



Hampshire
County Council

The Constitution

DRAFT

Contents

| | |
|--------------|------|
| Introduction | 5-10 |
|--------------|------|

Part 1

The Constitution

| | | |
|------------|---|-------|
| Chapter 1 | Outline | 11 |
| Chapter 2 | Members of the County Council | 12-14 |
| Chapter 3 | Members of the public and the County Council | 15-16 |
| Chapter 4 | The Role of the County Council | 17-19 |
| Chapter 5 | Chairing of the County Council | 20 |
| Chapter 6 | Arrangements to perform Regulatory Functions | 21-22 |
| Chapter 7 | The Audit Committee | 23-24 |
| Chapter 8 | The Standards Committee | 25-26 |
| Chapter 9 | The Executive | 27-30 |
| Chapter 10 | Area-based Committees and Panels | 31 |
| Chapter 11 | Officers | 32-37 |
| Chapter 12 | Select (Overview and Scrutiny) Committees and Health (Overview and Scrutiny) Committee | 38-39 |
| Chapter 13 | Decision Making | 40-41 |
| Chapter 14 | Legal, Finance and Contract Matters | 42-43 |
| Chapter 15 | Review and Revision of the Constitution | 44-45 |
| Chapter 16 | Interpreting the Constitution | 46 |

Part 2

Responsibility for Functions of the County Council

| | | |
|-----------|---|-------|
| Chapter 1 | Allocation of Functions of the County Council | 47-48 |
| Chapter 2 | Responsibility for Non-Executive Functions delegated to Committees and allocation of Local Choice Functions | 49-56 |
| Chapter 3 | Executive Functions | 57-60 |
| Chapter 4 | Delegations to Chief Officers | 61-66 |
| Chapter 5 | Scrutiny Select (Overview and Scrutiny) Committees and Health (Overview and Scrutiny) Committee | 67-75 |

Part 3

Rules of Procedure

| | | |
|-----------|--|---------|
| Chapter 1 | County Council Standing Orders | 76-111 |
| Chapter 2 | Executive Procedures and Role of the Executive | 112-118 |
| Chapter 3 | Scrutiny Procedures | 119-129 |
| Chapter 4 | Access to Information Procedure Rules | 130-135 |
| Chapter 5 | Financial Regulations | 136-152 |
| Chapter 6 | Contract Standing Orders | 153-171 |

Part 4

Appendices Codes and Protocols

| | | |
|------------|---------------------------------------|---------|
| Appendix A | Code of Conduct for Members | 172-181 |
| Appendix B | Officers Code of Conduct | 182-186 |
| Appendix C | Protocol for Member/Officer Relations | 187-195 |
| Appendix D | Members' Allowances Scheme | 196-210 |

Introduction to the Constitution of Hampshire County Council and Summary Overview

Purpose

The purpose of this Constitution is to set out in a single place, and in clear language how the County Council works and how it makes decisions.

Background

The County Council is responsible for a wide range of services. It must provide some of these services by law; others are discretionary. The County Council is a statutory corporation; that is, a body created by government under an Act of Parliament. A statutory corporation can only do things it is specifically authorised to do by law, by regulations (often referred to as statutory instruments) and by decisions of government ministers, who have themselves been authorised by Parliament. Interestingly, this is the opposite of a company incorporated under the Companies Acts. Such companies can do anything, unless they are specifically prevented from doing so by the law of the land.

Services

The County Council currently provides the following range of services:

- archives;
- arts;
- children's services;
- country parks;
- economic development;
- education;
- grants to voluntary groups;
- harbour management;
- libraries;
- minerals and waste planning;
- museums;
- planning for emergencies;
- protecting the environment;
- registration of births, marriages and deaths;
- road maintenance;
- road safety;
- snow clearance;
- social care;

- strategic planning;
- street lighting;
- trading standards;
- traffic management;
- transport planning;
- waste disposal.

Who pays?

Money for services comes from the following sources:

- council tax;
- council tax benefit contribution;
- general balances;
- government general grant;
- government specific grants;
- income from fees and charges;
- national business rates;
- specific reserves;
- surplus on district council's collection funds.

Who decides?

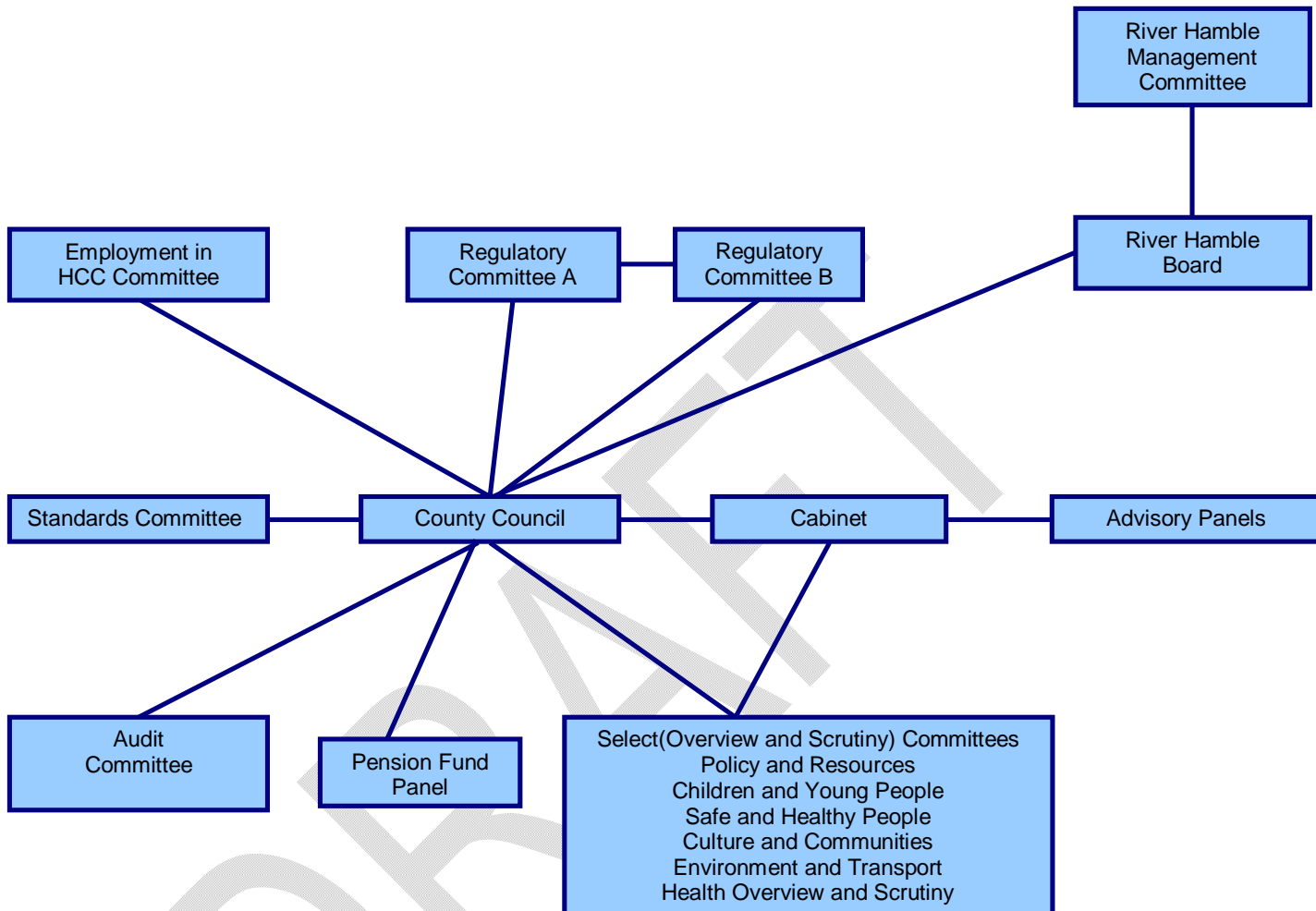
Every four years, voters in the county elect 78 County Councillors. They take all major decisions in the full County Council; in an Executive (which is the Cabinet) comprising up to 10 members of the majority party; or in a County Council Committee. Decisions in the Executive may be collective, or they may be taken by a particular Executive Member with responsibility for a specific remit. Otherwise, decisions are voted on. In the case of equality of votes, at a County Council or County Council Committee Meeting, the Chairman presiding at the Meeting shall have a second or casting vote. This provision does not apply to meetings of the Executive. The party having the greatest overall number of seats on the County Council is able to decide policy, and will be able to establish a 'one party' Executive – it is a requirement that a party with an overall majority will also have proportionally more seats on all Committees (save for Standards Committee where different rules apply). If the result of an election is close, no single party might have an overall majority. Whether or not this happens, the seats on Committees will generally be in the same proportion as the political composition of the whole County Council.

The Council's Job

The County Council's role is to act strategically and implement policy as determined by Cabinet and to deliver services to the people of Hampshire (and sometimes beyond) in an open, transparent and cost-effective way; acting in the best interests of Hampshire and its members of the public as a whole.

How is the County Council organised to carry out its job?

Council Structure/Cabinet portfolios (as determined by the Leader):



Cabinet is comprised of:

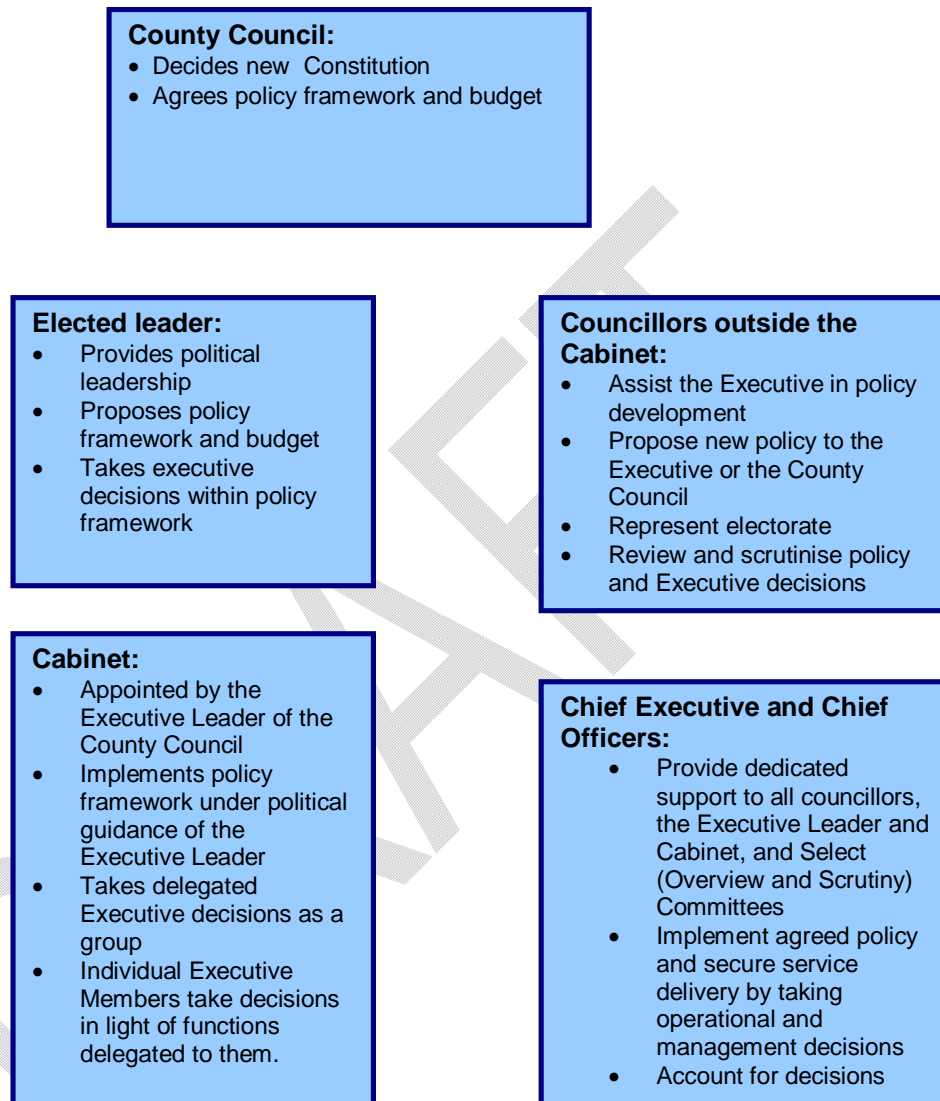
- Leader
- Deputy Leader
- Up to eight other Executive Members whose portfolios are determined by the Leader

Cabinet portfolios:

- Leader and Executive Member for Policy and Resources
- Executive Member for Children's Services
- Executive Member for Culture and Recreation
- Executive Member for Economic Development Human Relations and Rural Affairs
- Executive Member for Adult Social Care
- Executive Member for Communications and Efficiency
- Executive Member for Communities and International Relations
- Executive Member for Economy, Transport and Environment

DRAFT

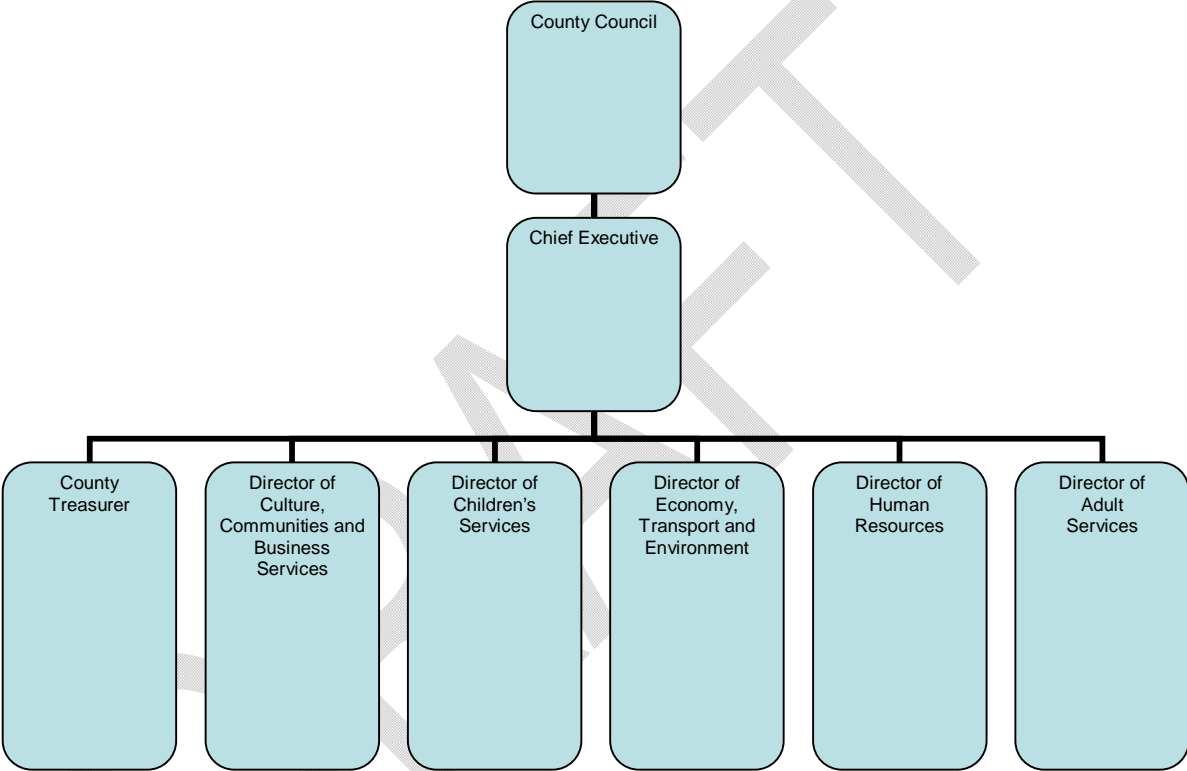
Leader and Executive form of Cabinet



The rest of this document sets out, in detail, how all the arrangements described above actually work.

