion should be debated separately, or in exercising their right of reply given by Standing Order 19.4, or on a point of order, or by way of personal explanation.

Formal Proposals moved in accordance with Standing Order 20 – Motions and Recommendations

- 19.14. A Member who has not spoken may, at the conclusion of a speech of another Member, move without comment 'that the vote on the Motion be now put', or 'that the County Council proceed to the next item of business', or 'that the Meeting or debate now adjourned', on the seconding of which the Chairman shall put that Proposal to the vote without amendment or discussion and if it is carried, the Motion (or Amendment as the case may be) before the Meeting shall (after allowing an opportunity for a Member to speak in seconding any Motion or Amendment which has been moved, and subject to the right of reply given by Standing Order 19.4 such Proposal shall be put to the vote provided that if, on the moving and seconding of any such formal Proposal, the Chairman decides that the matter has not been sufficiently discussed the Chairman may either refuse to accept the Proposal at that time, or may indicate how many more Members will be permitted to speak before putting the Proposal.

Point of order and explanation

- 19.15. A Member may rise to a point of order or in personal explanation and, on rising, shall be entitled to be heard forthwith. The ruling of

the Chairman on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

General conduct and demeanour of Members

19.16. Members shall stand when speaking and address the Chair. If two or more Members indicate that they wish to speak on the same item, the Chairman shall decide the order in which they are to speak. No Member, upon rising in their place, shall commence to address the Meeting until the Chairman calls on them.

19.17. Whenever the Chairman rises, no other Member shall remain standing, and, until the Chairman sits, no Member shall rise. The Council shall be silent so that the Chairman may be heard without interruption.

20. Proposals which may be moved without notice

The following Proposals may be moved without notice:

- 20.1. an amendment to the Minutes of a Meeting;
- 20.2. an amendment to any Recommendation or Motion before the County Council, subject to Standing Orders 17 and 19;
- 20.3. a Proposal that a Motion be referred to the Executive or a Committee in accordance with Standing Order 18;
- 20.4. that the Meeting or debate be adjourned;
- 20.5. that the vote on a recommendation or a Motion be now put;
- 20.6. for suspending Standing Orders (but only so far as is necessary to enable the proper conduct of business);
- 20.7. that the County Council proceeds to the next item of business;
- 20.8. a Proposal to resolve under Part I of Schedule 12A of the Local Government Act 1972 to exclude the public (including the press);
- 20.9. a Proposal that a Member be not further heard or that a Member be allowed to speak for a longer period;
- 20.10. a Proposal that the County Council resolves to consider in open Council a question affecting a person in its employment;
- 20.11. that the County Council varies the order of business;

20.12. that there be no more questions on the matter under debate.

21. **Relevance and length of speeches**

Members shall direct their speech to the question under discussion or to an explanation or to a point of order. Except with the County Council's consent, no speech shall exceed the following lengths:

- 21.1. four minutes for a Member speaking on a paragraph on a Part I item or a Part II item, or on a Motion notice of which has been given under Standing Order 18, or on a Proposal, or in any other case except as indicated below;
- 21.2. seven minutes for the Leader or a member of the Executive or Chairman of a Committee in presenting a Report or in speaking in reply to a debate on a paragraph in a Part I item or a Part II item;
- 21.3. the mover of a Motion, notice of which has been given under Standing Order 18:
 - 21.3.1. five minutes for speaking to the Motion
 - 21.3.2. five minutes for speaking in reply to the debate on the Motion
- 21.4. five minutes for the Leader or a member of the Executive or the Chairman of the appropriate Committee in a debate on a Motion, notice of which has been given under Standing Order 18;
- 21.5. one minute for a Member speaking on a Proposal to suspend Standing Orders;
- 21.6. 30 minutes for the leader or spokesman of a minority group on the County Council, in moving an Amendment in a debate on the budget proposals;
- 21.7. No time limit for the Leader when moving the budget proposals, or in reply to the debate on the budget proposals.
- 21.8. 30 minutes total for answering General Questions or Questions concerning the Hampshire and Isle of Wight Fire and Rescue Authority pursuant to Standing Order 16.1.1 or 16.3.

22. ***Voting**

- 22.1. Every question shall be determined either by the voices of those present or, at the discretion of the Chairman, by way of digital voting, provided that, if any Member indicates dissent to this procedure, then a vote by a show of hands, or by way of digital voting, as

determined by the Chairman, shall take place;

- 22.2. Immediately after any vote is taken on any question on the budget item at the County Council's Budget decision meeting, the voting on the question shall be recorded to show how each Member present and voting gave their vote or abstained from voting. Without prejudice to Standing Order 22.1 above, all questions relating to the budget item shall be determined by way of digital voting;
- 22.3. Without prejudice to Standing Orders 21.2 and 22.2 above, on the requisition of any Member supported by 10 other Members who should signify their support by rising in their places before the vote is taken, the voting on any question shall be recorded to show how each Member present and voting gave their vote or abstained from voting. This is provided that a recorded vote may not be requisitioned on a formal Motion or any Proposal which, under Standing Order 20.3 to 20.11 inclusive, may be moved without notice. In applying this Standing Order to Committees, Sub-Committees and Standing Panels, the number of Members required to support a requisition for a recorded vote shall be one quarter of the whole number of appointed Members of the Committee, Sub-Committee or Standing Panel, or three Members of the Committee, Sub-Committee or Standing Panel, whichever is the greater. All recorded votes shall be conducted by way of digital voting;
- 22.4. Where, immediately after a vote is taken (and without prejudice to the provisions of 22.1, 22.2, and 22.3) above at a Meeting of the County Council if any Member so requires, it shall be recorded in the minutes of the proceedings of that Meeting whether that person cast their vote for the question or against the question; or whether they abstained from voting.

23. Rescission of previous resolution

No Motion to rescind any resolution passed by the County Council or by a Committee, Sub-Committee or Standing Panel of the County Council within the preceding six months – and no Motion or Amendment to the same effect as one which has been negated by the County Council within the preceding six months – shall be proposed, unless notice of it is given under Standing Order 18 and bears the names of at least 10 Members. Any such Motion may be moved by any one of those 10 Members. When any such Motion has been disposed of, it shall not be open to any Member to propose a similar motion within a further period of six months.

This Standing Order shall not apply to Amendments moved in pursuance of a Report or Recommendations of the Leader or other Executive Member, a Committee or Sub-Committee.

24. Appointments to Committees

24.1. Appointments to Committees of the County Council

The County Council shall at its Annual Meeting in the year of the ordinary election of County Councillors appoint Members (including any Co-opted Members) to Committees and Standing Panels of the County Council, and make such provision as to the constitution or membership thereof as it thinks fit, to discharge any functions of the County Council;

24.2. Appointments of Substitute Members to Committees and Standing Panels of the County Council

The County Council shall at its Annual Meeting in the year of the ordinary election of County Councillors appoint up to four Substitute Members from each political group on the County Council represented on any Select (Overview and Scrutiny) Committee of the County Council, to substitute for any Member ('Ordinary Member') of such political group appointed to any Select (Overview and Scrutiny) Committee, Committee of the County Council in accordance with sub-paragraph 24.1 above.

