

# 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 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](mailto: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) 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 Registration, Paragraph 9, contained at Appendix B.

**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 Policy and Resources 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 'call' each numbered paragraph of 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 the paragraph 'called'. A Member may also rise and say 'debate' (this will indicate the Member wishes to comment on the paragraph or, to move an Amendment to a Recommendation in the Report). A Member who asks a question may, having heard the answer, also say 'debate'. When the word 'debate' has been uttered, the Chairman shall enquire whether there are any further questions on that paragraph. If there are, they shall be put and answered. If there are none, the paragraph shall be open to debate and the Chairman shall invite the Member who first called 'debate' to open that debate and the normal rules of debate, as contained in Standing Order 17, shall apply;
- 13.3 the procedure in 13.2 above shall be applied to each numbered paragraph in turn, until the last paragraph of the Report is reached;
- 13.4 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 adopted' or 'that the Report of the Executive or of the Committee as amended be adopted', as the case may be.

## **Part II items**

- 13.5 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.
- 13.6 The Chairman shall “call” each numbered paragraph of 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 the paragraph called.
- 13.7 The procedure in 13.6 shall be applied to each numbered paragraph in turn until the last paragraph of the Report is reached.
- 13.8 When questions on all paragraphs have been answered, the Report shall be open to debate and the Chairman shall invite debate on the Report paragraph by paragraph 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 Policy 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](mailto: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](mailto: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.

**22. \*Voting**

22.1 Every question shall be determined by the voices of those present provided that, if any Member indicates dissent to this procedure, then a vote by a show of hands shall take place;

22.2 Immediately after any vote is taken 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;

22.3 Without prejudice to Standing Order 22.2 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;

22.4 Where, immediately after a vote is taken (and without prejudice to the provisions of sub-paragraph 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 two Substitute Members from each political group on the County Council represented on any Committee or Standing Panel of the County Council, to substitute for any Member ('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.

24.3 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.

### **24.4 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;

#### **24.5 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](mailto: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 Head of Law and Governance and Monitoring Officer or other officer or officers authorised by the Head of Law and Governance 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 Appointor 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.