The County Council adopted this new Constitution on 30 March 2001 and, at its meeting on 18 June 2001, agreed to operate it with effect from 1 September 2001. This Constitution has been reviewed from time to time since this date.

Officers of the County Council Management Structure



Part 1: Chapter 1

Outline

1.1 The County Council is committed to exercising its powers, duties and responsibilities:

- lawfully;
- fairly and equitably;
- openly and transparently.

1.2 **The Constitution**

This document, with all its appendices, codes and protocols is the Constitution of Hampshire County Council ('the Constitution').

1.3 **Purpose of the Constitution**

The purpose of the Constitution is to set out in a single place, and in clear language, how the County Council works and how it makes decisions.

The Constitution provides the County Council with an operational framework to do its job.

Part 1: Chapter 2

Members of the County Council

2.1 Composition and Eligibility

Composition – The County Council has 78 elected members, known as Councillors. Each Councillor represents one of the 75 divisions in Hampshire and is elected by the voters on the electoral roll for that division, in line with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

Eligibility – Only registered voters within the county area, or those living or working there, are able to stand for election and hold the office of County Councillor.

2.2 Election and term of office of Councillors

Election of the whole Council every four years

The regular election of Councillors is held every four years, usually on the first Thursday in May. The term of office of County Councillors will start on the fourth day after being elected, and will finish on the fourth day after the date of the next regular election. If a County Councillor becomes ineligible to continue serving, for whatever reason, an election for a 'casual vacancy' will be held unless the vacancy arises within six months of a regular four-yearly election. If this happens, the 'casual vacancy' election will be held at the same time.

2.3 Roles and functions of all Councillors

2.3.1 Key roles:

All County Councillors are expected to undertake the following key roles:

- i) to act locally to represent, promote and support the interests of their electoral division and the community within the electoral division and to represent the County Council within the electoral division;

Context

To act in line with:

- i) current legislation;
- ii) national codes of conduct and standards;

iii) the Constitution, including:

- Members Code of Conduct (set out in full in Part 4 Appendix A);
- Protocol for Member/Officer Relations (set out in full in Part 4, Appendix C)
- the policy framework (see Part 1 Chapter 4, Paragraph 4.1.3);
- budget policies.

2.3.2 Key tasks:

- i) Representing the County Council in the community;
- ii) Representing and promoting the interests of the community of Hampshire;
- iii) Acting as the prime link between the County Council and the local community by providing information to, and feedback from, that community;
- iv) Attending and participating in County Council meetings; supporting the County Council's key role of delivering services to the community; and providing strong local governance, in particular:
 - participating in developing and agreeing the County Council's budget and key policies;
 - as County Councillors taking decisions about executive functions which are outside the budget and policies agreed by the County Council; and
 - making appointments to Committees, Standing Panels and to outside bodies, as the Constitution provides.
- v) Undertaking membership, as required, of County Council Committees, Sub-Committees, and Standing Panels;
- vi) Undertaking membership of outside bodies as appointed by the County Council.
- vii) Act as 'corporate parent' of looked-after children.

2.3.3 Rights and duties

- i) County Councillors have rights of access to information and documents as referred to in Standing Order 32 of Part 3, Chapter 1, and Paragraph 5 of the Protocol for Member/Officer Relations set out at Part 4, Appendix C of this Constitution, and County Council land and

buildings such as are necessary for them to perform their functions properly, in line with the spirit and intent of the Constitution, subject to restrictions in respect of exempt information referred to within the Protocol for Member/Officer Relations.

- ii) County Councillors have a responsibility to act at all times within the context set out under 'Key Roles' (Paragraph 2.3.1, above). In particular, they will not make public any information which is confidential or exempt, without the County Council's consent, or divulge information they were given in confidence to anyone other than a County Councillor or Officer entitled to know it. The Member or Officer receiving such information are also bound by this right and duty.
- iii) For these purposes, 'confidential' and 'exempt' information are defined in the Access to Information Procedure Rules in Part 3, Chapter 4 of this Constitution.

2.4 **Conduct**

At all times, County Councillors will observe the Members Code of Conduct and the Protocol for Member/Officer Relations set out in Part 4, Appendix A and Part 4, Appendix C of this Constitution;

2.5 **Allowances**

County Councillors will be entitled to receive allowances in line with the Members' Allowances Scheme set out in Part 4, Appendix D of this Constitution.

Part 1: Chapter 3

Members of the public and the County Council

3.1 Members' of the public rights

Access to information and participation are explained in more detail in the Access to Information Procedure Rules in Part 3, Chapter 4 of this Constitution;

3.1.1 Voting and petitions

Members of the public on the electoral roll for Hampshire County Council's area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution. There can be no more than one referendum in any one period of ten years. The Local Authorities' (Referendums) (Petitions and Directions) (England) Regulations 2000 set out the requirements for a petition to hold a referendum. In summary, the Regulations state that where a Local Authority receives a petition for a referendum for an elected mayor, signed by at least five per cent of the local electorate, the County Council must hold a referendum.

3.1.2 Information

Members of the public have the right to:

- i) attend meetings of the County Council and its Committees, except during items where confidential or exempt information is likely to be disclosed (in which case the meeting is held in private);
- ii) attend meetings of the Executive (Cabinet) and individual Executive Members, when Key Decisions are being considered as referred to at Part 3, Chapter 2;
- iii) find out from the Forward Plan (as referred to at Part 3, Chapter 2) what Key Decisions the Executive will take and when.
- iv) see Reports and Background Papers, and any records of decisions made by the County Council and the Executive.
- v) inspect the County Council's accounts and make their views known to the District Auditor.

3.1.3 Participation and consultation

Members of the public have the right to participate in County Council, Cabinet and individual Executive Member Decision Days, Committee, Sub-Committee and Standing Panel Meetings, by bringing a deputation to any public meeting on any business properly within its terms of reference. Details of how this can be exercised are set out in County Council Standing Order 12 (see Part 3, Chapter 1).

Members of the public organisations and interest groups may also be invited to contribute to investigations by Select (Overview and Scrutiny) Committees.

Members of the public can expect to be consulted on significant issues, on either a local or countywide basis, depending on the nature of the matter and its relative effect on the community. The County Council has well-developed arrangements for consultation on the budget and other key areas of the County Council's activities.

3.1.4 Complaints

Members of the public have the right to complain to:

- i) the County Council, under its complaints scheme;

<http://www3.hants.gov.uk/haveyoursay/complaints/complaints-procedures.htm>

- ii) the Local Government Ombudsman if, after using the County Council's Corporate Complaints procedure, the citizen still remains dissatisfied at the County Council's response;
- iii) the County Council's Standards Committee, concerning any alleged breach of the Members Code of Conduct.

3.2 Members of the public's responsibilities

Members of the public are expected to conduct themselves in a reasonable manner, in line with normally accepted standards in society, when they deal with Councillors or Officers and, in particular, when they attend any meetings of the County Council, its Committees or the Executive. The principles behind this expectation are:

- due respect for the rights and opinions of others;
- non-confrontational behaviour;
- respect at all times for the decisions on conduct and procedure in the meeting, from the person responsible Chairing that meeting;
- willingness to listen as well as an expectation of being listened to, in a way which is both constructive and supportive.

Part 1: Chapter 4

The Role of the County Council

4.1 Functions reserved to the County Council

Only the County Council will exercise the following functions:

- 4.1.1 Adopting and changing the Constitution.
- 4.1.2 Approving the budget, setting the Council Tax and issuing the precept.
- 4.1.3 Agreeing and adopting the following plans and strategies (“Policy Framework”):
 - i) Corporate Strategy;
 - ii) Sustainable Community Strategy;
 - iii) Plans and strategies that together comprise the Development Plan – these are the other plans and strategies that the County Council has agreed should be adopted as a matter of local choice;
 - iv) Children and Young People’s Plan;
 - v) Local Transport Plan;
- 4.1.4 Making decisions about any matter in the discharge of an Executive function, which is covered by the Policy Framework or the budget, where the decision-maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget, in either case where the decision would be contrary to a significant degree;
- 4.1.5 Adopting the Members Allowances Scheme;
- 4.1.6 Election of Chairman, Vice-Chairman and Leader;
- 4.1.7 Appointment of and agreeing and/or amending terms of reference for Committees and Standing Panels of the County Council, in accordance with the proportionality rules and legislative requirements;
- 4.1.8 Making appointments to the Hampshire Fire and Rescue Authority;

- 4.1.9 Making appointments to the Joint Committee responsible for appointment of members to the Hampshire Police Authority in accordance with Schedule 2 of the Police Act 1996;
- 4.1.10 Appointing representatives to Outside Bodies, unless the appointment is an Executive function or has been delegated by the County Council;
- 4.1.11 Conferring the title of Honorary Alderman;
- 4.1.12 Confirming the appointment of the Head of Paid Service and to provide staff accommodation and resources;
- 4.1.13 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- 4.1.14 Any Local Choice Functions set out in Part 2, Chapter 2 Paragraph 2.2 of this Constitution, which the County Council decides should be undertaken by itself, rather than the Executive, and not delegated to a Committee of the County Council;
- 4.1.15 Power to make Standing Orders;
- 4.1.16 Power to make Standing Orders as to contracts;
- 4.1.17 Duty to make arrangements for proper administration of financial affairs etc;
- 4.1.18 Power to appoint officers for particular statutory purposes (appointment of "Proper Officers"), for example access to information requirements;
- 4.1.19 Duty to designate an officer as the Monitoring Officer, and to provide staff accommodation and resources;
- 4.1.20 Duty to approve authority's statement of accounts, income and expenditure and balance sheet, record of payments and receipts (as the case may be), unless previously approved by the Audit Committee in accordance with Part 1, Chapter 7, Paragraph 7.3.3 (b) of this Constitution.
- 4.1.21 All other matters which by law must be reserved for the County Council;
- 4.1.22 The County Council will also:
 - (i) Receive Reports from the Head of Paid Service (the Chief Executive), the Section 151 Officer (the County Treasurer), and the Monitoring

Officer on such matters as these Officers consider should be brought before the County Council;

- (ii) Consider and agree Reports as appropriate from the Standards Committee;
- (iii) Receive Reports from Select (Overview and Scrutiny) Committees where compliance by the Executive with the budget and policy framework is questioned by such Committees and receive general reports on activities;
- (iv) Receive and determine Motions from Members;
- (v) Receive and determine Reports and Recommendations from the Leader and the Executive on Part I items as defined in Standing Orders;
- (vi) Receive Reports on Part II items as defined in Standing Orders;
- (vii) Receive General Questions as defined in Standing Orders
- (viii) Receive Reports and Questions on the discharge of the functions of the Hampshire Police Authority and the Hampshire Fire and Rescue Authority

4.2 County Council meetings

Meetings of the County Council will be conducted in accordance with the County Council's Standing Orders in Part 3, Chapter 1 of this Constitution.

4.3 Responsibility for Non-Executive Functions

The County Council has determined which Local Choice Functions are not to be the responsibility of the Executive. These functions and other County Council functions which are not the responsibility of the Executive are referred to at Part 2, Chapter 1, and set out at Part 2, Chapter 2, Paragraphs 2.1 and 2.2 of this Constitution.

Part 1: Chapter 5

Chairing of the County Council

5.1 Election of the Chairman and Vice Chairman of the County Council

The Chairman and the Vice Chairman of the County Council will be elected by the County Council at the Annual meeting.

5.2 The Chairman of the County Council, and in his/her absence the Vice Chairman, will have the following roles and functions.

Chairing the County Council meeting – The Chairman will preside over County Council meetings and ensure that the meeting is conducted in accordance with the Standing Orders of the County Council, set out in Part 3, Chapter 1 of this Constitution.

Additional responsibilities:

- 5.2.1 To ensure that the County Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members are able to hold the Executive Members and Committee Chairman to account.
- 5.2.2 To promote public involvement in the County Council's activities.
- 5.2.3 Represent the County Council at such Civic and ceremonial functions as may be appropriate.
- 5.2.4 To uphold the Constitution.

Part 1: Chapter 6

Arrangements to perform Regulatory Functions

- 6.1 Regulation 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (“the Functions Regulations”) makes provisions for functions not to be the responsibility of an Authority’s Executive. These functions include:
- 6.1.1 functions relating to Town and Country Planning, and development control;
 - 6.1.2 functions relating to name and status of areas;
 - 6.1.3 licensing and registration functions;
 - 6.1.4 functions relating to health and safety at work;
 - 6.1.5 functions relating to public rights of way;
 - 6.1.6 functions relating to pensions;
 - 6.1.7 miscellaneous functions;
 - 6.1.8 functions relating to the terms and conditions of staff;
 - 6.1.9 functions relating to elections
- 6.2 Regulation 3 and Schedule 2 of the Functions Regulations makes provision for further functions (which may be/but need not) be the responsibility of an Authority’s Executive. These functions include:
- 6.2.1 determining appeals against decisions of the County Council
 - 6.2.2 determining certain claims and reviews under the Social Security Act 1998;
 - 6.2.3 making arrangements to consider appeals against exclusion of pupils;
 - 6.2.4 making arrangements to consider admissions appeals for school placements;

6.2.5 making arrangements to consider appeals by school governing bodies;

6.3 The County Council considers that these functions can be best performed by a Committee with full delegated power from the County Council to determine issues within its remit, and by virtue of this Constitution the County Council grants such powers;

6.4 **Appointment of and Delegation of Regulatory Functions to Committees;**

The County Council appoints the Regulatory Committee A, Regulatory Committee B, the Pension Fund Panel, the Employment in Hampshire County Council Committee and the River Hamble Harbour Board as set out in the Column 1 of the 'Responsibility for Non-Executive Functions' table in Part 2, Chapter 2, Paragraph 2.1 and where appropriate the 'Responsibility for Local Choice Functions' in Part 2, Chapter 2, Paragraph 2.2 of this Constitution, to perform (inter alia) the functions referred to in this Chapter as described in column 1 of such tables.

6.5 The County Council may further appoint Deputy Members to deputise for Members appointed to Regulatory Committee A, and if an Ordinary Member of Regulatory Committee A is unable to attend any Meeting of Regulatory Committee A, then a Deputy Member appointed by the County Council to deputise for such ordinary Member may attend in his place, on no less than ten Working Days notification in writing to the Chief Executive prior to the Meeting by the appropriate ordinary Member unable to attend that his or her Deputy Member will be attending such Meeting in his place. A Deputy Member may only attend a Meeting when the ordinary Member will be absent for the whole of the Meeting.