24.3. The County Council shall at its Annual Meeting in the year of the ordinary election of County Councillors appoint two Substitute Members from each political group on the County Council represented on any other Committee or Standing Panel of the County Council, to substitute for any Ordinary Member of such political group appointed to any Committee or Standing Panel of the County Council in accordance with sub-paragraph 24.1 above

24.4. Where a Substitute Member of a Committee or Standing Panel of the County Council is appointed in accordance with Standing sub-paragraph 24.1 above, then such Substitute Member may attend any Meeting of a Committee or Standing Panel of the County Council to which such substitution relates in place of any Ordinary Member of the same political group appointed to such Committee or Standing Panel of the County Council, on notification to the Chief Executive by the relevant political group leader that an Ordinary Member is unable to attend and the Substitute Member will be attending in his place. A Substitute Member may only attend a Meeting when the Ordinary Member will be absent for the whole of the Meeting.

24.5. Appointments to Joint Committees

The County Council shall at its Annual Meeting in the year of ordinary election of Members to the County Council appoint Members (including any Co-opted Members) to any Joint Committees and Outside Bodies (statutory or otherwise) to which the County Council appoints Members;

24.6. Review of Appointments to Committees at Annual Meeting

The County Council shall at each subsequent Annual Meeting review the representation of Members to Committees and Standing Panels of the County Council and Joint Committees and Outside Bodies, and review the Proportionality Table.

Any alterations in the membership of Committees and Standing Panels of the County Council and Joint Committees (including any alterations of Co-opted Members), whether by filling casual vacancies or otherwise, shall be made at a Meeting of the County Council.

25. Membership of Committees

At least two-thirds of the Members of any Committee, Sub-Committee or Standing Panel shall be Members of the County Council (subject to any statutory provision which shall regulate such membership).

Every member of a Committee, Sub-Committee or Standing Panel who, at the time of appointment, is a Member of the County Council shall, when they cease to be a Member of the County Council, also cease to be a member of the Committee, Sub-Committee or Standing Panel.

26. Appointment of Members to Hampshire and Isle of Wight Fire and Rescue Authority

At its Annual Meeting each year, the County Council shall appoint its full quota of Members to the Hampshire and Isle of Wight Fire and Rescue Authority, in line with the rules of appointment prevailing at the time.

27. *Meetings of County Council Committees, etc – August recess

Except in the case of urgent business which, in the opinion of the Chief Executive (after consultation with the Leader), ought not to be held over, no Meetings of the County Council, the Executive, Committees, or Sub-Committees, Standing Panels or working parties shall be held during the month of August; provided that this Standing Order shall not be deemed to extend to visits for the purpose of increasing members' knowledge of installations or sites relevant to their work.

28. ***Approval of Committee decisions – minority order procedure**

28.1. If Members numbering at least one quarter of the voting Members present at a Committee Meeting so request, immediately after the vote is taken on any matter (which is otherwise within the Committee's delegated powers) the decision shall take the form of a recommendation to the County Council and shall not be effective unless and until approved by the County Council. Where any matter is, for the time being, delegated to a Sub-Committee or a Standing Panel, Members numbering at least one quarter of the voting Members present at the Meeting of the Sub-Committee or Standing Panel may, in the same manner, require that the decision shall take the form of a recommendation to the appropriate Committee.

28.2. **The Standing Order shall only apply to:**

28.2.1. the Employment in Hampshire County Council Committee;

28.2.2. the Audit Committee;

28.2.3. the Pension Fund Panel and Board;

28.2.4. the River Hamble Harbour Board; and shall not apply to:

28.2.5. Standing Panels or Sub-Committees established to appoint Senior Officers of the County Council in accordance with Standing Order 43

28.2.6. any decisions of a quasi-judicial nature

28.2.7. decisions where delay could put the County Council in breach of the law or in breach of legally binding obligations.

28.2.8. Select (Overview and Scrutiny) Committees.

29. ***Discretion to exclude any matter which ought not to be published**

If the Chief Executive is required, whether by statute, Standing Order, or otherwise, to issue any document (including any Agenda), to give notice of any item, or reproduce, or otherwise communicate the contents of any notice or document (including a notice of motion or questions asked in pursuance of Standing Orders), delivered to him or her, then he or she shall exclude any matter which, in his or her professional opinion, is out of order or which on the grounds of illegality, irregularity, confidentiality, liability for defamation or otherwise ought not to be published.

30. ***Confidentiality of proceedings**

No Member of the County Council, the Executive or of a Committee, Sub-Committee or Standing Panel thereof (where elected or co-opted) shall disclose confidential or exempt information specified on a Meeting Summons or Agenda, until or unless such confidentiality has been lifted. If, however, the matter has been dealt with or has been brought before the Executive, a Committee, Sub-Committee or Standing Panel while the press and public are entitled to be present, this Standing Order shall not apply.

31. ***Inspection of documents and Minutes**

For the purposes of their duty as a Member of the County Council or as a member of a Committee, Sub-Committee or Standing Panel of the County Council a Member may inspect any document (other than a draft) which is in the possession of, or under the control of the County Council, and which contains information relating to any business to be transacted as a Meeting of a Committee, Sub-Committee or Standing Panel to which the Local Government Act 1972 applies. This right does not, however, apply to certain categories of exempt information. Members' rights in respect of exempt information are set out at paragraph 5 of the Protocol for Member/Officer Relations in Part 4 Appendix D of this Constitution.

32. ***Misconduct of Members**

The Chairman shall call a Member to order for irrelevance, repetition, unbecoming language or any breach of order. If the Member should disregard the authority of the Chairman, or if it appears to the Chairman that the Meeting does not desire any longer to hear the Member then speaking, the Chairman may move (no seconder being required) that the Member be no longer heard. The Proposal shall be put to the vote without discussion and, if it is carried, the Member then speaking shall discontinue their speech and resume their seat. If the Member continues to speak, disregarding the authority of the Chairman, then the Chairman shall warn the Member. If the Member shall then continue to disregard the authority of the Chairman, the Chairman shall order the removal of the Member from the Council Chamber.

33. ***Behaviour of the public**

If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn the person concerned. If the person continues, the Chairman shall order that person's removal from the Council Chamber. In the case of general disturbance in any part of the Council Chamber open to the public, the Chairman shall order that part to be cleared.

34. ***Adjourned Meetings**

When a Meeting or any item of business to be considered at a Meeting is adjourned to a future day, notice of the adjourned Meeting shall be sent to each Member, specifying the business to be transacted at that Meeting.

35. ***Signing of Minutes**

Local Government Act 1972, Schedule 12

Local Government and Housing Act 1989 Section 20

Minutes of every meeting of the County Council, of any Committee or of any Sub-Committee or Standing Panel or the Executive shall be submitted to, and signed at, that meeting or at the next following ordinary meeting of the body concerned.

The person presiding shall put the question that the Minutes submitted to the meeting be approved as a correct record of that Meeting, or of a specified former Meeting, as the case may be.

Any question on their accuracy shall be raised by a Proposal, and shall be duly seconded. If no such question is raised, or if it is raised, then as soon as it has been dealt with the person presiding shall sign the minutes ('the Approved Minutes').

The Chairman shall ask if there are any matters arising upon the approved Minutes, pursuant to which any Member may ask as to the current position or progress made on any item contained in the approved Minutes. The Chairman shall avoid any debate or discussion that could be construed as attempting to change or vary a previous decision, and shall not allow any debate or discussion to transgress the statutory rule that only business specified in the County Council summons may be disposed of at a County Council meeting.

