

19 September 2012

Amendments to Standing Orders

Report of the Clerk

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1 Summary

- 1.1 This report sets out the proposed amendments to the Authority's Standing Orders pursuant to the Authority's decisions at its meeting on 6 June 2012 arising from the changes to the standards regime under the Localism Act 2011 and in relation to the appointment of one Vice-Chairman of the Authority rather than two.

2 Recommendations

- 2.1 That following the in principle decisions taken at its meeting on 6 June 2012, the Authority agrees to vary Standing Orders as set out in the Schedule.

3 Background

- 3.1 The Localism Act 2011 repealed the existing statutory provisions contained within the Local Government Act 2000 and the Model Code of Conduct. The provision that was formerly contained in the Model Code of Conduct that required a Member with a personal and prejudicial interest in any business of their authority, to withdraw from the room in which the relevant meeting was being held (unless a dispensation had been obtained), has similarly been repealed.
- 3.2 The standards provisions contained in the Localism Act 2011 prohibit a Member with a disclosable pecuniary interest in any matter to be considered at a meeting of their authority (or of any committee, sub-committee, joint committee or joint sub-committee of their authority) from participating in any discussion of the matter and from voting on the matter (unless a dispensation is obtained). The Localism Act provides that standing orders of an authority may provide, in these circumstances, for the exclusion of the Member from the meeting concerned, but this is not required by the Act itself.
- 3.2 At its meeting on 6 June 2012, the Authority received a report on the changes to the standards regime introduced by the Localism Act with effect from 1 July 2012. The Authority agreed, amongst other things, that:

“ Standing Orders be amended to require a Member who has a disclosable pecuniary interest in an item of business being considered at a meeting of the Authority, a committee or sub-committee, to withdraw from the room during the discussion of and vote on that item.”

4. Amendments to Standing Orders

4.1 The proposed amendments described below are set out, and highlighted, in the text of Standing Orders reproduced in the Schedule to this report.

4.2 It is proposed that the following wording be inserted as Standing Order 10(1) (Conduct of Members) which, by virtue of Standing Order 26(4), will apply to meetings of the Authority, committees and sub-committees:

“1. A member who has a disclosable pecuniary interest in any matter being considered at a meeting of the Authority must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless he or she has obtained a dispensation from the Standards and Governance Committee. The member may, however, make representations on the matter to the meeting, in accordance with the Authority’s deputations procedure, provided that he or she withdraws from the room when those representations are concluded and before any discussion or vote takes place.”

4.3 This wording is consistent with paragraph 15 of the Authority’s Members’ Code of Conduct.

4.4 In addition, there is a second unrelated proposed amendment to Standing Order 1(1) (Meetings of the Authority). Pursuant to the Authority’s decision on 6 June 2012 to have one Vice-Chairman of the Authority rather than two, it is proposed to amend the reference to “Vice-Chairmen” in Standing Order 1(1) so that it reads in the singular.

4.5 On the basis that the recommendation set out in this report is agreed by the Authority, it is intended to publish the amended Standing Orders on the Authority’s website and to issue a copy of them to every Member of the Authority.

5 Conclusion

5.1 The report sets out the proposed amendments to Standing Orders pursuant to the in principle decisions taken by the Authority at its meeting on 6 June 2012.

6 Equality Impact Assessment

- 6.1 The proposed amendments to Standing Orders comply with equalities legislation.

Section 100D – Local Government Act 1972 – background papers

The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of this report.

N.B. The list excludes:

Published works.

Documents that disclose exempt or confidential information as defined in the Act.

None.



STANDING ORDERS

Standing orders for the regulation of the business of the Combined Fire Authority

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The Standing Orders were adopted by the Hampshire Fire and Rescue Authority on 22 May 2002.