6.6 **Delegations to Chief Officers**

The County Council further grants the delegations of the above functions to Chief Officers as referred to in column 4 of the tables referred to in Part 2, Chapter 2 of this Constitution.

Part 1: Chapter 7

The Audit Committee

7.1 The Audit Committee

The County Council has set up an Audit Committee to monitor, review and report on the governance arrangements of the County Council.

7.2 Composition

The Audit Committee is composed of nine members. The Chairman may not be a member of the Executive.

7.3 Role and function

The Audit Committee will monitor, review and report on the way in which governance is exercised within the County Council with regard to:

7.3.1 Audit Activity

- i) To receive and consider reports from the County Treasurer on internal strategy, planning and delivery, including in particular the Chief Internal Auditor's annual report and opinion;
- ii) To liaise with the Audit Commission over the appointment of the County Council's external auditor;
- iii) To receive and consider reports from the external auditor and any national agencies as may report on the County Council's performance, inspection or audit.

7.3.2 Regulatory Framework

- i) To monitor the roles, processes and behaviour that affect the way that governance is exercised within the County Council and in particular the adoption, review and amendment of the Corporate Governance Framework for the County Council;
- ii) To review and consider the reports from the County Treasurer on the treasury management function, including the treasury management strategy, half-yearly report and annual report.
- iii) To consider the effect of the County Council's risk management arrangements, the control environment and associated anti-fraud and anti-

corruption arrangements, seeking assurances as necessary that action is being taken on risk-related areas identified by auditors and inspectors;

- iv) To receive and form a view on internal assurances of governance practice and to be satisfied that the County Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- v) To consider the County Council's compliance with its own and other published standards and controls;
- vi) To make recommendations to the County Council for the making or amending of financial regulations, standing orders related to contracts or regulations related to the conduct of the County Council's business.

7.3.3 **Accounts**

- i) To receive and consider audit reports relating to the Pension Fund Panel;
- ii) To approve the County Council's Statement of Accounts.

7.3.4 **Elections**

- i) Functions relating to elections as specified in Schedule 1 Paragraphs D1-D17 of the Functions Regulations.

Part 1: Chapter 8

The Standards Committee

8.1 Standards Committee

The County Council has set up a Standards Committee to oversee, maintain and strengthen high standards of conduct in public office.

8.2 Composition

The Standards Committee is composed of six Councillors (the Leader is ineligible to sit), and at least two independent people who are not Councillors or Officers of the Council, or of any other body having a Standards Committee (Independent Members), one of whom will be the Chairman. The Independent Members will be entitled to vote at meetings and the minimum quorum for a meeting to take place will be three, at least one of whom must be an Independent Member. A member of the Executive may not chair the Standards Committee.

Representation on this committee is not required to bear the same proportionality as the political composition of the whole Council (Section 53(10) Local Government Act 2000). However, so as to ensure that all political parties are represented on the Standards Committee, a Deputy Member will be appointed to deputise for any minority party represented by a single member on Standards Committee, and if the Member representing any minority party on Standards Committee is unable to attend any meeting of the Standards Committee, then the Deputy Member may attend in his place, on notification by the appropriate Leader of the minority party to the Chief Executive of the reasons for non-attendance of the originally appointed Member.

8.3 Role and Function

The Standards Committee will have the following roles and functions:

- 8.3.1 promoting and maintaining high standards of conduct by Councillors, Co-opted Members, and Church and Parent Governor representatives;
- 8.3.2 assisting Councillors and Co-opted Members, and Church and Parent Governor representatives, to observe the Member's Code of Conduct;
- 8.3.3 advising the County Council on adopting or revising the Members Code of Conduct or other County Council internal procedures relating to Members, including Standing Orders and any other procedures regulating the conduct of meetings;

- 8.3.4 monitoring the operation of the Members' Code of Conduct;
- 8.3.5 advising, training or arranging to train Councillors and Co-opted Members, and Church and Parent Governor representatives, on matters relating to the Members Code of Conduct;
- 8.3.6 granting exemptions to Councillors and Co-opted Members, and Church and Parent Governor representatives, relating to interests set out in the Members Code of Conduct;
- 8.3.7 grant and supervision of exemptions under Section 3A of the Local Government and Housing Act 1989 in respect of employees holding politically restricted posts;
- 8.3.8 establishing sub-committees to take such action as is necessary to assess, review, investigate, determine and impose appropriate sanctions in respect of any written allegation that a Member has failed to comply with the County Council's Code of Conduct.

Part 1: Chapter 9

The Executive

Leader with Cabinet

9.1 Role

The Executive consists of a Leader and a Cabinet. The Executive will carry out all those County Council functions that are not the responsibility of any other part of the County Council, whether by law or under this Constitution.

9.2 Form and Composition

The Executive will consist of the Leader, and from two to nine County Councillors appointed to the Executive by the Leader.

9.3 Leader

The Leader will be a Councillor elected to the position of Leader by the County Council either at the first Annual Meeting of the County Council following an election of Members to the County Council, or if a vacancy arises in the position of Leader, at the first Meeting of the County Council following such vacancy for a term office expiring on the day of the next post election Annual Meeting of Members to the County Council which follows his or her election as Leader. The Leader will hold office until **one** of the following events occur:

9.3.1 he or she resigns as Leader

9.3.2 he or she is suspended from being a Councillor under Part 3 of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension)

9.3.3 he or she is no longer a Councillor

9.3.4 he or she is removed from office by resolution of the County Council

9.3.5 he or she is otherwise disqualified by law.

9.4 Deputy Leader

The Leader must appoint one of the members of his or her Cabinet to be his or her Deputy and he/she shall be referred to as the Deputy Leader. The Deputy Leader shall hold office until the end of the term of office of the Leader, or until one of the following events occur:

- 9.4.1 he or she resigns as Deputy Leader
- 9.4.2 The Leader in his/her absolute discretion, removes the Deputy Leader from office, who must give written notice of removal to the Chief Executive (the removal will take effect two working days after receipt of notice by the Chief Executive)
- 9.4.3 He or she is suspended from being a County Councillor under the provisions of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension)
- 9.4.4 He or she is no longer a County Councillor
- 9.4.5 He or she is otherwise disqualified by law

If for any reason there shall be a vacancy in the position of Deputy Leader, the Leader must appoint another Deputy Leader from among the members of the Cabinet.

If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in his/her place.

9.5 **Absence of Leader and Deputy Leader**

If for whatever reason both the Leader and the Deputy Leader are unable to act or both positions are vacant, the Cabinet must either collectively act in the Leader's place or they must arrange for a member of the Cabinet to act in the place of the Leader.

9.6 **Other members of the Executive (Cabinet)**

Scope

- 9.6.1 Only County Councillors may be appointed to Cabinet. There shall be no co-optees, and no deputies or substitutes for Executive Members. Neither the Chairman or Vice Chairman of the Council may be appointed to the Executive, and members of the Executive (including the Leader) may not be members of a Select (Overview and Scrutiny) Committee.
- 9.6.2 The Leader appoints members of the Cabinet. Responsibility for executive functions (portfolios) are set out in Part 2 of the Constitution Chapter 3, but may be varied by the Leader at any time.
- 9.6.3 The Executive will consist of the Leader and up to nine executive members. The Leader will appoint one of the Executive Members as a Deputy Leader. The Leader will notify the County Council of the persons appointed to the Executive by him or her at the Annual

Meeting of the County Council. Any subsequent changes will be notified to members of the County Council by the Chief Executive.

9.7 Terms of office for other Executive Members

Other Executive members will hold office until one of the following events occur:

- 9.7.1 they resign from office
- 9.7.2 they are suspended from being County Councillors under Part 3 of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
- 9.7.3 they are no longer County Councillors
- 9.7.4 they are removed from office by the Leader, who must give written notice of removal to the Chief Executive (the removal will take effect two working days after receipt of the notice by the Chief Executive)
- 9.7.5 they are otherwise disqualified by law.

9.8 Proceedings of the Executive

The Executive's proceedings shall take place in line with the Executive Procedure Rules, set out in Part 3, Chapter 2 of this Constitution.

9.9 Responsibility for functions

The Chief Executive will maintain a list as set out in Part 2, Chapter 3 of this Constitution, stating which individual members of the Cabinet or Committees of Cabinet are responsible for particular Executive functions as notified by the Leader.

9.10 Executive arrangements;

The following parts of this Constitution make up the Executive arrangements:

- 9.10.1 Part 1, Chapter 9 - The Executive;
- 9.10.2 Part 1, Chapter 10 – Area-based Committees and Panels including Joint Committee arrangements, statutory or otherwise;
- 9.10.3 Part 1, Chapter 12 - Select (Overview and Scrutiny) Committees;
- 9.10.4 Part 1, Chapter 13 - Decision Making;
- 9.10.5 Part 2, Chapter 2, Paragraph 2.2 - Local Choice Functions allocated to the Executive

9.10.6 Part 2, Chapter 3 - Executive Functions

9.10.7 Scrutiny Functions

9.10.8 Part 3, Chapter 2 - Executive Procedures and Role of Executive

9.10.9 Part 3, Chapter 3 – Scrutiny Procedures

DRAFT

Part 1: Chapter 10

Area-based Committees and Panels

10. The County Council appoints Members to the following Committees. These Committees, as described in the left-hand column, will report to the Decision Making Body or Executive Member who is responsible for the function in the right-hand column.

| Statutory Joint Committees | Reporting to the Decision Making Body/Executive Member for |
|---|---|
| Andover Museum JMC Basingstoke Canal JMC Bursledon Windmill JMC Eastleigh Museum JMC Fareham (Westbury Manor) Museum JMC Gosport Museum JMC Havant Museum JMC Red House Museum, Christchurch JMC Sir George Staunton Country Park JMC (Basingstoke) Manydown JMC | Executive Member for Culture and Recreation |
| Transport for South Hampshire | Executive Member for Policy and Resources |
| Partnership for Urban South Hampshire | Executive Member for Economy, Transport and the Environment |
| | Executive Member for Policy and Resources |
| Other Statutory Committees | |
| Standing Advisory Council on Religious Education | Executive Member for Children's Services |
| River Hamble Harbour Management Committee | River Hamble Harbour Board |
| Other Advisory Panels | |
| Buildings, Land and Procurement Panel | Executive Member for Policy and Resources |
| Children & Families Advisory Panel | Executive Member for Children's Services |
| Education Advisory Panel | Executive Member for Children's Services |

Part 1: Chapter 11

Officers

11.1 Appointment

Appointment of staff at Chief Officer and Deputy Chief Officer level is the County Council's responsibility (County Council appointments). These County Council appointments will be made in line with the County Council's Standing Orders, set out in Part 3 Chapter 1 of this Constitution. Appointment of all staff below Deputy Chief Officer level is the responsibility of the Head of Paid Service, or his or her nominee.

11.2 Management arrangements

11.2.1 The County Council may engage such staff as it considers necessary to carry out its functions

11.2.2 Chief Officers – the County Council's current management structure at Chief Officer level is set out in the table below. A more detailed explanation of responsibilities is set out in Part 2, Chapter 4.

| Post | Function and Areas of Responsibility |
|--|--|
| Chief Executive and Head of Paid Service | Overall corporate management and operational responsibility (including overall management responsibility for all officers) and all services. |
| Deputy Chief Executive | To deputise for the Chief Executive in his absence. |
| County Treasurer (Statutory Chief Officer) | Overall management of the County Council's financial affairs. |
| Director of Culture, Communities and Business Services | Arts, countryside, rights of way, community support, sports development, outdoor activities service, libraries, museums, archives and records, rural affairs. Property services, regulatory services including Trading Standards registration and Scientific Services, direct service |

| | |
|--|--|
| | trading units, IT Services, Regulatory Services. |
| Director of Children's Services (Statutory Chief Officer) | Children's Services |
| Director of Adult Services (Statutory Chief Officer) | Adult Services |
| Director of Economy, Transport and Environment | Highways, transportation, waste, planning, development and conservation. Economic Development |
| Director of Human Resources | Personnel policies and procedures, corporate and service-specific training. |

11.2.3 Head of Paid Service, Monitoring Officer , Chief Financial Officer and Scrutiny Officer – the Council has designated the following posts as shown:

| Post | Designation |
|----------------------------|-----------------------|
| Chief Executive | Head of Paid Service |
| County Treasurer | Chief Finance Officer |
| Head of Governance | Monitoring Officer |
| Corporate Scrutiny Manager | Scrutiny Officer |

Such posts will have the functions described in sections 12.3-12.5 and 12.7 below.

11.2.4 Structure – the Head of Paid Service will determine and publicise a description of the overall departmental structure of the County Council, showing the management structure and deployment of officers.

11.3 Functions of the Head of Paid Service

11.3.1 Implements and co-ordinates policies in accordance with member determined strategy and the County Council functions. It is the Head of Paid Service's duty (under Section 4 of the Local Government and Housing Act 1989) to report to the County Council when he or she considers it appropriate to do so, about:

- i) how the performance by the County Council of its different functions is co-ordinated
- ii) the number of grades of staff required by the County Council to perform its functions
- iii) the organisation of the County Council's staff
- iv) the appointment and proper management of the County Council's staff

11.3.2 The Head of Paid Service cannot be the Monitoring Officer, but may hold the post of Chief Finance Officer if he or she is a qualified accountant.

11.4 Functions of the Monitoring Officer

11.4.1 Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution (including financial regulations and contract standing orders) and will ensure that it is widely available for consultation by members, staff and the public;

The Monitoring Officer will provide a copy of this Constitution to each Councillor, soon after he or she has provided a declaration of acceptance of office on first being elected to the County Council;

11.4.2 Ensuring lawful and fair decision making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the County Council – or to the Executive concerning an executive function – if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will stop the proposal or decision being implemented, until the report has been considered. This is a statutory duty under Section 5 of the Local Government Housing Act 1989;

11.4.3 Supporting the Standards Committee

The Monitoring Officer will contribute to promoting and maintaining high standards of conduct by supporting the Standards Committee;

11.4.3.1 Ethical Standards Officer Report

The Monitoring Officer will receive and act on reports made by Ethical Standards Officers, and decisions reached by case tribunals;

11.4.3.2 Conducting investigations.

The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and the County Council's Standards Committee and make reports or recommendations about them to the Standards Committee;

11.4.4 Proper Officer for Access to Information.

The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publically available as soon as possible;

11.4.5 Checking whether executive decisions are within the budget and policy framework.

The Monitoring Officer will confirm whether decisions made by the Executive are in line with the budget and policy framework;

11.4.6 Providing advice.

The Monitoring Officer will advise all Councillors on their scope of powers and authority to take decisions; deal with maladministration; financial impropriety; probity; and budget and policy framework issues;

11.4.7 Restrictions on posts.

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service;

11.4.8 Corporate Complaints Procedure.

The Monitoring Officer will supervise arrangements for the effective administration of the Council's Corporate Complaints Procedure;

11.4.9 Supporting the Audit Committee.

The Monitoring Officer will give guidance to the Audit Committee on matters appertaining to the governance of the County Council's affairs.