If, in relation to any Meeting of the County Council, the next such Meeting is a Meeting called under Paragraph 3 (extraordinary meetings) of Schedule 12 to the 1972 Act, the next following Meeting of the County Council (being a meeting called otherwise than under that Paragraph of the 1972 Act) shall be treated as a suitable Meeting for the purposes of Paragraphs 41(1) and (2) (signing of minutes) of that Schedule.

This Standing Order is not capable of being suspended.

36. ***Signing of Minutes – Extraordinary Meetings**

Where, in relation to any Meeting of the Council, the next such Meeting is called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, that next Meeting of the County Council (being a meeting called otherwise than under that paragraph), shall be

treated as a suitable meeting for the purposes of paragraph 41 of that Schedule (signing of Minutes).

37. *Additional Committee Meetings

The Chairman of a Committee may call an additional Meeting of a Committee at any time. An additional Meeting of the Committee may also be summoned on the requisition, in writing, of either one quarter of the total number of Members of the Committee or three Members, whichever is the greater. This requisition shall be delivered to the Chief Executive and shall specify the business to be considered. The Chief Executive will arrange for the Meeting to be held in accordance with the timetable specified in Standing Order 5. The Agenda shall set out the business so required to be considered at the additional meeting and no business other than that set out shall be considered at the meeting.

38. *Suspension of Standing Orders

38.1. Any Standing Order (save for Standing Order 35 and 36) may be suspended on a Proposal in accordance with Standing Order 20.6 carried by a majority of the Members present.

38.2. There shall be no questions, speeches or discussion whatsoever other than by the mover of a Proposal moved under Standing Order 20.6 to suspend a Standing Order.

39. Withdrawal from Chamber or Room in cases of Disclosable Pecuniary Interests

39.1. Unless a dispensation has been granted by the County Council, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as set out at Part 2 Paragraph 3 of the Members' Code of Conduct. You must as soon as it becomes apparent that you have an interest (save for in circumstances set out at Standing Order 39.2 below) withdraw from the chamber or room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business. If acting as a single Executive Member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself.

39.2. Without prejudice to Standing Order 39.1 above where you have a disclosable pecuniary interest in any business of the County Council (including any meeting of a Select Overview and Scrutiny Committee of the County Council) you may, notwithstanding such disclosable pecuniary interest, attend such meeting for the purpose of making

representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

40. Application of County Council Procedure Rules to Committees

The following Standing Orders shall also apply, with any necessary modification, to Committees, Sub-Committees and Standing Panels of the County Council, (including Select (Overview and Scrutiny) Committees and the word 'County Council' shall be construed accordingly.

Standing Order

5. Summons and Agenda Papers
6. Chairmen and Vice-Chairmen
8. Order of Business
9. Variation of Order of Business
10. Recordings, etc of proceedings
11. Quorum
12. Deputations
22. Voting
28. Approval of Committee decisions – minority order procedure
29. Discretion to exclude any matter which ought not to be published
30. Confidentiality of proceedings
31. Inspection of documents and Minutes
32. Misconduct of Members
33. Behaviour of the public
34. Adjourned Meetings
35. Signing of Minutes
36. Signing Minutes – Extraordinary Meetings

37. Additional Committee Meetings
38. Suspension of Standing Orders
39. Withdrawal from Chamber or Room in cases of Disclosable Pecuniary Interests

NB For ease of reference those Standing Orders which apply to Committees, Sub-Committees and Standing Panels of the County Council are indicated by an asterisk.

Non-Committee Members will be allowed to speak at Committee and Sub-Committee meetings, following notice to the Chief Executive via members.services@hants.gov.uk , such notice to be received no later than noon on the working day immediately preceding such Committee/Sub-Committee meeting. Without prejudice to the above the Chairman may permit a non-Committee Member to speak where, in exceptional circumstances in the opinion of the Chairman, it has not been possible for the non-Committee Member to give the required notice.

41. **Execution and Signing of Documents**

The Common Seal of the County Council shall not be fixed to any document, and no document shall otherwise be executed as a Deed or signed as a Contract or Agreement on behalf of the County Council unless the sealing, execution, or signing of such document has been authorised by a resolution of the County Council or of the Leader and Cabinet (acting collectively or individually as the case may be), or a committee or sub-committee or standing panel, where the County Council has delegated its powers in this behalf. But a resolution of the County Council or the Leader and Executive (acting collectively or individually under the provisions of the Constitution) or of a committee, sub-committee or standing panel where the Leader or Executive or Executive Member or that committee, sub-committee or standing panel, has the power 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; or the making of any rate or contract or any other matter or thing; shall be sufficient authority for sealing, executing or signing any document necessary to give effect to the resolution. The execution of Deeds and signing of documents shall be done in accordance with the provisions of Part 1, Chapter 14, of the Constitution.

The seal shall be attested by the Assistant Director Legal Services and Monitoring Officer or other officer or officers authorised by the Assistant Director Legal Services and Monitoring Officer, and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for this purpose, and shall be signed by the person who shall have attested the seal.

42. Head of Paid Service, Chief Financial Officer, Monitoring Officer – disciplinary action

42.1. In this Standing Order:

42.1.1. 'the 2011 Act' means the Localism Act 2011;

42.1.2. 'Chief Financial Officer', 'Disciplinary Action', 'Head of the County Council's Paid Service', and 'Monitoring Officer' have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

42.1.3. 'Independent Person' means a person appointed under Section 28(7) of the 2011 Act;

42.1.4. 'Local Government Elector' means a person registered as a local government elector in the register of electors in the County Council's area in accordance with the Representation of the People Acts;

42.1.5. 'the Panel' means a Committee comprising Independent Persons only appointed by the County Council under section 102(4) of the Local Government Act 1972 for the purpose of advising the County Council on matters relating to the dismissal of Relevant Officers of the County Council, following in accordance with paragraph 43, a proposal of a Committee or Sub-Committee of the County Council to dismiss a Relevant Officer;

42.1.6. 'Relevant Meeting' means a meeting of the County Council to consider whether or not to approve a proposal to dismiss a Relevant Officer; and

42.1.7. 'Relevant Officer' means the Chief Financial Officer, Head of the County Council's Paid Service or Monitoring Officer, as the case may be.

42.2. A Relevant Officer may not be dismissed by the County Council unless the procedure set out in the following Paragraphs is complied with.

42.3. The County Council must invite Relevant Independent Persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

42.4. In Paragraph 42.3 'Relevant Independent Person' means any Independent Person who has been appointed by the County Council or, where there are fewer than two such person, such Independent

Persons as have been appointed by another Authority or Authorities as the County Council considers appropriate.