STANDING ORDER 1

Meetings of the Authority

1. The Authority shall hold an annual meeting between 1 April and 30 June each year. The first items of business on the agenda for the annual meeting shall be the appointment of Chairman and Vice-Chairman for the ensuing year.
2. In addition to the annual meeting of the Authority and any meeting convened by the Chairman or by members of the Authority, meetings for the transaction of general business shall be held on such days as may be determined by the Authority at its annual meeting provided that any such date may be varied at a subsequent meeting.
3. The Chairman of the Authority may cause a special meeting of the Authority to be called at any time.
4. A special meeting of the Authority shall be called on the request of at least one quarter of the whole number of members of the Authority by notice in writing and signed by them and given to the Clerk and specifying the business for which the meeting is to be called. After receipt of such request, the Clerk shall arrange for the special meeting to take place not less than 21 days and not more than 35 days after the receipt of the request.
5. In these Standing Orders "ordinary meeting" means a meeting described in paragraph (1) or (2) above other than a meeting convened by the Chairman or by members of the Authority. The term "year" means the period from 1 April, in one calendar year to 31 March, in the next following year.
6. Unless the Authority otherwise determines, all meetings of the Authority other than a special meeting of the Authority arranged in accordance with Standing Order 1.4 shall be held at 10.00 a.m. All meetings of the Authority, including special meetings arranged under Standing Order 1.4 shall take place on a weekday.

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STANDING ORDER 2

Appointment of Committees and Sub-Committees

1. The Authority shall appoint at its annual meeting such committees or sub-committees as it deems necessary; committees and sub-committees shall meet as and when required.
2. Unless otherwise determined by the Authority the membership of each committee and sub-committee shall include at least one representative from each constituent authority.
3. When a representative of Southampton or Portsmouth authority is appointed as a member of a committee or sub-committee the Authority may appoint a second representative of that authority as a deputy member who may attend and vote at

meetings of the committee or sub-committee in place of the appointed member should he/she be unable to attend because of illness, business commitments or other circumstances beyond his/her control.

STANDING ORDER 3

Chairman of the Meeting

Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

STANDING ORDER 4

Quorum

1. At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine, including at least one representative from each constituent authority. (Specified in paragraph 19 of the Hampshire Fire Services (Combination Scheme Order) 1996).
2. The quorum for every meeting of a committee or sub-committee of the Authority, unless a special quorum is otherwise prescribed shall be at least one third of the whole number of the committee or sub-committee provided that in no case shall a quorum of a committee or sub-committee be less than three members.
3. If within ten minutes from the time appointed for the commencement of any meeting of the Authority or of a committee or sub-committee a quorum (that is one third of the whole number of members or three members, whichever is the greater) is not present, the meeting shall be dissolved.

STANDING ORDER 5*

Circulation of Agenda and Confirmation of Minutes of the Authority

A printed copy of the summons and agenda for the forthcoming meeting of the Authority, a committee or sub-committee and the minutes of the previous meeting shall be despatched by the Clerk at least six clear days before such forthcoming meeting to each member, and such minutes shall be taken as read when submitted to the Authority for confirmation unless a majority of the members then present otherwise order. Unless similarly ordered, any document which comes up for consideration at any meeting, and which has been printed and circulated to each member at or prior to such a meeting, shall be taken as read.

STANDING ORDER 6*

Motions and Amendments Generally

1. After calling each item on the Agenda (other than Minutes) and after any introductory remarks by the Clerk/Chief Fire Officer or other Officer of the Authority, the Chairman shall first call for questions and after these have been

disposed of, shall call "any debate?" A member desiring to ask questions or to debate shall indicate by raising his/her hand.

2. If there be no debate, the Chairman shall put the printed Recommendation to the vote, or in the case of an item for information only, that it be noted and no seconder shall be required.
3. A member shall not, without the permission of the Chairman, speak more than once on any motion or amendment except on a point of order or by way of personal explanation.
4. Where the Agenda item contains a Recommendation, it shall be deemed at the commencement of debate thereon, unless the Chairman indicates otherwise, that the same has been formally moved by him/her and seconded and any subsequent motion shall be treated as an amendment thereto.
5. The Chairman may require the mover of a motion or amendment to put the same into writing and submit it to the Chair before speaking thereon, and subject thereto, no motion or amendment shall be debated until the mover has spoken to it and it has been seconded.
6. A member may not propose or second a motion or amendment on which he/she is disqualified from voting, and neither may a member move or second more than one amendment on the same motion.

STANDING ORDER 7*

Motions Affecting Persons Employed by the Authority

If any matter arises at a meeting of the Authority, or a committee or sub-committee as to the appointment, promotion, dismissal, salary, superannuation, condition of service or the conduct of any person employed by the Authority, such matter shall not be the subject to discussion until the Authority, committee or sub-committee, as the case may be, has decided whether or not the power of exclusion of the public under Part 1 of Schedule 12A of the Local Government Act 1972, shall be exercised.