11.5 Functions of the Chief Finance Officer

11.5.1 Ensuring lawful and financially prudent decision making.

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the County Council – or to the Executive concerning an Executive function – and to the County Council’s external auditor, if he or she considers that any proposal, decision or course of action will involve incurring any unlawful expenditure; or is likely to cause a loss or deficiency; or if the County Council is about to enter an item of account unlawfully. This is a statutory duty under Section 6 of the Local Government and Housing Act 1989;

11.5.2 Administration of financial affairs.

The Chief Finance Officer will have responsibility for the administration of the County Council’s financial affairs. This is a statutory duty under Section 6 of the Local Government and Housing Act 1989;

The Chief Finance Officer will also be responsible for the County Council’s financial regulations.

11.5.3 Providing advice.

The Chief Finance Officer will advise Councillors on their scope of powers and authorities to take decisions; deal with financial impropriety; probity; and budget and policy framework issues. the Chief Finance Officer will also support and advise Councillors and Officers in their respective roles;

11.5.4 Give financial information.

The Chief Financial Officer will provide financial information to members of the public and the community at large; and to such external agencies, bodies or organisations as appropriate.

11.6 Chief Finance Officer and Monitoring Officer

The County Council will provide the Chief Finance Officer and the Monitoring Officer with such officers, accommodation and other resources as they need to perform their duties. This is a requirement under Sections 5 and 6 of the Local Government and Housing Act 1989;

11.7 Function of the Scrutiny Officer

11.7.1 Promote the role of the County Council’s Select (Overview and Scrutiny) Committees

11.7.2 Provide support to the County Council’s Select (Overview and

Scrutiny) Committees and the members of those committees

11.7.3 Provide support and guidance to:

- i) Members of the County Council;
- ii) Members of the Executive, and;
- iii) Officers of the County Council.

in relation to the functions of the County Council's Select
(Overview and Scrutiny) Committees

11.7.4 Restriction on functions. The County Council may not designate the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer as the Scrutiny Officer.

11.8 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol On Officer/Member Relations set out in Part 4 Appendix B and Part 4 Appendix C of this Constitution;

11.9 **Employment**

The recruitment, selection and dismissal of officers will comply with the County Council's adopted Standing Orders and adopted policies and procedures relating to Employment in Hampshire County Council.

Part 1: Chapter 12

A Select (Overview and Scrutiny) Committees

12.1 Background

Under the Local Government Act 2000 (“The 2000 Act”), the County Council must establish at least one Overview and Scrutiny Committee. The County Council has decided to appoint five such committees known as Select (Overview and Scrutiny) Committees. Select (Overview and Scrutiny) Committees may appoint such Sub-Committees as they consider appropriate from time to time. Representation on these Committees and Sub-Committees will bear the same proportionality as the political composition of the whole County Council (Section 21 (11) of the 2000 Act).

12.2 General role

The main purpose of Select (Overview and Scrutiny) Committee is to hold the Executive to account. Select (Overview and Scrutiny) Committees also have a broad advisory role in relation to functions of the whole County Council and matters affecting the locality of Hampshire.

Within their scope, Select (Overview and Scrutiny) Committees will:

- 12.2.1 review and scrutinise decisions made, or actions taken, in connection with the discharge of Executive functions
- 12.2.2 make reports or recommendations to the County Council or the Executive, in connection with the discharge of Executive functions
- 12.2.3 review and scrutinise decisions made or actions taken, in connection with the discharge of Non-Executive functions
- 12.2.1 make reports or recommendations to the County Council or the Executive, in respect of the discharge of Non-Executive functions
- 12.2.2 make reports or recommendations to the County Council or the Executive on any matter affecting the County Council’s area or members of the public in Hampshire
- 12.2.6 call in of decisions made by the Executive which have not yet been implemented which they consider should be reviewed or scrutinised

12.3 **Appointment of Select (Overview and Scrutiny) Committees**

The County Council appoints the Select (Overview and Scrutiny) Committees, set out in the left-hand column of the table set out in Part 2 Chapter 5, to perform the functions conferred by Section 21 of the 2000 Act, Section 19 of the Police and Justice Act 2006 and by Sections 16 and 17 of the Local Democracy, Economic Development and Construction Act 2009 or by any relevant amending or superseding legislation, and having regard to statutory guidance in relation to the matters set out in the right-hand column.

B Health (Overview and Scrutiny) Committee

12.4 The County Council appoints the Health (Overview and Scrutiny) Committee to discharge the functions covered by the Health and Social Care Act 2001 and the National Health Service Act 2006 (as updated by the Local Government and Public Involvement in Health Act 2007) and regulations provided in accordance with these Acts.

12.5 The Health (Overview and Scrutiny) Committee will have the functions set out in Part 2 Chapter 5

Part 1: Chapter 13

Decision Making

13.1 Responsibility for decision making

The County Council will issue, and keep up to date, a record of what part of itself, or which individual is responsible for particular types of decisions or decisions relating to particular areas or functions. This record is currently as set out in Part 2, Chapter 1 of this Constitution.

13.2 Principles of decision making

All County Council decisions will be made in line with the following principles:

- 13.2.1 fairness and equality;
- 13.2.2 openness and transparency;
- 13.2.3 respect for human rights;
- 13.2.4 the letter and spirit of the Constitution;
- 13.2.5 the law;
- 13.2.6 with due consultation and the benefit of professional advice, where appropriate.

13.3 Decision making by the County Council

County Council Meetings will follow County Council's Standing Orders. These orders as set out in Part 3, Chapter 1 of this Constitution regulate the proceedings of the County Council when considering any matter;

13.4 Decision making by Committees, Sub-Committees and Standing Panels established by the County Council

Committees, Sub-Committees and Standing Panels of the County Council will follow those parts of the County Council's Standing Orders set out in Part 3, Chapter 1 of this Constitution which apply to them;

13.5 Decision making by the Executive

The Executive will follow the Executive Procedures set out in Part 3, Chapter 2 of this Constitution when it considers any matter;

13.6 Decision making by Select (Overview and Scrutiny) Committees

Select Committees will follow the Select (Overview and Scrutiny) Procedures Rules set out in Part 3, Chapter 4 of this Constitution when they consider any matter;

13.7 Decision making by County Council bodies acting as tribunals

If the County Council or an Officer is acting in a quasi-judicial manner, or as a tribunal, or is determining or considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, then the County Council or Officer will follow the proper procedures that meet the requirements of natural justice and the right to a fair trial (contained in Article 6 of the European Convention on Human Rights), in line with Standing Orders in Part 3, Chapter 1 of this Constitution;

13.8 Decision making by Officers

Officers have full authority for operational decision making, and for any necessary action within their remit, and they are answerable in the first instance to the Chief Executive (Head of Paid Service) and ultimately to the County Council through the Cabinet and Leader.

Part 1: Chapter 14

Legal, Finance and Contract Matters

14.1 Financial Regulations

The County Council's financial affairs will be conducted in line with the Financial Rules set out in Part 3, Chapter 5 of this Constitution;

14.2 Contract Standing Orders

Every contract made by the County Council will comply with Financial Regulations and Contract Standing Orders set out in Part 3, Chapter 6 of this Constitution;

14.3 Legal proceedings

The Head of Legal Services is authorised to commence, defend, or participate in, any legal proceedings in any case, where necessary, to give effect to decisions of the County Council, or in any case where the Head of Legal Services considers it necessary to protect the County Council's interests;

Where any document is necessary to any legal procedure or proceedings on the County Council's behalf, that document will be signed by the Head of Legal Services or person authorised by the Head of Legal Services unless any enactment states otherwise, or the County Council has given the necessary authority to some other person.

14.4 Signing and executing documents

14.4.1 Any contract or agreement entered into on the County Council's behalf must be signed by the Head of Legal Services or any other person authorised by the Head of Legal Services or a Chief Officer or person authorised to sign on behalf of a Chief Officer in accordance with Contract Standing Order 12.4;

14.4.2 Deeds must be made under the Common Seal of the County Council and witnessed by the Head of Legal Services (or any other person specifically authorised to sign on his or her behalf). Any contract over a value of £100,000 which is not under seal must be signed by the Head of Legal Services (or other person authorised by the Head of

Legal Services) and one other person also authorised to do so by the Head of Legal Services;

14.5 **The Common Seal of the County Council**

The Common Seal of the County Council must be kept, in a safe place, by the Head of Legal Services. A decision made by the County Council will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Head of Legal Services, should be sealed. The affixing of the Common Seal will be witnessed by the Head of Legal Services, or some other person authorised by him or her.

DRAFT

Part 1: Chapter 15

Review and Revision of the Constitution

15.1 Duty to monitor and review the Constitution;

The Monitoring Officer will ensure that the aims and principles of the Constitution are given full effect. The Audit Committee, with guidance from the Monitoring Officer, will monitor and review the operation of the Constitution, to ensure that the aims and principles of the Constitution are given full effect. It will report to the Cabinet detailing any changes it considers necessary. The Cabinet will consider any advice from the Audit Committee and monitor and review such aspects of the Constitution as it considers appropriate and will make any recommendations to the County Council at the appropriate time.

15.2 Changes to the Constitution;

15.2.1 Approval;

The County Council will only consider changes to the Constitution after the Cabinet has considered any proposals.

15.2.2 Changes from Leader and Cabinet form of Executive;

If there are proposals to change the Executive arrangements, the County Council will take reasonable steps to consult local electors and other interested persons when it draws up proposals.

15.3 Exception to the requirement in 15.2;

The following changes to the Constitution may be effected by the Chief Executive, subject to reporting the change to the next appropriate meeting of the Cabinet, and then to County Council:

- 15.3.1 Changes in the responsibility for Executive Functions (Part 2, Chapter 3) decided upon by the Leader, including changes to the appointment of the number of Executive members up to the maximum allowed by legislation;
- 15.3.2 Changes to the delegated functions to Chief Officers as allocated from time to time by the Chief Executive in accordance with Part 2, Chapter 4 including any changes consequential on 15.3.1 above;

15.3.3 Changes required to give effect to any change in the law or directives issued under legal powers by Government.

DRAFT

Part 1: Chapter 16

Interpreting the Constitution

16.1 **Suspending the Constitution;**

16.1.1 Limit to suspension;

The Chapters of this Constitution, other than the rules contained in Standing Orders (Part 3, Chapter 1), may not be suspended. However, the rules mentioned in Standing Orders (Part 3, Chapter 1) may be suspended by the County Council, to the extent permitted in those rules and the law.

16.1.2 Procedure to suspend;

A motion to suspend any rules will not be moved without notice, unless a majority of the total number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved – taking account of the purposes of the Constitution in Chapter 1 of this Part – and must only be for long enough to transact the particular item of business causing the suspension.

16.1.3 Rules capable of suspension;

Rules that may be suspended in line with Chapter 16.1.1 of this Part are specified in the Standing Orders of the County Council in Part 3, Chapter 1 of this Constitution.

16.2 **Matters of interpretation;**

Matters of interpretation, and the County Council's Chairman's ruling on the interpretation or application of the Constitution or County Council proceedings, must be applied in line with the Standing Orders of the County Council in Part 3, Chapter 1 of this Constitution.

16.3 **Publication;**

The Monitoring Officer will ensure that a copy of the Constitution is placed, on the County Council's website and that copies of the Constitution are available for inspection at the County Council's offices, Information Centre, and that copies are available to members of the public;

Part 2: Chapter 1

Allocation of Functions of the County Council

1.1 The principles of delegation;

One of the primary purposes of the Constitution is to make it clear where responsibility for particular functions lies, and which person or body (County Council, Committee, Executive, (acting collectively or individually), or Officer) may make a decision that will result in an action being taken or not taken.

1.2 The hierarchy of decision taking;

1.2.1 County Council

The County Council will exercise the functions reserved to the County Council set out in Part 1, Chapter 4 of the Constitution which will not be delegated, and any Local Choice Functions reserved to the County Council in the table set out at Chapter 2, Paragraph 2.2 of this Part.

1.2.2 Committees of the County Council

Committees of the County Council will exercise the Non-Executive Functions set out in the table in Chapter 2, Paragraph 2.1 of this Part, and the Local Choice Functions allocated to Committees of the County Council set out in the table at Chapter 2, Paragraph 2.2 of this Part.

1.2.3 The Executive (Cabinet)

The Executive will exercise the Local Choice Functions allocated to the Executive at Chapter 2, Paragraph 2.2 of this Part. Any decision of the Executive may be taken by a Committee of the Executive, an individual Executive Member, or may be delegated to an Officer or to a joint Executive Committee.

1.2.4 Individual members of the Executive

Individual members of the Executive will also exercise the appropriate functions set out under: 'Responsibility for Executive Functions' in Chapter 3 of this Part except where varied by the Leader as provided for in the Executive Procedure Rules set out in Part 3, Chapter 2 of the Constitution and notified by the Leader to the Chief Executive in accordance with Part 1, Chapter 9,

Paragraph 9.4.1. Any necessary consequential changes to the Constitution will be made by the Monitoring Officer in accordance with Part 1, Chapter 15, Paragraph 15.3 of the Constitution.

1.2.5 Officers

Officers will exercise the delegated functions as set out below:

- i) The Non-Executive Functions set out in the table in Chapter 2, Paragraph 2.1 of this Part, as set out in Column 4 of the table.
- ii) The Local Choice Functions set out in the table in Chapter 2, Paragraph 2.2 of this Part, as set out in Column 4 of the table .
- iii) The Executive Functions set out in Chapter 3 of this Part.
- iv) Functions, powers and areas of responsibility delegated to Chief Officers under the delegated authority set out in Chapter 4 of this Part.
- v) Functions of Chief Officers and Statutory Officers of the County Council as set out in Part 1, Chapter 11 of the Constitution.

1.2.6 Select (Overview and Scrutiny) Committees

Select (Overview and Scrutiny) Committees will undertake the role described in Part 1, Chapter 12 of the Constitution, and the Scrutiny functions set out in Chapter 5 of this Part. The role of Select (Overview and Scrutiny) Committees is advisory and may result in recommendations to the County Council, Committees of the County Council, or to the Executive, but will not result in decisions.

1.2.7 Discharge of functions by other local authorities

Arrangements may be made from time to time pursuant to Section 101 of the Local Government Act 1972 or Section 19 of the Local Government Act 2000 (and regulations made thereunder) for the discharge of functions of the County Council by another local authority. Where such arrangements are made they will be subject of an agency agreement.

Part 2: Chapter 2

Responsibility for Non-Executive Functions delegated to Committees and allocation of Local Choice Functions

2.1 Responsibility for Non-Executive Functions

Allocation of Functions to Regulatory Committee A, Regulatory Committee B, the Audit Committee, the Pension Fund Panel, the Employment in Hampshire County Council Committee, and the Standards Committee.

Non-Executive functions are functions of the County Council that cannot be the responsibility of the County Council's Executive under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) ("the Functions Regulations") Regulation 2 and Schedule 1. The County Council has decided that the Non-Executive Functions referred to in Column 1 of the below table should be the responsibility of the Committee referred to at Column 2 of the table.