- 42.5. Subject to Paragraph 42.6 the County Council must appoint to the Panel such Relevant Independent Persons who have accepted an invitation in accordance with Paragraph 42.3 in accordance with the following priority order:
 - 42.5.1. a Relevant Independent Person who has been appointed by the County Council and who is a Local Government Elector;
 - 42.5.2. any other Relevant Independent Person who has been appointed by the County Council;
 - 42.5.3. a Relevant Independent Person who has been appointed by another Authority or Authorities.
- 42.6. The County Council is not required to appoint more than two Relevant Independent Persons in accordance with paragraph 42.5 but may do so.
- 42.7. The County Council must appoint any Panel at least 20 Working Days before the Relevant Meeting.
- 42.8. Before taking of a vote at the Relevant Meeting on whether or not to approve such a dismissal, the County Council must take into account, in particular:
 - 42.8.1. any advice, views or recommendations of the Panel;
 - 42.8.2. the conclusions of any investigation into the proposed dismissal; and
 - 42.8.3. any representation from the Relevant Officer.
- 42.9. Any remuneration, allowances or fees paid by the County Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as Independent Person under the 2011 Act.

43. **Appointment, Dismissal and Disciplinary action in respect of Senior Officers**

43.1. In this Standing Order –

“the 1989 Act” means the Local Government and Housing Act 1989;

“the 2000 Act” means the Local Government Act 2000;

“Disciplinary Action” shall have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“Executive” and “Executive Leader” shall have the same meaning as in Part II of the 2000” Act;

“Member of Staff” means a person appointed to or holding a paid office or employment under the County Council; and

“Proper Officer” means the Chief Executive.

- 43.2. Subject to paragraphs 43.3 and 43.7, the function of appointment and dismissal of and taking disciplinary action against, a Member of Staff of the County Council must be discharged, on behalf of the County Council, by the officer designated under section 4(1) of the 1989 Act as the Head of the Authority’s Paid Service or by an officer nominated by him.
- 43.3. Paragraph 43.2 shall not apply to the appointment or dismissal of, or disciplinary action against –
- 43.3.1. the Officer designated as the Head of Authority’s Paid Service;
 - 43.3.2. a Statutory Chief Officer within the meaning of Section 2(6) of the 1989 Act;
 - 43.3.3. a Non-Statutory Chief Officer within the meaning of Section 2(7) of the 1989 Act;
 - 43.3.4. a Deputy Chief Officer within the meaning of Section 2(8) of the 1989 Act; or
 - 43.3.5. a person appointed in pursuance of Section 9 of the 1989 Act (assistants for political groups).
- 43.4. (1) Where a Committee or Sub-Committee of the County Council or Officer is discharging, on behalf of the County Council, the function of the appointment of an officer designated as the Head of the County Council’s Paid Service, the County Council must approve that appointment before an offer of appointment is made to him/her or,
- (2) Where a Committee or Sub-Committee of the County Council or Officer is discharging, on behalf of the County Council, the function of dismissal of an officer designated as the Head of the County Council’s Paid Service, the Chief Financial Officer, or the Monitoring Officer, the County Council must approve the dismissal before notice of dismissal is given to that person.

(3) Where a Committee or Sub-Committee of the County Council discharging on behalf of the County Council, the function of the appointment or dismissal of any Officer referred to in sub paragraphs 43.3.1 to 43.3.5 of paragraph 43.3, at least one member of the Executive must be a member of that Committee or Sub-Committee.

43.5. (1) In this paragraph, "Appointor" means, in relation to the appointment of a person as an Officer of the County Council, the County Council or, where a Committee, Sub-Committee or Officer is discharging the function of appointment on behalf of the County Council, that Committee, Sub-Committee or Officer, as the case may be.

(2) An offer of an appointment as an Officer referred to in sub paragraphs 43.3.1 to 43.3.5 of paragraph 43.3 must not be made by the Appointor until –

43.5.1. the Appointer has notified the Proper Officer of the name of the person to whom the Appointor wishes to make the offer and any other particulars which the Appointor considers are relevant to the appointment.

43.5.2. The Proper Officer has notified every member of the Executive of the County Council of –

- i) the name of the person to whom the Appointor wishes to make the offer;
- ii) any other particulars relevant to the appointment which the Appointor has notified to the Proper Officer; and
- iii) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the Proper Officer;

and

43.5.3. either –

- i) the Executive Leader has, within the period specified in the notice under sub-paragraph 44.5.2, notified the Appointor that neither he/she nor any other member of the Executive has any objection to the making of the offer;
- ii) the Proper Officer has notified the Appointor that no objection was received by him/her within that period from the Executive Leader; **or**

- iii) the Appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

43.6. (1) In this paragraph, "Dismissor" means, in relation to the dismissal of an Officer of the County Council, the County Council or, where a Committee, Sub-Committee or other Officer is discharging the function of the dismissal on behalf of the County Council, that Committee, Sub-Committee or other Officer, as the case may be.

(2) Notice of the dismissal of an Officer referred to in sub-paragraphs 43.3.1 to 43.3.5 of paragraph 43.3 must not be given by the Dismissor until:

43.6.1. the Dismissor has notified the Proper Officer of the name of the person who the Dismissor wishes to dismiss and any other particulars which the Dismissor considers are relevant to the dismissal;

43.6.2. the Proper Officer has notified every member of the Executive of the County Council of:

- i) the name of the person who the Dismissor wishes to dismiss;
- ii) any other particulars relevant to the dismissal which the Dismissor has notified to the Proper Officer; and
- iii) the period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; **and**

43.6.3. either:

- i) the Executive Leader has, within the period specified in the notice under sub-paragraph 43.6.2(iii), notified the Dismissor that neither he/she nor any other member of the Executive has any objection to the dismissal;
- ii) the Proper Officer has notified the Dismissor that no objection was received by him/her within that period from the Executive Leader; **or**
- iii) the Dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

43.7. Nothing in paragraph 43.2 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the County Council to consider an appeal by:

43.7.1. another person against any decision relating to the appointment of that other person as a member of staff of the County Council; or

43.7.2. a member of staff of the County Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

43.8. Where the Council proposes to appoint any Officer referred to in Standing Order 43.3 and it is not proposed that the appointment be made exclusively from among its existing Officers, it should:

43.8.1. draw up a statement specifying:

- i) the duties of the Officer concerned;
- ii) any qualifications or qualities to be sought in the person to be appointed.

43.8.2. make arrangements for the post to be advertised in such way as is likely to bring it to the attention of people who are qualified to apply for it;

43.8.3. make arrangements for a copy of the statement mentioned in paragraph 43.8.1 to be sent to any person, on request.

43.9. Where a post has been advertised as provided by Standing Order 43.8, the panel referred to in Standing Order 43.11 shall:

43.9.1. interview all qualified applicants for the post, or

43.9.2. interview those qualified applicants included on a selected short list where no qualified person has applied, the County Council shall make further arrangements for advertisement in accordance with 43.8.2 above.

43.10. Where the County Council proposes to appoint any officer referred to in Standing Order 43.3 and it is proposed that the appointee be an existing Officer who is acting into that role, the Head of Paid Service in conjunction with the Director of Corporate Operations / Chief Financial Officer shall provide a report to a panel established under Standing Order 43.11, setting out;

43.10.1. the duties of the post to which appointments is to be made

43.10.2. any qualifications or qualities to be sought in the person to be appointed, and

43.10.3. the suitability of a particular candidate for such post including the performance of that individual while acting in that role

43.11. Appointments or dismissal of any Officer referred to in Standing Order 43.3 shall be made by a panel of members which shall comprise:

- 43.11.1. the Leader, Deputy Leader or other member of the Executive nominated by the Leader;
- 43.11.2. the Executive Member responsible for the service (or the Leader's nominee in the case of a Chief Executive or Chief Officer of a central service appointment), and;
- 43.11.3. the requisite number of other Members (to be nominated by relevant political group leaders) to achieve the proportionality required by the provisions of the Local Government and Housing Act 1989.