STANDING ORDER 8*

Amendments to Motions

1. An amendment shall be relevant to the motion and shall be either:-
 - a. To refer a subject of debate to a committee or sub-committee for consideration or reconsideration;
 - b. To leave out words;
 - c. To leave out words and insert or add others;
 - d. To insert or add words;

but such omission, insertion or addition of words shall not have the effect

of introducing a materially new issue into or of negating a motion before the Authority.

2. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

STANDING ORDER 9*

Alterations or Withdrawal of Motion or Amendment

1. A proposer of a motion may, with the concurrence of the seconder and the consent of the Authority, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairman be put into writing and handed to him/her before the consent of the Authority to the alteration is sought.
2. A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Authority, withdraw the motion or amendment which he/she has proposed, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
3. The giving or refusal of the consent of the Authority to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

STANDING ORDER 10*

Conduct of Members

1. A member who has a disclosable pecuniary interest in any matter being considered at a meeting of the Authority must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless he or she has obtained a dispensation from the Standards and Governance Committee. The member may, however, make representations on the matter to the meeting, in accordance with the Authority's deputations procedure, provided that he or she withdraws from the room when those representations are concluded and before any discussion or vote takes place.
2. A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order and shall not inpute motives or use offensive expressions to or about any other member.
3. If any member in the opinion of the Chairman signified to the Authority, misconduct himself/herself by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Authority, or by tedious repetition or unbecoming language in his/her speech, the Chairman or any other member may move "That the member

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named be not further heard” and such motion if seconded shall be put and determined without discussion.

4. If the member named continues his/her misconduct after a motion under the previous paragraph has been carried, the Chairman shall either:-

- a. Move “That the member named to leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or
- b. Adjourn the meeting of the Authority for such period as he/she in his/her discretion shall consider expedient.

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5. In the event that a motion under Standing Order 10(3)(a) has been carried and the named member refuses to leave the meeting the Chairman may order the removal of that member from the room in which the meeting is being held.

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STANDING ORDER 11*

Questions

1. A member may, if the question has been given to the Clerk in writing by 10.00 a.m. three clear working days before the meeting of the Authority, ask the Chairman of the Authority or the Chairman of any committee, any question relating to the business of the Authority or the committee.
2. The question given to the Clerk shall set out in full the question to be asked and the notice shall be signed and dated by the member giving the notice. The requirement for the notice to be signed by the member shall not apply in the case of a validated electronic copy being received by the Clerk.
3. The Clerk shall record any questions submitted in the order in which they are received and the questions in that order shall be put to the appropriate meeting of the Authority.
4. Every question shall be put and answered without discussion, but the person to whom a questions has been put may decline to answer. The member asking the question may ask one supplementary question arising out of the reply.
5. Where a reply to any question cannot conveniently be given orally, it shall be deemed as sufficient reply if a written answer is circulated to the member asking the question and to all other member of the Authority as soon as reasonably practicable after the meeting.
6. The amount of time devoted to questions under the Standing Order shall not exceed 30 minutes.

STANDING ORDER 12*

Agenda Items

A member may, by giving 10 working days notice, require an item to be placed on the agenda either for an Authority or committee meeting. For the avoidance of doubt, the Authority or committee at which the agenda item is considered will determine what, if

any, action it is proposed to be taken with the agenda item. If either the Authority or the committee determine that further action is required on the agenda item, the Authority or the committee will request officers to submit a full report on the agenda item to the next appropriate meeting of the Authority or committee.

STANDING ORDER 13*

Points of Order and Explanation

1. A member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall related only to an alleged breach of a Standing Order or statutory provision, and the member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
2. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

STANDING ORDER 14*

Formal Motion

A member who has not spoken may, at the conclusion of a speech of another member, move without comment "that the question be now put" or "that the Authority now adjourn", on the seconding of which the Chairman shall put that motion to the vote without amendment or discussion and, if it is carried, the question before the meeting shall be put to the vote or the meeting shall stand adjourned, as the case may be; provided that if on the moving and seconding of any such formal motion as aforesaid the Chairman is of the opinion that the matter has not been sufficiently discussed, he/she may either refuse to accept the motion at that time or he/she may indicate how many more member he/she will permit to speak before putting the motion.