Sub-Committees of Committees may be created where appropriate to perform aspects of these functions

| 1. Functions | 2. Committee | 3. Membership | 4. Delegation |
|---|------------------------|-------------------------------|--|
| All functions relating to Town and Country Planning and Development Control exercisable by the County Council, as specified in Schedule 1, Part A of the Functions Regulations. | Regulatory Committee A | Members of the County Council | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4. |
| Functions relating to change of name of County Council | Regulatory Committee A | Members of the County Council | Chief Officer with responsibility for |

| | | | |
|---|------------------------|-------------------------------|---|
| as exercisable by the County Council specified in Schedule 1, Part E, Paragraph 1 of the Functions Regulations. | | | subject area in accordance with Part 2, Chapter 4 |
| All Licensing and Registration functions exercisable by the County Council as specified in Schedule 1, Part B of the Functions Regulations. | Regulatory Committee A | Members of the County Council | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 |
| All functions relating to Health and Safety at Work exercisable by the County Council as specified in Schedule 1, Part C of the Functions Regulations, to the extent that those functions are performed in a way other than in the County Council's capacity as an employer . | Regulatory Committee A | Members of the County Council | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 |
| Miscellaneous functions relating to public rights of way exercisable by the County Council as specified in Schedule 1, Part I of the Functions Regulations | Regulatory Committee A | Members of the County Council | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 |
| All other Licensing Regulatory and Registration functions exercisable by the | Regulatory Committee A | Members of the County Council | Chief Officer with responsibility for subject area in accordance with |

| | | | |
|---|--|-------------------------------|--|
| County Council as specified in the Functions Regulations not otherwise allocated specifically in this table to Regulatory Committee A or Regulatory Committee B. | | | Part 2, Chapter 4 |
| Miscellaneous functions relating to sea fisheries, and power to make limestone pavement orders, as specified in Schedule 1 Part I Paragraphs 35 and 41 of the Functions Regulations. | Regulatory Committee A | Members of the County Council | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 |
| Functions in respect of the determination of the terms and conditions of service for staff employed by the County Council, (including procedures for their dismissal) as specified in Schedule 1, Part H Paragraph 37 of the Functions Regulations) not allocated to Regulatory Committee B. To determine Chief Officer remuneration (1) | Employment in Hampshire County Council Committee | Members of the County Council | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4. |

(1) Chief Officer here meaning the Head of Paid Service, statutory Chief Officers, non-statutory Chief Officers, deputy Chief Officers and the Monitoring Officer, as designated or mentioned in Sections 4(1), 2(6), 2(7), 2(8), and 5(1) of the Local Government and Housing Act 1989.

| | | | |
|--|---------------------------|--|--|
| <p>To act as appointing Committee in respect of the appointment of Officers to any post referred to at Paragraph 43.3 of Standing Orders (set out at Part 3, Chapter 1 of the Constitution), where it is proposed that such appointment be made exclusively from amongst existing Officers of the County Council.</p> <p>To receive recommendations from the Independent Remuneration Panel on Members Allowances and to make recommendations to the County Council thereon.</p> | | | |
| <p>Functions relating to Local Government Pensions, etc. as specified in Schedule 1 Part H of the Functions Regulations not allocated to Regulatory Committee B including administration of the Pension Fund on behalf of the County Council as</p> | <p>Pension Fund Panel</p> | <p>Members of the County Council plus Co-Opted Members</p> | <p>Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4</p> |

| | | | |
|--|-----------------|-------------------------------|-----------------|
| Superannuation Authority | | | |
| Functions relating to elections exercisable by the County Council as specified in Schedule 1 Part D of the Functions Regulations | Audit Committee | Members of the County Council | Chief Executive |

2.2 Responsibility for Local Choice Functions;

Local Choice Functions are functions that could be (but need not be) the responsibility of an Authority's Executive under Regulation 3 and Schedule 2 of the Functions Regulations. The County Council has decided that the Local Choice Functions referred to at column 1 of the below table should be the responsibility of the decision making body (County Council, Committee, or Executive) as referred to at column 2 of this table.

Where a Local Choice Function is delegated to a Committee of the County Council, Sub-Committees of the Committee maybe created to perform aspects of such functions.

| 1. Function | 2. Decision-making body | 3. Taking the decision | 4. Delegation to Officers |
|--|--|---|---|
| 1. Any function under a local Act, other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations | Executive (to the extent that these are not functions of the County Council as River Hamble Harbour Authority, in which case Paragraph 16 of this table applies) | Collectively or individually (¹) | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 |
| 2. Determining an appeal against any decision by, or on behalf of, the County Council including school transport appeals, staff disciplinary appeals and pension appeals | Regulatory Committee B | Appointed Members of the Committee | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 Chief Officers have full authority to take any necessary actions within the County Council's disciplinary procedures up to, and including dismissal. Any |

| | | | |
|--|------------------------|------------------------------------|---|
| | | | appeal is subject to final Member decision. |
| 3. Making arrangements in relation to appeals against exclusion of pupils from maintained schools | Regulatory Committee B | Appointed Members of the Committee | Head of Legal Services, and Director of Children's Services |
| 4. Making arrangements pursuant to Sections 94 (1), (1A) and (4) of the School Standards and Framework Act 1998 (admission appeals) | Regulatory Committee B | Appointed Members of the Committee | Head of Legal Services, and Director of Children's Services |
| 5. Making arrangements under Section 95 (2) of the School Standards and Framework Act 1998 (children to whom Section 87 of such Act applies: appeals by governing bodies) | Regulatory Committee B | Appointed Members of the Committee | Head of Legal Services, and Director of Children's Services |
| 6. Making arrangements under Section 20 of the Police Act 1996 (questions on police matters at Council meetings), enabling questions to be put on the discharge of the functions of a police authority | Executive | The Leader | Chief Executive |
| 7. Making appointments under paragraphs 2 to 4 of Schedule 2 of the Police Act 1996 (appointment of members by | County Council | Members of the County Council | Chief Executive |

| | | | |
|---|----------------|---|--|
| relevant councils to Police Authorities established under Section 3 of such Act) | | | |
| 8. Any function relating to contaminated land | Executive | Executive Member for Environment, Transport and Economy | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 |
| 9. Performing any function relating to controlling pollution or managing air quality | Executive | Executive Member for Environment, Transport and Economy | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 |
| 10. Obtaining information under Section 330 of the Town and Country Planning Act 1990 as to interests in land | Executive | Executive Member for Environment, Transport and Economy | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 |
| 11. Obtaining information about people interested (right, share or claim) in land, under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 | Executive | Executive Member for Policy and Resources | Head of Legal Services, and Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4. |
| 12. Making arrangements for highways works to be carried out | Executive | Executive Member for Environment, Transport and Economy | Head of Legal Services |
| 13. The appointment of any individual: a) to any office other than an office in which he or she is employed by the County Council b) to any body other than the | County Council | | Head of Legal Services |

| | | | |
|--|----------------------------|--|---|
| County Council, or a joint Committee of two or more authorities; or c) to any Committee or Sub-Committee of such a body | | | |
| 14. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities. | Executive | Collectively or individually ⁽¹⁾ | Chief Officer with responsibility for subject area in accordance with Part 2, Chapter 4 |
| 15. Functions of the County Council as River Hamble Harbour Authority | River Hamble Harbour Board | Members of the County Council (3) and Co-opted Members (4) | Director of Culture, Communities and Business Services |

⁽¹⁾ If a decision falls within the remit of an individual Executive Member described in column 3 that Member may take the decision. If a decision overlaps other Executive Member responsibilities, the decision should be joint.

If a function is delegated to a Chief Officer, the Chief Executive may allocate or re-allocate responsibility for exercising a particular function where this would in the Chief Executive's opinion be appropriate in accordance with Chapter 4. Paragraph 4.1 of this Part.

Part 2: Chapter 3

Executive Functions

Responsibility for Executive Functions

- 3.1 The following table sets out the allocation of responsibilities within the Executive. The portfolios are expressed in broad terms and may be varied, as provided for in the Executive Procedure Rules set out in Part 3 Chapter 2 of this Constitution.
- 3.2 The principles of responsibility are as follows:
- 3.1.1 unless a function, power or responsibility is specifically reserved to the County Council or a Committee of the County Council, the Executive is authorised to exercise the function or power.
 - 3.1.2 the Executive collectively will be responsible for those decisions falling appropriately to it.
 - 3.1.3 all decisions will be recorded.
 - 3.1.4 if a decision is made by an individual Member of the Executive, this will be stated openly and clearly.
 - 3.1.5 the Executive or individual Members of the Executive will normally be making Key Decisions, as defined at Part 3, Chapter 2, Paragraph 3 of this Constitution, or decisions which are significant (even though they may not be Key Decisions).

| Responsible Person | Functions |
|--|---|
| Leader and Executive Member for Policy and Resources | <p>Chairing and managing the Executive and its work.</p> <p>Overall strategy, policy and co-ordination ‘across the board’, and the direction and utilisation of resources.</p> <p>Primary departmental links – Chief Executive’s, County Treasurers, Culture, Communities and Business Services, Human Resources Departments, and Economy, Transport and Environment (in respect of economic development).</p> <p>Service area responsibilities – services within the above departmental remit areas; except where any area has been specifically allocated within the remit of another Executive Member.</p> <p>Functional areas – policy framework; strategic overview; overall performance; budget strategy; and personnel</p> |

| | |
|--|---|
| | <p>policies, including strategy for pay and remuneration, asset management, and IT services.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with minority parties.</p> |
| Executive Member for Children's Services | <p>Designated Lead Member for Children's Services pursuant to Section 19 of the Children Act 2004.</p> <p>Overall strategy and policy for all Children's matters, i.e. Education, Children and Families pursuant to the requirements of the Children Act 2004.</p> <p>Primary departmental link – Children's Services Department</p> <p>Service area responsibilities – all services within the remit of the above department</p> <p>Functional areas – all education functions exercisable by the County Council as Local Education Authority; statutory Social Services functions of the County Council relating to children.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties.</p> |
| Executive Member for Culture and Recreation | <p>Overall strategy and policy for libraries, museums, archives, arts, rights of way, outdoor activities, learning and leisure.</p> <p>Primary departmental links – Culture, Communities and Business Services Department</p> <p>Service area responsibilities – Culture and Recreation services within the Culture, Communities and Business Services Department</p> <p>Functional areas – libraries, museums, archives and records, countryside and rights of way, sport and culture community support, recreation and all ancillary activities.</p> <p>Appointments to relevant outside bodies, not on a proportional basis in consultation with the minority parties</p> |
| Executive Member for Economic Development, Human Resources and | <p>Overall strategy and policy for all economic development matters and for rural affairs.</p> |

| | |
|--|--|
| <p>Rural Affairs</p> | <p>Primary departmental links – Environment, Human Resources, and Culture, Communities and Business Affairs Departments.</p> <p>Services area responsibilities – within the remit of the Environment Department in respect of Economic Development, Human Resources and rural affairs services within the Culture, Communities and Business Affairs Department.</p> <p>Functional areas – monitoring and developing the county’s economy; co-ordinating and developing the County Council’s involvement in European projects sponsored or led by the Environment Department. Monitoring and developing the sustainability of rural communities and the stewardship of the natural environment and heritage of rural Hampshire. Personnel policy formulation and skills development in relation to the County Council’s directly employed workforce (excluding schools).</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties</p> |
| <p>Executive Member for Adult Social Care</p> | <p>Overall strategy and policy for all Adult Social Care matters</p> <p>Primary departmental link – Adult Services Department</p> <p>Services area responsibilities – all services within the remit of the above department including the duty relating to safeguarding</p> <p>Functional areas – services for older people including learning disability, physical disability, mental health and all ancillary services</p> <p>Appointments to relevant outside bodies – not on a proportional basis in consultation with the minority parties.</p> |
| <p>Executive Member for Communications and Efficiency</p> | <p>Helping to develop and improve two way communications, with the Cabinet and other Members of the County Council, advising the Cabinet on its continuous drive to seek efficiency savings so as to keep Council Tax as low as possible, and on the County Council’s performance.</p> |
| <p>Executive Member for Communities and International Relations.</p> | <p>Primary departmental links – Culture, Communities and Business Services and Chief Executive’s Departments</p> <p>Service area responsibilities – services within the Chief</p> |

| | |
|--|--|
| | <p>Executives and Culture, Communities and Business Services Departments relevant and European and International links.</p> <p>Co-ordinating County Council representation on District Local Strategic Partnerships (LSPs) and Crime and Disorder Reduction Partnerships (CCDRP's) reporting on these to the Executive Member for Policy and Resources.</p> <p>Promoting and Monitoring the Hampshire Sustainable Community Strategy and developing and approving a community engagement strategy and coordinating the contributions from relevant service strategies.</p> <p>Corporate oversight of European and International policy and activities; acting as an ambassador with external and international/national bodies.</p> <p>Responsibility for the County Council's Relationship with the Interfaith Network.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with minority parties.</p> |
| <p>Executive Member for Economy, Transport and Environment</p> | <p>Overall strategy and policy for all environmental matters (including planning and transportation, and mineral and waste, but excluding regulatory matters within the remit of the Regulatory Committee A)</p> <p>Primary departmental links – Environment Department Services – within the remit of the above department</p> <p>Functional areas – transport strategy; spatial planning; minerals and waste planning; highways and bridges; highway maintenance; winter maintenance; structural maintenance; passenger transport; traffic and road safety; highways lighting; integration of public and private transport ; environmental and information services; and all ancillary activities.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties.</p> |

Part 2: Chapter 4

Delegations to Chief Officers

4.1 Chief Officer's delegated authority

The general principles behind the delegated authority (powers) of Chief Officers are as follows:

- 4.1.1 if a function, power or responsibility has not been specifically reserved to the Council, a Committee or the Executive, the Chief Officer within whose remit the matter falls is authorised to act;
- 4.1.2 the County Council, its Committees and the Executive will make decisions on matters of significant policy. Chief Officers have express authority to take all necessary actions to implement County Council, Committee and Executive decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate;
- 4.1.3 Chief Officers are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible;
- 4.1.4 in relation to all delegated authority conferred on Chief Officers by this Constitution, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers in the interests of effective corporate management or as he or she thinks fit;
- 4.1.5 where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive, or his or her nominee, is authorised to act.