44. **Candidates for appointment – canvassing of and recommendations by Members**

- a) Canvassing of Members or Officers of the County Council or of any Committee of the County Council, directly or indirectly, for any appointment made by the County Council shall disqualify the candidate for that appointment. The purport of this paragraph of this Standing Order shall be included in every advertisement inviting applications for appointments or in any form of application;
- b) A Member of the County Council shall not seek support for any candidate for any appointment under the County Council, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience of character for submission to the County Council with an application for appointment.

45. **Candidates for appointment – relatives of Members or Officers**

- a) Candidates for any appointment under the County Council who know that they are related to any Member or senior officer of the County Council shall, when making their application, disclose that relationship to the appropriate officer. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. Every Member and senior officer of the County Council shall disclose to the Chief Executive any relationship known to them to exist between themselves and any person who they know is a candidate for an appointment under the County Council. The Chief Executive shall notify all disclosures made pursuant to this Standing Order to the head of department concerned or to the person chairing the panel authorised to make the appointment;
- b) The purport of this Standing Order shall be brought specifically to the attention of all applicants for posts with the County Council;

c) For the purpose of this Standing Order, 'senior officer' means any officer of the County Council in receipt of a salary equal to, or greater than, applicable to Hampshire County Council Senior Management Grade H. Persons shall be deemed to be related if they are husband and wife, or partners living together, or if either of them or the spouse of either of them is the son, daughter, grandson, granddaughter, brother, sister, nephew or niece of the other; or of the spouse or partner of the other; or a person with whom they have a close or established relationship.

Appendix 2:

38. *Suspension of Standing Orders

- 38.1 Any Standing Order (save for Standing Order 35 and 36) may be suspended on a Proposal in accordance with Standing Order 20.6 carried by a majority of the Members present.
- 38.2 There shall be no questions, speeches or discussion whatsoever other than by the mover of a Proposal moved under Standing Order 20.6 to suspend a Standing Order.

38 (B) *Reasonable Adjustments to Standing Orders

- 38 (B).1 Where a Member or other person attending a meeting of the County Council or a County Council Committee has a disability as defined in the Equality Act 2010 and any of these Standing Orders puts that Member or other person at a substantial disadvantage in comparison with others who are not disabled then, having taken advice from the Monitoring Officer, the Chairman of the County Council or the Chairman of any committee may make such adjustments to Standing Orders or apply such interpretations to Standing Orders, as are reasonable in the circumstances, in order to avoid that disadvantage.

Part 4

Appendix D - Protocol for Member/Officer Relations

1. Introduction

- 1.1. Members are democratically elected and are responsible for the strategic direction, policing and budget of the County Council. They are supported by the County Council's officers who provide professional and managerial expertise in the running of the County Council's business and in implementing the decision of the County Council.
- 1.2. The purpose of this Protocol is to guide members and officers of the County Council in their relations with one another in such a way as to ensure the smooth running of the County Council.
- 1.3. Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It does, however, offer guidance on some of the issues which most commonly arise.
- 1.4. This Protocol is, to a large extent, no more than a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the advice is followed it should also ensure that members receive objective and impartial advice, and that officers are protected from accusations of bias and any undue influence from members.
- 1.5. This Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they, therefore, demand very high standards of personal conduct.
- 1.6. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers."
- 1.7. It is important that any dealings between members and officers should observe reasonable standards of courtesy, and that neither party should seek to take unfair advantage of their position.

2. Conduct and Capability Issues

- 2.1. Members should not raise matters relating to the conduct or capability of a County Council employee or of employees collectively at meetings held in public. This is a long-standing tradition in public service. Employees have no means of responding to criticisms like this in public. If members feel they have not been treated with proper respect or courtesy or if they have any concern about the conduct or capability of a County Council employee, they should raise the matter with the chief officer of the department concerned if they fail to resolve it through direct discussion with the employee. The chief officer will then look into the facts and report back to the member. If the member continues to feel concern, they should then report the facts to the Chief Executive who will look into the matter afresh.
- 2.2. Officers are bound by the Officer's Code of Conduct and relevant contractual and disciplinary Codes. The Chief Executive may inform the relevant political group leader of the matter, if it is referred to him following ongoing concerns by the Member, but should only do so in full knowledge of the facts surrounding the issue and where doing so would not contravene any legal or confidentiality requirements or other Protocol contained within this Constitution, or would otherwise prejudice determination of the matter.
- 2.3. If an officer feels that he or she has not been properly treated with respect and courtesy they should raise the matter with their line manager, their chief officer, the Monitoring Officer or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the member concerned. In these circumstances and subject to Paragraph 2.4, the chief officer, the Monitoring Officer or the Chief Executive will take appropriate action either by approaching the individual member or group leader.
- 2.4. Members are bound by the Members' Code of Conduct. Where a complaint is made by an Officer under the Members' Code of Conduct, then regard must be given to any statutory requirements or statutory guidance thereon regarding confidentiality. Whilst a Member subject of a complaint under the Members' Code of Conduct may inform his political group leader of the matter, Officers may not inform the group leader without the permission of the Member.

3. Officer advice to party groups

- 3.1. It must be recognised by all officers and members that in discharging their duties and responsibilities, officers serve the County Council as a whole and not exclusively any political group, combination of groups or any individual member of the County Council.

- 3.2. It is common practice for party groups to give preliminary consideration to matters of County Council business in advance of such matters being considered by the relevant County Council decision-making body. Officers may properly be called upon to support and contribute to such deliberations by party groups, but they must maintain political neutrality at all times. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner.
- 3.3. The support provided by officers can take many forms, ranging from a briefing meeting with a chairman or spokesperson prior to a committee meeting to a presentation to a full-party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the County Council, such support is available to all party groups.
- 3.4. Certain points must however, be clearly understood by all those participating in this type of process, members and officers alike. In particular:
 - 3.4.1. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of County Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed.
 - 3.4.2. Party group meetings, while they form part of the preliminaries to County Council decision making, are not empowered to make decisions on behalf of the County Council. Conclusions reached at such meetings do not therefore rank as County Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - 3.4.3. Similarly, where officers provide information and advice to a party group meeting in relation to a matter of County Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered.
- 3.5. Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting, which includes persons who are not members of the County Council. Such persons will not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration on interests and confidentiality) and for this and other reasons, officers may not be able to provide the same level of information and advice as they would do for a members-only

meeting.

- 3.6. Any request for advice, together with the advice given to a political group of Members, will be treated with strict confidentiality by the officers concerned and will not be accessible to any other political group. It is acknowledged, however, that factual information on which any advice is based will, if requested, be available to all political groups.
- 3.7. It must not be assumed by any political group or Member that any officer is personally supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- 3.8. Officers must respect the confidentiality of any party group discussions at which they are present, in the sense that they should not relay the content of any such discussion to another party group or other non-involved officers.
- 3.9. Any particular cases of difficulty or uncertainty in this area of officer-advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

4. Support services to members and party groups

- 4.1. The only basis on which the County Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport, etc) to members is to assist them in discharging their role as members of the County Council. Such support services must therefore only be used on County Council business. They should never be used in connection with party political or campaigning activity, or for private purposes.
- 4.2. It is acknowledged however, that certain equipment provided, such as personal computers and mobile phones, can be put to ancillary personal use by members, provided that such use incurs no cost to the County Council. Any such equipment provided by the County Council, such as personal computers, must however only be used in accordance with any County Council policies which apply at the time. Furthermore, the member will be fully responsible for the use or misuse of the equipment, including any use or misuse by anyone to whom the member has given access to the equipment.