STANDING ORDER 15*

Relevance of Speeches

A member shall direct his/her speech to the question under discussion or to an explanation or to a point of order.

STANDING ORDER 16*

Voting

1. Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by show of hands or, at the discretion of the Chairman, by voices.

2. In taking the votes on any proposition, those members only shall be entitled to vote who are present in the room when the proposition is put from the Chair.
3. After a proposition is put from the Chair, but before the vote is taken, any five members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present gave his/her vote for or against that proposition or abstained from voting.
4. Where immediately after a vote is taken at a meeting of the Authority or any committee any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his or her vote for the question or against the question or whether he or she abstained from voting.
5. The Chairman or person chairing meetings of the Authority and committees shall have a second or casting vote. For the avoidance of doubt, the Chairman may use such a second or casting vote on an equality of voting despite not having voted when the motion was put to the meeting for voting upon.

STANDING ORDER 17*

General Disturbances

1. If a member of the public interrupts the proceedings at meetings the Chairman shall warn him/her. If he/she continues the interruption the Chairman shall order his/her removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
2. If, in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him/her, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

STANDING ORDER 18*

Adjourned Meeting

When a meeting is adjourned to a future day, notice of the adjournment shall be sent to each member specifying the business to be transacted thereat.

STANDING ORDER 19*

Deputations

Subject to the provisions of this Standing Order, the Authority, and any of its committees or sub-committees shall receive deputations on any business that is properly within its terms of reference and the Deputation shall (subject to formal moving, seconding and adoption of the proposal) be allowed to address the meeting.

For the purposes of this Standing Order:-

1. Notice in writing shall be given to the Clerk that a Deputation wishes to address the meeting and the notice shall specify the subject before the meeting upon

which the Deputation wishes to speak. In the case of a meeting of the Authority, committees and sub-committees the notice shall be given by noon two clear days in advance.

2. Deputations shall consist of not more than 4 people who shall be Local Government electors in the area of the Authority.
3. Any member of a Deputation may address the meeting.
4. The total time taken by the Deputation in addressing the meeting shall not exceed ten minutes.
5. Deputations shall be taken at the beginning of the meeting (after the Minutes) and the total time shall not exceed one hour in duration.
6. No Deputation shall appear before the Authority at successive meetings or at any committee or sub-committee within six months of any previous appearance, on the same or similar topic.

STANDING ORDER 20*

Minority Order Procedure

If Members numbering at least one quarter of the voting Members present at a meeting of a Committee so request immediately after the vote is taken on any matter which is otherwise within the delegated powers of the Committee, the decision shall take the form of a Recommendation to the Authority and shall not be effective unless and until approved by the Authority. Where any matter is for the time being delegated to a sub-committee, Members numbering at least one quarter of the voting Members present at the meeting of the sub-committee may in the same manner require that the decision shall take the form of a Recommendation to the appropriate Committee.

This Standing Order shall not apply to:-

1. Decisions of Personnel Appeals Committees.
2. Sub-Committees established to appoint officers of the Authority.
3. Any decisions of a quasi judicial nature.
4. Decisions where delay could put the Authority in breach of the law or in breach of legally binding obligations.

STANDING ORDER 21

Canvassing of and Recommendations by Members

1. Canvassing of members of the Authority, or any Committee or Sub-Committee of the Authority, directly or indirectly for any appointment under the Authority shall disqualify the candidate concerned for that appointment. The purpose of this paragraph of this Standing Order shall be included in any form of application.

2. A member of the Authority shall not solicit for any person any appointment under the Authority but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority or the Chief Fire Officer with an application for appointment.

STANDING ORDER 22

Relatives of Members or Employees

1. A candidate for any appointment under the Authority who knows that he/she is related to any member or employee of the Authority shall disclose that relationship in his/her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
2. Every member and senior officer of the Authority shall disclose to the Clerk any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Authority.
3. The purpose of this Standing Order shall be included in any form of application.
4. For the purpose of this Standing Order "senior officer" means any officer so designated by the Authority, and persons shall be deemed to be related if they are husband and wife, or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

STANDING ORDER 23

Custody of Seal

The common seal of the Authority shall be kept in a safe place in the custody of the Clerk.