These delegations should be interpreted widely to aid the smooth running of the County Council, the effective deployment of resources and the efficient delivery of services.

| Post | Function and Areas of Responsibility |
|--|--|
| Chief Executive and Head of Paid Service | <p>Overall: corporate management and operational responsibility (including overall management responsibility for all officers) for all services. Acts as Clerk to Hampshire Fire and Rescue Authority.</p> <p>Authority: to act: authorised to take all necessary action to implement decisions of the County Council, its Committees, and the Executive within overall remit including:</p> <p>committing resources within approved budgets and financial regulations;</p> <p>Determination of remuneration of Chief Officers in consultation with the Leader, subject to ratification by EHCC;</p> <p>service and placing of any necessary statutory or other notices (other than those expressly reserved to the County Council, a Committee or the Executive);</p> <p>power to nominate or authorise any other officer to act on his or her behalf to action any decision</p> <p>The Chief Executive (Head of Paid Service) is the Proper Officer for all statutory purposes other than those expressly reserved to another named officer (by title) in this Constitution.</p> <p>Departmental: responsibility for corporate communications.</p> <p>Policy advice; legal advice; support to Members; economic development and developmental support.</p> |
| Deputy Chief Executive | <p>To deputise for the Chief Executive in respect of the functions of overall corporate management and operational responsibility (including overall management responsibility for all officers) and all services, in the absence of the Chief Executive.</p> |
| County Treasurer and Chief Financial Officer | <p>Overall: Participate in the corporate management of the County Council, as a member of the Corporate Management Team (CMT). Provide financial advice in support the County Council's corporate and departmental strategies and objectives. Responsibility for the proper administration of the County Council's financial affairs, under Section 151 of the Local Government Act 1972 and Audit Regulations 1974. Act as Treasurer to the Hampshire Pension Fund; Hampshire Police Authority and the Hampshire Fire and Rescue Authority.</p> <p>Authority to act: authorised to take all necessary action to implement decisions of the County Council, Committees of the County Council and the Executive within overall remit, including:</p> |

| | |
|---|---|
| | <p>committing resources within approved budgets and financial regulations;</p> <p>service and placing of any necessary statutory or other notices (other than those within the remit of another Chief Officer or expressly reserved to the Council, a Committee or the Executive);</p> <p>power to nominate or authorise any other officer within the department to act on his or her behalf to action any decision;</p> <p>to agree to terms and conditions for and on behalf of Hampshire County Council in respect of grants under Section 31 of the Local Government Act 2003 and such other grants as may be awarded from time to time.</p> <p>Departmental; responsibility for the Finance Department. To act as the Head of Profession for accountants in all departments, ensuring that the appropriate professional standards are met and consistently applied.</p> |
| <p>Director of Culture, Communities and Business Services</p> | <p>Overall: Participate in the corporate management of the County Council, as a member of the Corporate Management Team (CMT). Provide property, library, museum, archive, countryside, community and regulatory services in support of the County Council's corporate and departmental strategies and objectives.</p> <p>Authority to act: authorised to take all necessary action to implement decisions of the County Council, its committees, and the Executive within overall remit, including;</p> <p>commitment of resources within approved budgets and financial regulations;</p> <p>service and placing of any necessary statutory or other notices (other than those expressly reserved to the County Council, a Committee or the Executive);</p> <p>power to nominate or authorise any other Officer to act on his or her behalf to action any decision</p> <p>Departmental: responsibility for property; architectural services; estates and valuation; office accommodation; trading standards; registration services; births, marriages and deaths; scientific services; fleet management; catering; cleaning; printing; and graphics; IT Services; Sir Harold Hillier Gardens; Library Service; Museum Service; Hampshire Records Office; Arts; Countryside and Community; Rural Affairs; River Hamble Harbour.</p> |

| | |
|--|--|
| <p>Director of Children's Services</p> | <p>Overall: Participate in the corporate management of the County Council's, as a member of the Corporate Management Team (CMT).</p> <p>Provide advice, development and action of children's policies and strategies in support of the County Council's corporate and departmental strategies and objectives, and to fulfil as statutory post holder those functions conferred or exercisable by the County Council as specified in Section 18 of the Children Act 2004.</p> <p>Authority to act: authorised to take all necessary action to implement decisions of the County Council, its Committees and the Executive within overall remit, including:</p> <p>commitment of resources within approved budgets and financial regulations;</p> <p>service and placing of any necessary statutory or other notices (other than those expressly reserved to the County Council, a Committee or the Executive);</p> <p>power to nominate or authorise any other officer to act on his or her behalf to action any decision.</p> <p>Departmental: Responsibility for directing and managing the Children's Services Department.</p> |
| <p>Director of Adult Services</p> | <p>Overall: Participate in the corporate management of the County Council, as a member of the Corporate Management Team (CMT).</p> <p>Provide adult social care services as statutory post holder pursuant to Section 6 of the Local Authority Social Services Act 1970, though direct provision and commissioning and where appropriate through partnership with the National Health Service. Advice on all professional and strategic matters associated with service provision, in support of the County Council's corporate and departmental strategies and objectives.</p> <p>Authority to act: authorised County to take all necessary action to implement decisions of the Council, its Committees and the Executive within overall remit, including:</p> <p>commitment of resources within approved budgets and financial regulations;</p> <p>service and placing of any necessary statutory or other notices (other than those expressly reserved to the County Council, a Committee or the Executive);</p> <p>power to nominate or authorise any other officer to act on his or</p> |

| | |
|---|--|
| | <p>her behalf to action any decision.</p> <p>Departmental: responsibility for directing and managing the Adult Services Department and its partnership arrangements with external bodies, particularly the National Health Service.</p> |
| <p>Director of Economy, Transport and Environment</p> | <p>Overall: Participate in the corporate management of the County Council, as a member of the Corporate Management Team (CMT).</p> <p>Provide advice and strategic guidance on highways transportation and waste management, together with provision of operational services to support these functions, in support of the County Council's corporate and departmental strategies and objectives. Provide planning and environmental services and advice in support of the County Council's corporate and departmental objectives.</p> <p>Provision of all advice and guidance in support of the Council's economic development strategies and objectives, including:</p> <ul style="list-style-type: none"> creating a skills strategy for Hampshire; developing effective partnerships with relevant agencies; aligning public sector resources to support economic opportunities; collaboration across public sector organisations; strengthening the County Council's approach to developing regeneration projects (and more readily using the County Council's delivery capacity across the region and sub-regionally); influencing sub-national economic development activity and resource priorities; interpreting and supporting sub-national economic activity; developing a vision for transport planning and delivery; providing a strategic and operational response to existing arrangements; maximising government investment in Hampshire and exploiting opportunities to fund new infrastructure projects; <p>Authority to act: authorised to take all necessary action to implement decisions of the County Council, its Committees, and the Executive within overall remit, including:</p> |

| | |
|-----------------------------|--|
| | <p>commitment of resources within approved budgets and financial regulations;</p> <p>service and placing of any necessary statutory or other notices (other than those expressly reserved to the County Council, a Committee or the Executive);</p> <p>power to nominate or authorise any other officer to act on his or her behalf to action any decision.</p> <p>Departmental: responsibility for transportation; waste management; highways and co-ordination of highways agencies with District Councils and agencies with external bodies (public or private); road safety and traffic management; design and construction of highways; and maintenance of country roads; responsibility for directing and managing planning duties.</p> |
| Director of Human Resources | <p>Overall: Participate in the corporate management of the County Council, as a member of the Corporate Management Team (CMT).</p> <p>Provision of all human resource, and advice and guidance in support of the County Council's corporate and departmental strategies and objectives.</p> <p>Authority to act: authorised to take all necessary action to implement decisions of the County Council, Committees of the County Council and the Executive within overall remit, including:</p> <p>commitment of resources within approved budgets and financial regulations;</p> <p>conduct of all employment matters, including the serving of any necessary notices or proceedings;</p> <p>power to nominate or authorise any other officer to act on his or her behalf to action any decision.</p> <p>Departmental: responsibility for directing and managing the Human Resources Department.</p> |

4.2 Without prejudice to Chief Officer's delegated authority, Chief Officers are required to report to their appropriate Cabinet Member on the performance of their Department.

Part 2: Chapter 5

Scrutiny

A Select (Overview and Scrutiny) Committees

The following table sets out the allocation of responsibilities within the Select (Overview and Scrutiny) Committees.

| Committee | Scope |
|----------------------|---|
| Policy and Resources | <p>Coordinating Scrutiny:</p> <p>To ensure resources of all scrutiny functions are being effectively targeted.</p> <p>To ensure the outputs and outcomes of Scrutiny are having impact and being evaluated.</p> <p>To prioritise topics for scrutiny task and finish groups (thematic reviews).</p> <p>To create an annual work programme.</p> <p>To identify where each thematic review on the work programme should be considered.</p> <p>To provide an annual report to the County Council outlining the effectiveness, outcomes and learning of the scrutiny function (i.e. Select (Overview and Scrutiny) Committees and overall work programme).</p> <p>To monitor the operation of the provisions relating to call-in and urgency submitting a report to Cabinet if necessary.</p> <p>Scrutinising Corporate functions:</p> <p>Reviewing how policies, services and decisions ensure effective use and management of all resources; how effectively is cross-cutting/corporate</p> |

| | |
|---------------------------|--|
| | <p>policy developed, implemented and performance evaluated and improved.</p> <p>Efficiency; Human Resources; Partnership Working (internal and external); Procurement; Relevant Financial Management (e.g. budget setting and monitoring final accounts, capital programme, capital receipts); asset and estate management; information management (including records management); communications; use of IT; Health and Safety; corporate policy and performance; Business Units</p> <p>Departments covered;</p> <ul style="list-style-type: none"> - Chief Executives - County Treasurers - Culture, Communities and Business Services - Human Resources - County Council as a corporate entity. |
| Children and Young People | <p>Reviewing how the needs and interests of children and young people are met by all Departments, policies, services and decisions; and how performance is evaluated and improved.</p> <p>Universal, targeted and specialist services for children and young people: prevention and management of risk; social care; children's and young people's wellbeing; Education – supporting and enabling learning for all children and young people; internal and external partnership working re Children and Young People (i.e. Culture Communities and Rural Affairs/Adult services); supporting parents and families; relevant financial management.</p> <p>Departments covered:</p> <ul style="list-style-type: none"> - Children's Services - Culture Communities and Business Services - Any other Department doing work with or impacting on children or young people. |

| | |
|---|---|
| <p>Safe and Healthy People</p> | <p>Reviewing how policies, services and decisions support safe, well, independent and continuously developing people (adults and older persons); how they are implemented and how performance is evaluated and improved.</p> <p>Primary focus on how the County Council is contributing to delivering the Wellbeing agenda for adults; crime prevention; crime and disorder; adult social care; promoting independence and quality of life for older people; healthy and safe families; Regulatory Services; relevant financial management</p> <p>Departments covered:</p> <ul style="list-style-type: none"> -Adult Services -Chief Executive's -Culture, Communities and Business Services -Any other relevant functions in other Departments <p>Reviewing and scrutinising decisions made, or other actions taken, in connection with the discharge of crime and disorder functions by the authorities responsible for crime and disorder strategies in relation to the County Council's area, and making reports or recommendations with respect to the discharge of those functions</p> <p>Makings reports or recommendations to the County Council with regard to any matter which is a local crime and disorder matter in relation to a member of the County Council (i.e. a matter concerning crime and disorder which affects all or part of the electoral Division for which the Member is elected or any person who lives or works in that area)</p> |
| <p>Culture, Communities and Rural Affairs</p> | <p>Reviewing how policies, services and decisions support thriving culture and sustainable, inclusive communities; how they are implemented and how performance is evaluated and improved.</p> <p>Culture and recreation; heritage; economic development; community development; developing sustainable communities; supporting diversity and inclusion; community engagement and consultation; lifelong learning for adults; relevant financial</p> |

| | |
|---------------------------------------|---|
| | <p>management.</p> <p>Departments covered:</p> <ul style="list-style-type: none"> -Culture Communities and Business Services -Chief Executive's -Adult Services -Environment -Any other relevant functions in other Departments |
| <p>Environment and Transportation</p> | <p>Reviewing how policies, services and decisions support a positive and sustainable environment, accessibility to services for all and effective management of natural resources; how they are implemented and how performance is evaluated and improved.</p> <p>Passenger transport; transport policy; road infrastructure; access; protection of the environment; sustainable development; climate change; land management; waste management; relevant financial management.</p> <p>Departments covered:</p> <ul style="list-style-type: none"> -Environment -Culture, Communities and Business Services -Children's Services |

5 Specific Functions

5.1 Policy development and review

Select (Overview and Scrutiny) Committees may:

- 5.1.1 assist the County Council and the Executive, at their request, to develop the budget and policy framework by in-depth analysis of policy issues
- 5.1.2 conduct research in the analysis of policy issues and possible options

5.1.3 question members of the Executive or Senior Officers, about their views on issues and proposals affecting their remit

5.1.4 liaise with external organisations as appropriate

5.2 **Scrutiny**

Select (Overview and Scrutiny) Committees may:

5.2.1 review and scrutinise Executive decisions

5.2.2 review and scrutinise the County Council's service delivery and performance, performance concerning its policy objectives, performance targets and particular service areas

5.2.3 question members of the Executive or Senior Officers about their decisions and performance; whether compared to service plans and targets, or related to particular decisions, initiatives or projects

5.2.4 make recommendations to the Executive or County Council arising from the scrutiny process

5.2.5 review and scrutinise the performance of other public bodies in the area; invite reports from them by asking them to address the relevant Select Committee

5.2.6 question and gather evidence from people and organisations that can inform the scrutiny process

5.3 **Petitions**

Select (Overview and Scrutiny) Committees must, when required to do so by a petition organiser, review the adequacy of the steps taken or proposed to be taken in response to a petition.

5.4 **Finance**

Select (Overview and Scrutiny) Committees may exercise overall responsibility for any money made available to them.

5.5 **Annual Report**

The Policy and Resources Select (Overview and Scrutiny) Committee will submit to the County Council as soon as reasonably practicable in each financial year an account of the activities and outcomes of the scrutiny function for the last year and a tentative list of intended scrutiny inquiries for the following year.

5.6 **Proceedings of Select (Overview and Scrutiny) Committees**

Select (Overview and Scrutiny) Committees will conduct their proceedings in line with the Overview and Scrutiny Procedure, set out in Part 3, Chapter 3 of this Constitution.

DRAFT

B Health (Overview and Scrutiny) Committee

5.7 Membership of Health (Overview and Scrutiny) Committee

- (i) 15 Members of the County Council, appointed in proportion to the political representation of the County Council; and
- (ii) Four District and Borough Council Members (nominated via the Hampshire and Isle of Wight Local Government Association)

5.8 Roles and Functions of Health (Overview and Scrutiny) Committee

The Health (Overview and Scrutiny) Committee will have the following roles and functions:

- 5.8.1 To review and scrutinise the totality of local services planned and provided as part of NHS Bodies wider responsibility to seek health improvements and reduce health inequalities for their area and its inhabitants;
- 5.8.2 To refer contested proposals for major service changes to the Secretary of State;
- 5.8.3 To scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under Section 31 of the Health Act 1999;
- 5.8.4 To review or scrutinise health services commissioned or delivered in the County Council's area within the framework set out below:
 - a) Arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the County Council's area;
 - b) The provision of such services to those inhabitants;
 - c) The provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
 - d) The public health arrangements in the area; e.g. arrangements by NHS bodies for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;

- e) The planning of health services by NHS bodies, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and
 - f) The arrangements made by NHS bodies for consulting and involving patients and the public;
- 5.8.5 To review and scrutinise the totality of local services including social services, planned and provided as part of their wider responsibilities to seek health improvements and reduce health inequalities; and
- 5.8.6 Act as consultee to an NHS body within the remitted area on issues of:
- a) Substantial developments of the health service in the County Council's area; and
 - b) Any proposals to make any substantial variation to the provision of such services.