5. Members' access to information and to County Council documents

- 5.1. Members are free to approach any County Council department to provide them with such information, explanation and advice (about that department's functions) as they may reasonably need in order to assist them in discharging their role as members of the County Council. This can range from a request for general information about some aspect of a department's activities, to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the chief

officer or another senior officer of the Department concerned. In cases of doubt, the Monitoring Officer should be asked for assistance.

- 5.2. As regards the legal rights of members to inspect County Council documents, these are covered partly by statute and partly by the common law.
- 5.3. By virtue of Section 100F(1) of the Local Government Act 1972 (“the 1972 Act”), Members have a statutory right to inspect any County Council document which contains material relating to any business which is to be transacted at a County Council, Committee, Sub-Committee or Standing Panel Meeting. This right applies irrespective of whether the Member is a Member of the Committee, Sub-Committee or Standing Panel concerned, and it extends not only to Reports which are to be submitted to the Meeting, but also to any relevant background papers.
- 5.4. Similar provisions apply in respect of Executive documents by virtue of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Access to Information Regulations”), in respect of documents in the possession or under the control of the Executive. Where the document contains information relating to business to be transacted at a public meeting of the Executive or individual Executive Member Decision Day, Members have a right to inspect the document once it is available. Where the document contains information relating to business to be discussed at a private meeting of the Executive, or to an individual Executive Member decision made in private, or an Executive Decision to be made by an Officer, then the document should be available for inspection on conclusion of the Meeting. Members may also inspect any contemporaneous notes taken by the Chief Executive’s business support staff at any such meeting.
- 5.5. This right does not, however, apply to documents relating to some exempt items. The items in question are described in Schedule 12A of the 1972 Act, and are those which contain exempt information relating to:
 - 5.5.1. Information relating to any individual (e.g. appointment of staff),
 - 5.5.2. Information which is likely to reveal the identity of an individual,
 - 5.5.3. Information relating to the financial or business affairs of any particular person (including the County Council), where the information relates to any terms proposed or to be proposed by the County Council in the course of negotiations for a contract (e.g. property transactions),
 - 5.5.4. Employment and industrial relations negotiations (e.g. pay and other employment matters),

5.5.5. Information in respect of which a claim to a legal professional privilege could be maintained in legal proceedings (e.g. legal advice),

5.5.6. Criminal investigations

- 5.6. Additional rights of access are given to Members of Select (Overview and Scrutiny) Committees, who are entitled to a copy of any document which is in the possession or under the control of the Executive, and contains material relating to any business transacted at a meeting of the County Council, or any decision made by an individual Executive Member, or any Executive decision made by an Officer in accordance with delegated powers, provided that this shall not apply to any exempt or confidential document in the possession of or under the control of the Executive, unless the information is relevant to an action or decision the Member is reviewing or scrutinising, or which is relevant to any review contained in a work programme of such Committee.
- 5.7. However, the statutory position is in addition to any common law right of Members to have access to information. The common law right members have is much broader and is based in the principle that *prima facie* a Member has a right to inspect County Council documents. This right exists because Members are under a duty to keep themselves informed of business which enables a Member to properly perform his or her duties as a Member of the County Council. This principle is commonly referred to as the 'need to know' principle. This same principle applies to Meetings where exempt information is discussed.
- 5.8. The exercise of this common law right depends therefore, upon the Member's ability to demonstrate that he or she has the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the County Council. Mere curiosity is not sufficient. The crucial question is determination of the 'need to know'.
- 5.9. In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee or an Opposition Group Spokesperson for an Executive Portfolio) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties), such Member will be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature, are either not accessible by members or are accessible only by the political group forming the administration and not by the other political groups. An example of this latter category would be draft documents compiled in the context of emerging County Council policies and draft committee reports, the premature disclosure of which might be against the County Council's and the public interest.

- 5.10. Any question as to whether a Member has a right to an exempt document or to attend a Meeting where exempt information is discussed should be referred to the Monitoring Officer as Proper Officer for Access to Information.
- 5.11. The term 'County Council document' is very broad and includes, for example, any document produced with Council resources, but it is accepted by convention that a Member of one party group will not have a 'need to know' and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 5.12. Finally, any County Council information provided to a Member must only be used by the Member for the purpose for which it was provided, that is in connection with the proper performance of the Member's duties as a Member of the County Council. Unauthorised disclosure of exempt or confidential information is prejudicial to the effective conduct of public affairs, and detrimental to the effective delivery of the County Council's business. Unauthorised disclosure of exempt or confidential information is also potentially a breach of the Members' Code of Conduct.

6. Officer, Executive Member and Chairman relationships

- 6.1. It is clearly important that there should be a close working relationship between an executive member, a chairman of a committee and the chief officer and other senior officers of any department which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other party groups.
- 6.2. The executive member or chairman or a committee (or sub-committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting but it must be recognised that in some situations, a chief officer will be under a duty to submit a report on a particular matter. It is at this stage executive members should make clear their requirements for any changes. Similarly, a chief officer or other senior officer will always be fully responsible for the contents of any report submitted in his or her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Executive members are entitled to accept, amend or change recommendations of officers in reports. For legal reasons, reports may not be amended after publication. Any issues arising between an executive member, a chairman and a chief officer in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the County Council.
- 6.3. In addition to the Chairman's briefing before any committee or sub-committee, minority group representatives on that committee or sub-committee will also have the opportunity of a briefing through their

appropriate spokespersons.

- 6.4. At some executive member, committee and sub-committee meetings, a resolution may be passed, which authorises named officers to take action between meetings in consultation with the executive member or chairman. It must be recognised that in such circumstances it is the officer, rather than the executive member or chairman, who takes the action and it is the officer who is accountable for it.
- 6.5. Finally, it must be remembered that officers within a department are accountable to their chief officer and that while officers should always seek to assist an executive member or chairman (or indeed any member), they must not, in doing so, go beyond the bounds of whatever authority they have been given by their chief officer.

7. Correspondence

- 7.1. Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where, exceptionally it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, a system of 'silent copies' should not be employed.
- 7.2. If correspondence is received by an officer from a member of the public asking for any details about a member, that letter and the officer's reply will be sent to the individual member. The member of the public requesting the information will be so informed.
- 7.3. Official letters on behalf of the County Council should normally be sent out in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g., representations to a government minister) for a letter to appear over the name of a member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the County Council should never be sent out over the name of a member.

8. Involvement of divisional members

- 8.1. Whenever a public meeting is organised by the County Council to consider a local issue, all the members representing the division or divisions affected must, as a matter of course, be invited to attend the meeting. Whenever a member is invited to such a meeting or any seminar or conference or any ceremonial event the member will, at the same time, be informed as to whether they are entitled to claim any attendance, travelling or subsistence allowance. Similarly, whenever the County Council undertakes any form of consultative exercise on a local issue, the divisional members should be notified at the outset of the

exercise.