STANDING ORDER 24

Sealing of Documents

1. The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a committee or sub-committee to which the Authority or of a committee or sub-committee to which the Authority has delegated its powers on its behalf, but a resolution of the Authority (or of a committee or sub-committee where that committee or sub-committee 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, the making of any contract, issuing a levy or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the authorisation.
2. The seal shall be attested by the Clerk or other person duly authorised in writing by him/her and an entry of every sealing of a document shall be made and

consecutively numbered in a book kept for the purpose and shall be authenticated by the person who had attested the seal.

STANDING ORDER 25

Special meetings of Committees and Sub-Committees

1. The Chairman of a committee or sub-committee or the Chairman of the Authority may cause a special meeting of the committee or sub-committee to be called at any time.
2. A special meeting of the committee or sub-committee shall be called on the request of at least one quarter of the whole number of members of the committee or sub-committee by notice in writing and signed by them and given to the Clerk and specifying the business for which the meeting is to be called. After receipt of such request, the Clerk shall arrange for the special meeting to take place not less than 21 days and not more than 35 days after the receipt of the request.

STANDING ORDER 26

Proceedings of the Authority, Committees and Sub-Committees

1. Any Authority member may attend as an observer at meetings of committees and sub-committees (except those committees and sub-committees which the Authority may from time to time determine for the purposes of this Standing Order) to which he/she has not been appointed as a member, including meetings or items of business from which the public has been excluded. If given permission by the Chairman of the meeting, a member attending as an observer may speak (but not vote) on any matter.
2. Subject to the provision of Section 100 of the Local Government Act 1972, all Authority committee and sub-committee reports and all documents marked as "confidential", "exempt" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Authority's business.
3. No act of a committee or sub-committee shall have effect until approved by the Authority except to the extent that the committee or sub-committee has of itself power to act without the approval of the Authority and the power so to act has been conferred upon the committee or sub-committee.
4. In addition, to those Standing Orders which expressly related to the Authority, committees and sub-committees, Standing Orders 5 to 20 inclusive, shall apply with any necessary modification to committee and sub-committees. These Standing Orders are highlighted by an asterisk.

STANDING ORDER 27

Chairman and Vice-Chairman of Committees and Sub-Committees

1. The Chairman and Vice-Chairman of each committee or sub-committee established by the Authority shall be appointed at the time the committee or sub-committee is first established and thereafter shall be appointed by the Authority at each annual meeting. A Chairman or Vice-Chairman so appointed may be

removed by the Authority or may resign. If the Authority so decide, the appointment of the Chairman and Vice-Chairman of a committee or sub-committee may be left for that body itself to decide.

2. Subject to paragraph (1) of this Standing Order, the Chairman and Vice-Chairman of a committee or sub-committee appointed by the Authority shall hold office until the next annual meeting of the Authority after his/her appointment.
3. In the absence of the Chairman or Vice-Chairman at any meeting of a committee or sub-committee, the members present shall choose one of their number to preside over the meeting, subject to Paragraph (4) of this Standing Order.
4. If the Chairman of a committee or sub-committee arrives at a meeting of the committee or sub-committee after the time for which the meeting has been summoned, he/she shall preside over the meeting after any question under discussion on his/her arrival has been disposed of but not before then.

STANDING ORDER 28

Rescission of previous Resolution

No motion to rescind any resolution passed within the preceding six months, and no motions or amendments to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof bears the names of at least nine members of the Authority. When any such motion or amendment has been disposed of by the Authority, 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 motions moved in pursuance of a recommendation of a committee.

STANDING ORDER 29

Audio or Visual Recordings at Meetings

No person shall use audio or visual recording equipment during meetings without the prior permission of the Chairman of the meeting.

STANDING ORDER 30

Display of Banners at Meetings

Except with the consent of the Chairman of the meeting, no member or members of the public shall display banners, posters or signs at meetings.

STANDING ORDER 31

Variation and Revocation of Standing Orders

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

STANDING ORDER 32

Suspension of Standing Orders

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

STANDING ORDER 33

Interpretation of Standing Orders

1. The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority, shall not be challenged at any meeting of the Authority.
2. In these Standing Orders, references to the Clerk shall be taken to include such persons as time to time are authorised by him/her to act on his/her behalf.