5.9 **Delegation of Functions of Health (Overview and Scrutiny) Committee**

- 5.9.1 The Health (Overview and Scrutiny) Committee may delegate health scrutiny powers to a joint committee and appoint Members when there is an intention by an NHS body to consult on a substantial variation or development to health services that extend beyond the area covered by the County Council.
- 5.9.2 The Chief Executive, in consultation with the Chairman of the Health (Overview and Scrutiny) Committee, may agree to the formation of such a committee, its membership and terms of reference, if there is insufficient time for that decision to be taken by the Health Overview and Scrutiny Committee, subject to the details being submitted for approval to the next meeting of the Health (Overview and Scrutiny) Committee.
- 5.9.3 Any joint committee so convened should work to a specific proposal and with clear terms of reference, which would be restricted to consideration of and agreeing a response to the proposal on which the committee had been consulted.

5.10 **Proceedings of the Health (Overview and Scrutiny) Committee**

The Health (Overview and Scrutiny) Committee will conduct its proceedings in accordance with the Health (Overview and Scrutiny) Committee Procedure, set out in Part ,3 Chapter 3 of this Constitution.

5.11 Annual Report of Health (Overview and Scrutiny) Committee

The Health (Overview and Scrutiny) Committee will submit to the County Council as soon as reasonably practicable in each financial year an account of the activities and outcomes of the health scrutiny function for the last year and a tentative list of intended scrutiny inquiries for the follow year.

DRAFT

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 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;

'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;

‘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 Police Authority and the Hampshire 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 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 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 printed 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 printed and 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, appoint a Chairman and Vice-Chairman for every Committee of the County Council, all of whom shall be elected Members of the County Council (save for Standards Committee to which different rules apply).
- 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 16.2 for no more than 30 minutes in the order received;
- 8.10 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;
- 8.11 to receive and resolve Part I items;
- 8.12 to consider Notices of Motion in the order in which they have been received;
- 8.13 to receive the Report of the Hampshire Police Authority, and 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 its functions;
- 8.14 to receive and consider the Report of the Hampshire Fire and Rescue Authority and for no more than ten minutes to have answered any General Questions which have been submitted in accordance with Standing Order 16.4 on the discharge of its functions;

8.15 to receive and consider any remaining Part II items;

8.16 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**

Except with the permission of the Chairman, it is forbidden to make audio or visual records whilst a Meeting of the County Council is in progress and all mobile telephones shall be switched to silent mode.

11. ***Quorum**

11.1 If within 10 minutes from 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 from 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 operator) 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 relating to business that is properly within the

Agenda for such Meeting and the deputation shall be allowed to address the Meeting.

For the purpose of this Standing Order:

- 12.2.1 notice in writing shall be given to the Chief Executive that a deputation wishes to address a Meeting 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, 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 planning function) be local government electors for the administrative area of Hampshire County Council;
- 12.2.3 any member of a deputation may address a Meeting;
- 12.2.4 deputations shall be taken at the beginning of the Meeting in the order received (after the Minutes) and the total time all deputations in any Meeting shall not exceed one hour in duration;
- 12.2.5 the total time taken by a deputation in addressing a Meeting shall not exceed 10 minutes provided that where the number of deputations in any Meeting would otherwise mean that the maximum time for deputations would be exceeded, the time allowed per deputation will be reduced on a proportional basis;
- 12.2.6 any deputation which has appeared before a Meeting of the County Council, the Executive, or any Committee or Standing Panel of County Council, shall not reappear at any such Meeting or any other Meeting 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 planning function, in which case a deputation may reappear where an item is adjourned, or when there is another similar planning application submitted in respect of the same site);
- 12.2.7 for the avoidance of doubt a deputation to a Meeting of the Executive, a Committee or Standing Panel must relate to an item on the Agenda for that Meeting;
- 12.2.8 no discussion shall take place with the presenters of a deputation but the Chairman of the meeting 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.

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 (including those of other Councils), 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.

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 Police Authority and Hampshire 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, County Treasurer and Monitoring Officer

- 15.1 The Chief Executive and the County Treasurer (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 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.

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 County Treasurer 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 Police Authority

Notice of any question concerning the discharge of the functions of the Hampshire Police Authority must be set out in full and submitted to the Chief Executive, not later than noon of the Thursday immediately preceding a meeting of the County Council.

16.4 Questions concerning the Hampshire Fire and Rescue Authority

Notice of any questions concerning the Hampshire Fire and Rescue Authority must be set out in full and submitted to the Chief Executive, not later than noon on the Thursday immediately preceding a meeting of the County Council.

16.5 Supplementary questions

In respect of paragraphs 16.1.1, [16.3 and 16.4] above, the Member putting the question may ask a supplementary question on that question, provided it arises from the answer given.

16.6 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.

16.7 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 17.4, be put to the vote provided that if, on the moving

and seconding of any such formal Proposition, 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 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, shall be debated by the County Council unless immediately following the seconding of the motion and after 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 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 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 effects 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

- 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 19;
- 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 moving 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 a Motion or 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 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;
- 22.3 Where, immediately after a vote is taken (and without prejudice to the provisions of sub-paragraph 22.2 above) at a Meeting of the County Council 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 Council Council within the preceding six months – shall be proposed, unless notice of it is given under Standing Order 17 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 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 (statutory or otherwise) to which the County Council appoints Members;

24.3 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 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. Joint Committee for appointment of Members to Hampshire Police Authority

At its Annual Meeting each year, the County Council shall appoint its allocation of Members to the Joint Committee responsible for appointing Members of the Police Authority, under Schedule 2 of the Police Act 1996.

27. Appointment of Members to Hampshire Fire and Rescue Authority

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

28. *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.

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

29.1 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.

29.2 The Standing Order shall only apply to:

29.2.1 the Employment in Hampshire County Council Committee;

29.2.2 the Audit Committee;

29.2.3 the Pension Fund Panel;

29.2.4 the River Hamble Harbour Board;

and shall not apply to:

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

29.2.6 any decisions of a quasi-judicial nature

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

29.2.8 Select (Overview and Scrutiny Committees) and the Health (Overview and Scrutiny) Committee

30. ***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.

31. ***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.

32. ***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 4 of the Protocol for Member/Officer Relations in Part 4 Appendix C of this Constitution.

33. ***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 Motion 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.

34. ***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.

35. ***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.

36. ***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.

37. ***Signing 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).

38. ***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.

39. **Suspension of Standing Orders**

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

39.2 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.

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 Health (Overview and Scrutiny) Committee 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
25. Membership of Committees
29. Approval of Committee decisions – minority order procedure
30. Discretion to exclude any matter which ought not to be published
31. Confidentiality of proceedings
32. Inspection of documents and Minutes
33. Misconduct of Members
34. Behaviour of the public
35. Adjourned Meetings
36. Signing of Minutes
37. Signing Minutes – Extraordinary Meetings
38. Additional Committee Meetings

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.

Regulatory Committee A may also vary Standing Order 12 in order to allow Members to ask questions of deputees, and at the Chairman's discretion extend the time limit allowed for deputations.

41. **Sealing of Documents**

The Common Seal of the County Council shall not be fixed to any document unless the sealing 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 any document necessary to give effect to the resolution.

The seal shall be attested by the Head of Legal Services or other officer or officers authorised by the Head of Legal Services, 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.

DRAFT

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

- 42.1 In this Standing Order “Chief Finance Officer”, “Disciplinary Action”, “Head of the Authority’s Paid Service” and “Monitoring Officer”, shall have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (“the Standing Order Regulations”) and “Designated Independent Person” shall have the same meaning as in Regulation 7 of the Standing Order Regulations;
- 42.2 No Disciplinary Action in respect of the Head of the Authority’s Paid Service or its Chief Finance Officer or its Monitoring Officer, except action described in paragraph 42.3, may be taken by the County Council, or by a Committee, a Sub-Committee or Standing Panel of the County Council, a Joint Committee of the County Council on which the County Council is represented or any other person acting on behalf of the County Council, other than in accordance with a recommendation in a report made by a Designated Independent Person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- 42.3 The action mentioned in paragraph 44.2 is suspension of the Officer concerned for the purpose of investigating the alleged misconduct occasioning such action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

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 or dismissal 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, as the case may be, must approve that dismissal before notice of dismissal is given to him/her.
- (2) Where a Committee, Sub-Committee of the County Council or Officer is 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 (b)(iii), 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 Human Resources 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 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.

Part 3: Chapter 2

Executive Procedures and Role of Executive

- 1 **Composition and role**
 - 1.1 The Leader will Chair the Cabinet and convene its meetings. The Leader may appoint a nominee when he or she is not available. In the absence of the Leader the Deputy Leader will act in the place of the Leader. In the absence of both the Leader and the Deputy Leader the Leader will arrange for another member of Cabinet to act in his place.
 - 1.2 The responsibility and the role of the Cabinet encompasses the following areas:
 - 1.2.1 development of strategy and policies to implement the strategy (including preparation of the draft budget, together with plans and strategies for submission to the County Council where this is a statutory or constitutional requirement);
 - 1.2.2 political leadership;
 - 1.2.3 development of community partnerships;
 - 1.2.4 overall direction of the County Council;
 - 1.3 These roles will be discharged by the Cabinet:
 - 1.3.1 proposing strategies and policies to the County Council, including any changes in the Policy Framework (Part 1 Chapter 4 of the Constitution), together with a budgetary framework for adoption annually, and during the financial year, as necessary. Changes to strategy will be proposed as necessary to reflect changing circumstances;
 - 1.3.2 focusing on continuous service improvement and taking decisions on all services within the overall strategic and budgetary framework set by the County Council;
 - 1.3.3 overseeing complaints handling and Ombudsman investigations where these are concerned with service delivery and are not concerned with Member behaviour.

- 1.2 Executive functions (portfolios) may be discharged by:
- 1.2.1 Cabinet as a whole;
 - 1.2.2 A Committee of Cabinet;
 - 1.2.3 An individual member of Cabinet, or two or more members of Cabinet acting together;
 - 1.2.4 An officer authorised by Cabinet, a member or members of Cabinet or the Constitution;
 - 1.2.5 Other arrangements provided for by the Constitution or otherwise legally available, e.g., joint arrangements including arrangement with another local authority.

2. Powers

- 2.1 Cabinet will exercise all powers it is enabled to under the Constitution (to avoid any doubt, all the Executive Functions in Part 2, Chapter 3 of the Constitution shall be delegated to the Leader and the Executive Members who shall be entitled to take every necessary action to decide, discharge, or implement any Executive Functions or functions otherwise of the Executive in accordance with this Constitution or otherwise by law.
- 2.2 In the event that an Executive Member is unavailable, due to absence or illness, the Leader will depute another Executive Member to discharge the responsibilities of the unavailable Executive Member, or may discharge the responsibility himself or herself. In the absence of the Leader, the Deputy Leader will have power to depute another Executive Member to discharge the responsibilities of the unavailable Executive Member.
- 2.3 Where an Executive Member is unable to act owing to a declaration of, or conflict of interest, the Leader will depute another Executive Member (or himself or herself) to act in the place of that Executive Member. In the absence of the Leader, or where the Leader is unavailable to act owing to a declaration of, or conflict of interest, the Deputy Leader will act or depute another Executive Member to act. Any conflict of interest will be dealt with under the County Council's Code of Conduct for Members, set out in Part 4 Appendix of the Constitution.
- 2.4 Cabinet is empowered by the County Council, by virtue of the adoption of the Constitution, to take any urgent decision necessary to ensure that:
- 2.4.1 any Government timetable for action is met;
 - 2.4.2 the County Council's position is not compromised or disadvantaged by any inability to act;
 - 2.4.3 County Council strategies and policies are delivered;

- 2.5 Cabinet shall be under a general duty to ensure legal and financial priority in the exercise of all their functions and responsibilities, and to act at all times within:
- 2.5.1 the terms of the Constitution approved by the County Council;
 - 2.5.2 Standing Orders and Codes of Conduct approved by the County Council;
 - 2.5.3 Any legislation which has the effect of governing the actions of the Council, the Cabinet, and any Committee of the County Council, including Select (Overview and Scrutiny) Committees and the Health (Overview and Scrutiny) Committee.

In exercising their responsibilities, the Cabinet will be advised on matters of powers, and legal and financial probity by the Chief Executive, the County Treasurer, and the Monitoring Officer.

3. **Executive Decision Making Statutory Requirements**

3.1 **Forward Plan**

The Leader will prepare a forward plan (“Forward Plan”). The Forward Plan which will be available for inspection and will contain details of all matters likely to be the subject of Key Decisions, as defined at 3.2 below, of the Executive for a period of four months, and will be updated on a monthly basis. This is a statutory requirement in accordance with Part III of the Local Authorities (Executive Information) (Access to Information) (England) Regulations 2000 (“the 2000 Act”).

3.2 **Key Decisions:**

Key Decision means an Executive decision which is likely:

- 3.2.1 to result in the County Council incurring expenditure which is, or making savings which are, significant in terms of the County Council’s budget for the service or function to which the decision relates; or
- 3.2.2 to be significant in terms of its effects on communities living or working in an area or two or more electoral divisions in the County Council’s administrative area.

In determining the meaning of significant, any guidance issued by the Secretary of State must be taken into account.

3.3 **Content of Forward Plan**

The Forward Plan will contain:

- 3.3.1 Particulars of matters in respect of which Key Decisions are to be made;
- 3.3.2 Details of the decision maker;
- 3.3.3 The date on which, or the period within which, the Key Decision is to be made;
- 3.3.4 The identity of the principal groups or organisations whom the decision maker proposes to consult before making the Key Decision;
- 3.3.5 The means by which any such consultation is proposed to be undertaken;
- 3.3.6 The steps that may be taken by any person who wishes to make representations to Cabinet or as appropriate individual decision maker about the matter in respect of which the Key Decision is to be made, and the date by which those steps are to be taken;
- 3.3.7 A list of the documents, submitted to the decision maker in relation to the matter in respect of which the Key Decision is to be made.

Exempt information need not, however, be included on the Forward Plan, and confidential information cannot be included.

3.4 **Key Decisions and Public Meetings**

Where the Leader or other Executive Member reasonably believes that:

- 3.4.1 a Key Decision will be made; or
- 3.4.2 a matter included on the Forward Plan or subject of notice given under Regulation 15 of the Access to Information Regulations is likely to be discussed, and a decision on that matter is likely to be made within 28 days, and an Officer will be present at the discussion

such meeting will be held in public.

3.5 **Urgent Key Decisions**

Regulation 15 of the Access to Information Regulations applies in cases where inclusion of a matter on the Forward Plan is impracticable. In such

cases, where a matter would be a Key Decision, the decision can only be made where:

3.5.1 The Proper Officer has informed the Chairman of the relevant Select (Overview and Scrutiny) Committee by notice in writing of the matter about which the decision is to be made; **and**

3.5.2 The Proper Officer has made a copy of such notice available for public inspection; **and**

3.5.3 Five clear days have elapsed since compliance with 3.5.1 and 3.5.2 above.

3.6 Special Urgency relating to Key Decisions

Where the date by which an Executive decision that would be a Key Decision must be made makes compliance with Regulation 15 of the Access to Information Regulations impracticable, the decision can only be made where the Chairman of Cabinet, Chairman of the relevant Executive Committee, or individual Executive Member (as appropriate) has obtained agreement from:

3.6.1 The Chairman of the relevant Select (Overview and Scrutiny) Committee; **or**

3.6.2 If there is no such person, or if the Chairman of the relevant Select (Overview and Scrutiny) Committee is unable to act, then the Chairman of the County Council; **or**

3.6.3 In the absence of the Chairman of the County Council, the Vice-Chairman of the County Council.

3.7 Leaders Report to County Council on Key Decisions of Special Urgency

The Leader will submit a quarterly Report to the County Council containing details of any Executive Key Decision taken during the preceding three months where the making of the decision was agreed as urgent under 3.6.