9. Ceremonial events

- 9.1. The Chairman of the County Council, or in his or her absence the Vice-Chairman, will be the appropriate person to lead County Council ceremonial events which are not specifically associated with a particular committee, and to represent the County Council by invitation at ceremonial events of other organisations which are not specifically associated with a particular committee.
- 9.2. Executive members or their nominees are the appropriate candidates for ceremonial events within the scope of their portfolios.
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10. Public relations and press releases

- 10.1. The County Council's Corporate Communications Office services the County Council as a whole and must operate within the limits of the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity. This Act and the Code prohibits the County Council from publishing material which appears to be designed to affect public support for a political party. County Council press releases are drafted by officers and will often contain quotations (within the limits of the Local Government Act 1986 and the Code) from the Leader of the County Council and executive members whose service is involved, and from the Chairman and Vice-Chairman of the County Council about ceremonial events. Such press releases are issued on behalf of the County Council and it would not, therefore, be appropriate when repeating quotations from members to indicate their party political affiliation.

Part 4

Appendix D - Protocol for Member/Officer Relations

1. Introduction

- 1.1. Members are democratically elected and are responsible for the strategic direction, policing and budget of the County Council. They are supported by the County Council's officers who provide professional and managerial expertise in the running of the County Council's business and in implementing the decision of the County Council.
- 1.2. The purpose of this Protocol is to guide members and officers of the County Council in their relations with one another in such a way as to ensure the smooth running of the County Council.
- 1.3. Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It does, however, offer guidance on some of the issues which most commonly arise.
- 1.4. This Protocol is, to a large extent, no more than a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the advice is followed it should also ensure that members receive objective and impartial advice, and that officers are protected from accusations of bias and any undue influence from members.
- 1.5. This Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they, therefore, demand very high standards of personal conduct.
- 1.6. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers."
- 1.7. It is important that any dealings between members and officers should observe reasonable standards of courtesy, and that neither party should seek to take unfair advantage of their position.

2. Conduct and Capability Issues

- 2.1. Members should not raise matters relating to the conduct or capability of a County Council employee or of employees collectively at meetings held in public. This is a long-standing tradition in public service. Employees have no means of responding to criticisms like this in public. If members feel they have not been treated with proper respect or courtesy or if they have any concern about the conduct or capability of a County Council employee, they should raise the matter with the chief officer of the directorate concerned if they fail to resolve it through direct discussion with the employee. The chief officer will then look into the facts and report back to the member. If the member continues to feel concern, they should then report the facts to the Chief Executive who will look into the matter afresh.
- 2.2. Officers are bound by the Officer's Code of Conduct and relevant contractual and disciplinary Codes. The Chief Executive may inform the relevant political group leader of the matter, if it is referred to him following ongoing concerns by the Member but should only do so in full knowledge of the facts surrounding the issue and where doing so would not contravene any legal or confidentiality requirements or other Protocol contained within this Constitution, or would otherwise prejudice determination of the matter.
- 2.3. If an officer feels that he or she has not been properly treated with respect and courtesy they should raise the matter with their line manager, their chief officer, the Monitoring Officer or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the member concerned. In these circumstances and subject to Paragraph 2.4, the chief officer, the Monitoring Officer or the Chief Executive will take appropriate action either by approaching the individual member or group leader.
- 2.4. Members are bound by the Members' Code of Conduct. Where a complaint is made by an Officer under the Members' Code of Conduct, then regard must be given to any statutory requirements or statutory guidance thereon regarding confidentiality. Whilst a Member subject of a complaint under the Members' Code of Conduct may inform his political group leader of the matter, Officers may not inform the group leader without the permission of the Member.

3. Officer advice to party groups

- 3.1. It must be recognised by all officers and members that in discharging their duties and responsibilities, officers serve the County Council as a whole and not exclusively any political group, combination of groups or any individual member of the County Council.

- 3.2. It is common practice for party groups to give preliminary consideration to matters of County Council business in advance of such matters being considered by the relevant County Council decision-making body. Officers may properly be called upon to support and contribute to such deliberations by party groups, but they must maintain political neutrality at all times. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner.
- 3.3. The support provided by officers can take many forms, ranging from a briefing meeting with a chairman or spokesperson prior to a committee meeting to a presentation to a full-party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the County Council, such support is available to all party groups.
- 3.4. Certain points must however, be clearly understood by all those participating in this type of process, members and officers alike. In particular:
 - 3.4.1. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of County Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed.
 - 3.4.2. Party group meetings, while they form part of the preliminaries to County Council decision making, are not empowered to make decisions on behalf of the County Council. Conclusions reached at such meetings do not therefore rank as County Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - 3.4.3. Similarly, where officers provide information and advice to a party group meeting in relation to a matter of County Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered.
- 3.5. Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting, which includes persons who are not members of the County Council. Such persons will not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration on interests and confidentiality) and for this and other reasons, officers may not be able to provide the same level of information and advice as they would do for a members-only meeting.

- 3.6. Any request for advice, together with the advice given to a political group of Members, will be treated with strict confidentiality by the officers concerned and will not be accessible to any other political group. It is acknowledged, however, that factual information on which any advice is based will, if requested, be available to all political groups.
- 3.7. It must not be assumed by any political group or Member that any officer is personally supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- 3.8. Officers must respect the confidentiality of any party group discussions at which they are present, in the sense that they should not relay the content of any such discussion to another party group or other non-involved officers.
- 3.9. Any particular cases of difficulty or uncertainty in this area of officer-advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

4. Support services to members and party groups

- 4.1. The only basis on which the County Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport, etc) to members is to assist them in discharging their role as members of the County Council. Such support services must therefore only be used on County Council business. They should never be used in connection with party political or campaigning activity, or for private purposes.
- 4.2. It is acknowledged however, that certain equipment provided, such as personal computers and mobile phones, can be put to ancillary personal use by members, provided that such use incurs no cost to the County Council. Any such equipment provided by the County Council, such as personal computers, must however only be used in accordance with any County Council policies which apply at the time. Furthermore, the member will be fully responsible for the use or misuse of the equipment, including any use or misuse by anyone to whom the member has given access to the equipment.

5. Members' access to information and to County Council documents

- 5.1. Members are free to approach any County Council directorate to provide them with such information, explanation and advice (about that department's functions) as they may reasonably need in order to assist them in discharging their role as members of the County Council. This can range from a request for general information about some aspect of a department's activities, to a request for specific information on behalf of a constituent. Paragraph 6 below provides more information on the appropriate process.

- 5.2. As regards the legal rights of members to inspect County Council documents, these are covered partly by statute and partly by the common law.
- 5.3. By virtue of Section 100F(1) of the Local Government Act 1972 (“the 1972 Act”), Members have a statutory right to inspect any County Council document which contains material relating to any business which is to be transacted at a County Council, Committee, Sub-Committee or Standing Panel Meeting. This right applies irrespective of whether the Member is a Member of the Committee, Sub-Committee or Standing Panel concerned, and it extends not only to Reports which are to be submitted to the Meeting, but also to any relevant background papers.
- 5.4. Similar provisions apply in respect of Executive documents by virtue of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Access to Information Regulations”), in respect of documents in the possession or under the control of the Executive. Where the document contains information relating to business to be transacted at a public meeting of the Executive or individual Executive Member Decision Day, Members have a right to inspect the document once it is available. Where the document contains information relating to business to be discussed at a private meeting of the Executive, or to an individual Executive Member decision made in private, or an Executive Decision to be made by an Officer, then the document should be available for inspection on conclusion of the Meeting. Members may also inspect any contemporaneous notes taken by the Chief Executive’s business support staff at any such meeting.
- 5.5. This right does not, however, apply to documents relating to some exempt items. The items in question are described in Schedule 12A of the 1972 Act, and are those which contain exempt information relating to:
 - 5.5.1. Information relating to any individual (e.g. appointment of staff),
 - 5.5.2. Information which is likely to reveal the identity of an individual,
 - 5.5.3. Information relating to the financial or business affairs of any particular person (including the County Council), where the information relates to any terms proposed or to be proposed by the County Council in the course of negotiations for a contract (e.g. property transactions),
 - 5.5.4. Employment and industrial relations negotiations (e.g. pay and other employment matters),
 - 5.5.5. Information in respect of which a claim to a legal professional privilege could be maintained in legal proceedings (e.g. legal advice),

5.5.6. Criminal investigations

- 5.6. Additional rights of access are given to Members of Select (Overview and Scrutiny) Committees, who are entitled to a copy of any document which is in the possession or under the control of the Executive, and contains material relating to any business transacted at a meeting of the County Council, or any decision made by an individual Executive Member, or any Executive decision made by an Officer in accordance with delegated powers, provided that this shall not apply to any exempt or confidential document in the possession of or under the control of the Executive, unless the information is relevant to an action or decision the Member is reviewing or scrutinising, or which is relevant to any review contained in a work programme of such Committee.
- 5.7. However, the statutory position is in addition to any common law right of Members to have access to information. The common law right members have is much broader and is based in the principle that *prima facie* a Member has a right to inspect County Council documents. This right exists because Members are under a duty to keep themselves informed of business which enables a Member to properly perform his or her duties as a Member of the County Council. This principle is commonly referred to as the 'need to know' principle. This same principle applies to Meetings where exempt information is discussed.
- 5.8. The exercise of this common law right depends therefore, upon the Member's ability to demonstrate that he or she has the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the County Council. Mere curiosity is not sufficient. The crucial question is determination of the 'need to know'.
- 5.9. In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee or an Opposition Group Spokesperson for an Executive Portfolio) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties), such Member will be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature, are either not accessible by members or are accessible only by the political group forming the administration and not by the other political groups. An example of this latter category would be draft documents compiled in the context of emerging County Council policies and draft committee reports, the premature disclosure of which might be against the County Council's and the public interest.
- 5.10. Any question as to whether a Member has a right to an exempt document or to attend a Meeting where exempt information is discussed should be referred to the Monitoring Officer as Proper Officer for Access to Information.

- 5.11. The term 'County Council document' is very broad and includes, for example, any document produced with Council resources, but it is accepted by convention that a Member of one party group will not have a 'need to know' and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 5.12. Finally, any County Council information provided to a Member must only be used by the Member for the purpose for which it was provided, that is in connection with the proper performance of the Member's duties as a Member of the County Council. Unauthorised disclosure of exempt or confidential information is prejudicial to the effective conduct of public affairs, and detrimental to the effective delivery of the County Council's business. Unauthorised disclosure of exempt or confidential information is also potentially a breach of the Members' Code of Conduct.

6. Arrangements for Members to contact officers of the County Council

- 6.1. This section seeks to provide clarity as to how County Councillors should contact officers at the County Council, to help ensure a swift and effective response. It also sets out performance standards so that Members are clear as to when they can expect a response.
- 6.2. This section also sets out expectations where a Member is raising an enquiry relating specifically to their role as a County Councillor. For contact regarding case work, or contact on behalf of a resident, queries should be directed via the same route as available to residents.
- 6.3. When contacting the County Council, Councillors should use their corporate County Council email account to ensure they can be quickly identified as a County Councillor and their contact dealt with accordingly.
- 6.4. Executive Lead Members are encouraged to determine which officer they consider best able to answer their query. Otherwise, by contacting the relevant Directorate's Director's Office, they will be signposted to the best person to help.
- 6.5. All contact from Executive Members will be dealt with as soon as is practicable.
- 6.6. All other County Councillors should direct all contact through the relevant Directorate's Director's Office. This is to ensure that all contact can be prioritised and dealt with in a consistent, timely and effective manner.
- 6.7. County Councillors should avoid copying in third parties, including media outlets, when contacting Officers. Officers will not normally copy any third parties into their replies to County Councillors. County Councillors should

also avoid copying officers into emails or other correspondence exchanging political views or raising political issues with other Councillors.

- 6.8. County Councillors can expect to receive an acknowledgment to their query within two working days, and a full response within 20 working days, depending on its complexity. However, officers will aim to respond in advance of 20 working days, wherever possible.
- 6.9. In order to support Members in fulfilling their role, it is important that contact from County Councillors is prioritised and follows the agreed process. This is to ensure that contact is handled by the most appropriate person and so Directors can maintain oversight of contact from County Councillors coming into their areas of responsibility.
- 6.10. All contact from County Councillors should be passed in the first instance to the relevant Director's Office for triaging.
- 6.11. Officers should apply discretion as to the urgency of a query received from a non-Executive Member, whilst being mindful of the agreed response time standards. Officers should respond to queries from County Councillors more quickly than these response time standards, wherever possible.
- 6.12. Queries from County Councillors on specific casework should be treated in the same way as queries from members of the public would be treated.
- 6.13. Each Directorate will be responsible for updating the Members' Portal with the relevant contact details for their area.
- 6.14. If a County Councillor is not satisfied with an officer's response to their query, they should escalate this to the relevant Director in the first instance, followed by the Chief Executive.

7. Planned and unplanned visits to County Council workplaces by County Councillors

- 7.1. This section also provides guidance on interactions between Members of the Council and officers when Members are visiting County Council workplaces or have cause to interact with officers who are undertaking their role at other locations across the County either as part of a visit arranged by the County Council or on an unplanned basis.
- 7.2. While it is appropriate for Members, when visiting a County Council workplace (including local authority maintained schools), to ask officers factual questions about the role they are performing and to engage them in general conversation, it is not appropriate for them to seek to obtain

from Officers opinions or views on County Council policy or performance. Members should always be clear with officers about the purpose of any conversation.

- 7.3. Officers should not be quoted in any press article or political newsletter without the explicit consent of the Corporate Communications Team and the individual concerned.
- 7.4. Members should not take photographs of officers or with officers without the explicit agreement of the officer concerned. Photographs may be appropriate during planned visits, but they should not under any circumstances be used for political purposes as the County Council cannot be seen to be helping or endorsing the position of any particular political party. Photographs of officers should not be taken at all during the pre-election period of any election.
- 7.5. It is not appropriate for officers, while at work, to publicly express their views or opinions on County Council policy or performance to Members, the press or other third parties.

8. Officer, Executive Member and Chairman relationships

- 8.1. It is clearly important that there should be a close working relationship between an executive member, a chairman of a committee and the chief officer and other senior officers of any department which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other party groups.
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