4 Decision Meetings

4.1 All Executive Meetings will be conducted in accordance with the Access to Information Regulations.

4.2 Decision Meetings of Cabinet and Committees of Cabinet Meetings will be held in public, except when dealing with confidential or exempt matters.

- 4.3 Decision Meetings of individual Executive Members will also be held in public, except when dealing with confidential or exempt matters.
- 4.4 The quorum for a public Meeting of Cabinet shall be three, one of whom shall be the Leader or the Deputy Leader. The quorum for a public Meeting of a Committee of Cabinet shall also be three, one of whom shall be the Chairman or Vice-Chairman of the Committee or other Executive Member appointed by the Leader or Deputy Leader to act as Chairman.
- 4.5 Non-Executive Members will be allowed to speak at Cabinet and Committees of Cabinet Meetings and individual Executive Member Decision days, by prior arrangements with the Chairman of the Meeting or individual Executive Member as appropriate.
- 4.6 Advance notice of public Meetings of the Executive and individual Executive Member Decision days will be published in accordance with the requirements of Part III of the Access to Information Regulations, and in accordance with the Access to Information Procedure Rules in Chapter 4 of this Part. A link to Executive decision Reports will also be sent electronically to all Members. Decisions will be recorded by the Chief Executive and his staff, and records of decisions and Reports considered will be made public in accordance with the Access to Information Procedure Rules. Where a decision is taken this should be clear on the face of the record of the decision, together with the implications of action arising from the decision, in order to facilitate effective scrutiny. Where the Executive is developing 'a position' (e.g., budget priorities for the coming year), a minute will record the general area under discussion, but Cabinet shall not be obliged to disclose the detail of their discussion unless and until it results in either (a) a decision Cabinet is able to take and implement without further reference, except for scrutiny, or (b) a decision which must be presented to the County Council as a recommendation before any action can be taken.
- 4.7 Individual Executive Members will be spokespersons for their particular areas of responsibility.
- 4.8 Records of Executive decisions taken will be sent electronically to all Members of the County Council within five Working Days of the decision having been made.
- 4.9 The Leader may call additional Meetings of Cabinet at any time if it would be conducive to the conduct of business of the Executive to do so.
- 4.10 Individual Executive Members may also call additional Meetings at any time if they consider it would be conducive to the conduct of their Executive responsibilities to do so.

5. **Minutes of the Cabinet**

Meetings of Cabinet will be minuted by the Chief Executive, and when the Minutes are confirmed at the next following Meeting of Cabinet, they will be made public.

6. **Application of County Council Procedure Rules to Meetings of the Executive**

6.1 The following Standing Orders (as set out in Chapter 1 of this Part) shall apply, with any necessary modification, to Meetings of the Executive.

Standing Orders

- 8. Order of Business
- 9. Variation of Order of Business
- 10. Recordings, etc of proceedings
- 12. Deputations
- 22. Voting
- 31. Confidentiality of Proceedings
- 32. Inspection of Documents and Minutes
- 33. Misconduct of Members
- 34. Behaviour of Public
- 35. Adjourned Meetings

Part 3: Chapter 3

A Select (Overview and Scrutiny) Committees

Scrutiny Procedures

1.1 Background

The County Council will have the Select (Overview and Scrutiny) Committees set out in Part 1, Chapter 12 of the Constitution, and it will appoint Members to them in such numbers in political proportionality as it considers appropriate from time to time. The membership of the Policy and Resources Select Committee shall include the Chairmen of the other Select (Overview and Scrutiny) Committees and the Health (Overview and Scrutiny) Committee. The Policy and Resources Select Committee, having a corporate overview, may agree the appointment of working groups of Members and Officers to advise relevant select (Overview and Scrutiny) Committees. Such working groups may be appointed for a fixed period, if appropriate, on the expiry of which they shall cease to exist;

1.2 Membership of Select (Overview and Scrutiny) Committees

Members of (Overview and Scrutiny) Select Committees – all Members (except members of the Executive) may be members of any Select (Overview and Scrutiny) Committee. No Member may be involved in scrutinising a decision in which he or she has been directly involved;

1.3 Co-optees

Co-optees – each Select (Overview and Scrutiny) Committee or working group may include in its membership any person or persons as non-voting co-optees where the Committee or working group considers this would be advantageous to their work;

1.4 Children and Young People Select (Overview and Scrutiny) Committee

The Children and Young People Select (Overview and Scrutiny) Committee, when dealing with the education Functions of the Executive shall include in its membership the following voting representatives:

1.4.1 one Church of England Diocese representative;

1.4.2 one Roman Catholic Diocese representative;

1.4.3 three Parent Governor representatives.

1.5 Meetings of Select (Overview and Scrutiny) Committees

Select (Overview and Scrutiny) Committees will normally meet four times a year, in accordance with a timetable to be published by the Chief Executive. In addition, extraordinary or ad hoc meetings may be called from time to time as and when appropriate. A Select (Overview and Scrutiny) Committee meeting may be called by the chairman of the relevant Select (Overview and Scrutiny) Committee, by a quorum of the members of the committee or by the Chief Executive if he or she considers it necessary or appropriate.

1.6 Chairing Select (Overview and Scrutiny) Committees

The Chairman and Vice-Chairman of each select committee shall be appointed by the County Council at its Annual General Meeting. In the absence of the Chairman, the Vice-Chairman will preside. In the event that neither the Chairman or the Vice-Chairman are present within 10 minutes from the time appointed for any meeting to begin, the Committee may appoint a person to chair it from amongst the members sitting on it. Sub-Committees and working groups shall appoint their own Chairman from among their membership. An officer of the County Council may not chair a working group;

1.7 Work programme

Select (Overview and Scrutiny) Committees will be responsible for proposing their own work programme of activities within their planned meetings structure and, in doing so, shall take into account wishes of members on that Committee who are not members of the largest political group on the County Council. The Policy and Resources Select Committee will oversee and determine the overall work programme of working groups;

1.8 Agenda items

1.8.1 Any member of a Select (Overview and Scrutiny) Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next convenient meeting (Section 21A (a) and (b) of the 2000 Act). On receipt of such a request, the Chief Executive will ensure that it is so included;

- 1.8.2 Any member of the County Council may refer to any Select (Overview and Scrutiny) Committee, of which they are not a member, any local government matter which is relevant to the function of that Committee in accordance with Section 21A of the Local Government Act 2000. A “local government matter” is one which relates to the discharge of any function of the County Council, affects all or part of the member’s division, or any person who lives or works in that area and is not an excluded matter. In considering whether to exercise this power, the member must have regard to any relevant statutory guidance;
- 1.8.3 Any member of the County Council who is not a member of the Safe and Healthy People Select (Overview and Scrutiny) Committee may refer to that Committee a local crime and disorder matter affecting all or part of their division, or any person who lives or works in that area (Section 19 (3) (b) Police and Justice Act 2006);
- 1.8.4 A matter referred to a Select (Overview and Scrutiny) Committee under paragraph 1.8.2 or to the Safe and Healthy People Select (Overview and Scrutiny) Committee under paragraph 1.8.3 shall be included in the agenda for, and discussed at, a meeting for the Committee. Arrangements for the handling of a matter so referred shall be in accordance with the ‘Councillor Call For Action’ protocol agreed by the County Council (and the provisions of the 2000 Act and the Police and Justice Act 2006 as appropriate);
- 1.8.5 The County Council or the Executive may request a Select (Overview and Scrutiny) Committee to consider matters referred by it or them. Where this occurs, the matter shall be placed on the agenda of the next available, convenient meeting of the Committee and the Committee will decide what further action should be taken.

1.9 **Reports from Select (Overview and Scrutiny) Committees**

- 1.9.1 Once it has formed recommendations on a particular matter, the Select (Overview and Scrutiny) Committee will request the Chairman of the relevant Committee to report to the Executive (if the recommendations are consistent with the existing budgetary and policy framework), or to the County Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). Where members of a Select (Overview and Scrutiny) Committee cannot agree on a single report, the report to the County Council or the Executive shall contain a paragraph giving brief details of where there is dissent from the majority finding. In accordance with Section 21 (B) (3) of the 2000 Act, the Committee must notify the Executive or the County Council of the Committee’s requirement in respect of its report. The Safe and Healthy People Select (Overview and Scrutiny) Committee in regard to its review and scrutiny of crime and disorder matters is exempt from the provision of

Section 21 B(3) of the 2000 Act but must comply with the requirement of Section 19 of the Police and Justice Act.

1.9.2 The County Council or Executive will consider the report of the Select (Overview and Scrutiny) Committee as soon as practicable after the report has been submitted to it or them, and will provide at least an initial response within 2 months of receipt of the report (section 122 of the Local Government and Public Involvement in Health Act 2007);

1.9.3 In the event of any dispute between the Executive, the County Council, and/or any Select (Overview and Scrutiny) Committee, it shall be resolved by the County Council. If there is any issue as to whether a matter is a dispute that needs to be resolved by the County Council, the Chief Executive shall advise, and if necessary, will place the matter on the County Council agenda for the next convenient meeting.

1.10 Co-ordinating role

As provided for in its terms of reference, the Policy and Resources Select (Overview and Scrutiny) Committee, will co-ordinate the scrutiny function so as to ensure effective resource allocation, and that review reports are consistent and take account of corporate issues;

1.11 Members' and Officers' attendance at Select (Overview and Scrutiny) Committees or working groups

A Select (Overview and Scrutiny) Committee or working group may scrutinise and review decisions made or actions taken in connection with the discharge of Executive functions. A Select (Overview and Scrutiny) Committee also has an advisory role in respect of any County Council functions within its terms of reference. As well as reviewing documentation, it may require any member of the Executive, the Chief Executive, and/or any other Senior Officer to attend before it to explain, or give evidence, in relation to matters within their remit and it is the duty of those persons to attend if so required.

Where any Member or Officer is required to attend a Select (Overview and Scrutiny) Committee or Sub-Committee under this provision, they shall be given reasonable notice of the meeting they are required to attend. The notice will state the nature of the matter on which they will be asked to explain or answer, and they will also be given notice of whether any papers are required to be produced. Where attendance is likely to require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

1.12 Attendance by others

A Select (Overview and Scrutiny) Committee or Sub-Committee may invite people other than those referred to in the previous paragraph, to address it, discuss issues of local concern, and/or answer questions. This could include, for example, residents, external experts, stakeholders, and members and

officers in other parts of the public sector. In the case of these people, attendance will be optional.

1.13 **Call-in**

- 1.13.1 Where a decision of the Executive has been made but not yet been implemented, a quorum of members of the relevant Select (Overview and Scrutiny) Committee(s) may require by way of notice in writing to the Chief Executive that a meeting of the Committee is held to consider whether or not to exercise the Committee's powers under Section 21 (3) of the 2000 Act (referred to in this Constitution as 'call-in'). These powers are to arrange that the decision be reconsidered by the Executive, or arrange for its powers in respect of review or scrutiny of the decision to be exercised by the County Council. Where a decision materially affects more than one Select Committee (i.e. it is cross-cutting) a call-in must be made by at least two of the Select (Overview and Scrutiny) Committees;
- 1.13.2 A decision can only be called-in within 7 calendar days of the date the decision was notified to all members of the appropriate Select (Overview and Scrutiny) Committee(s).
- 1.13.3 When a valid call-in request is made, the Select (Overview and Scrutiny) Committee(s) must meet to consider the request, make a decision and communicate to the Executive any recommendations it wishes to make within 14 calendar days of the request being made. When it meets the Committee(s) must consider whether or not to recommend;
- i) that the decision be reconsidered by the relevant decision making body who made the decision; or
 - ii) that the County Council consider whether the relevant decision making body should reconsider the decision (this recommendation shall not be made when the decision is in line with the budget, the Policy Framework or the Forward Plan)
- 1.13.4 Any decision of the Executive which is not in line with the Budget, the policy framework, or the Forward Plan framework, if called-in, shall not be implemented until the request has been disposed of by;
- i) The withdrawal of the request
 - ii) The rejection of the request by the Select (Overview and Scrutiny) Committee(s) or by the County Council
 - iii) The relevant decision-making body rejecting the recommendation for reconsideration or;

iv) The relevant decision-making body reconsidering and confirming the original decision.

1.13.5 Call-in shall not prevent the decision from being acted on where the decision is in line with the Policy Framework and other policies approved by the County Council but when the views of the Select Committee differ from, or are critical of, the Executive decision, the facts shall be reported to the next County Council meeting and be debated without changing the previous decision although the County Council may request the Cabinet or relevant Executive Member(s) to review the decision in question.

1.14 **Call-in and urgency**

1.14.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is an urgent Key Decision (see Chapter 2, Paragraph 3.5 of this Part).

1.14.2 The record of the urgent Key Decision, and the notice by which it is made public, shall state whether (in the opinion of the decision-making person or body) and confirmed by the Chairman of the relevant Select (Overview and Scrutiny) Committee the decision is an urgent one. If it is considered urgent, the decision will not be subject to call-in. The Chief Executive, or his or her nominee, will have to advise on the issue of urgency in all cases.

1.14.3 Decisions taken as a matter of urgency must be reported by the Chief Executive to the members of the relevant Select (Overview and Scrutiny) Committee, together with the reasons for the urgency. If considered appropriate, the Select (Overview and Scrutiny) Committee may refer the matter to the next appropriate Meeting of the County Council.

1.14.4 The operation of the provisions relating to call-in and urgency shall be monitored by the Policy and Resources Select (Overview and Scrutiny) Committee and a report submitted to the County Council with proposals for review, if necessary.

B Health (Overview and Scrutiny) Committee

Scrutiny Procedures

2.1 Background

The County Council will have the Health (Overview and Scrutiny) Committee set out in Part 1, Chapter 12 of the Constitution, and it will appoint members to the Committee in accordance with Part 2, Chapter 5, Paragraph 5.7. The Health (Overview and Scrutiny) Committee may appoint working groups of Members and Officers to advise it. Such working groups may be appointed for a fixed period, if appropriate, on the expiry of which they shall cease to exist.

2.2 Membership of Health (Overview and Scrutiny) Committee

Members of the Health (Overview and Scrutiny) Committee – all members (except members of the Executive) may be members of the Health (Overview and Scrutiny) Committee. No member may be involved in scrutinising a decision in which he or she has been directly involved;

2.3 Co-optees

Co-optees – the Health (Overview and Scrutiny) Committee may have within its membership any person or persons as a non-voting co-optees where the committee considers this would be advantageous to their work;

2.4 Other Members

The Health (Overview and Scrutiny) Committee may in addition have within its membership one or more of the members of the Overview and Scrutiny Committees of the District and Borough and City Councils within the County Council's area. Such members shall be full voting members of the Committee.

2.5 Meetings of the Health (Overview and Scrutiny) Committees

The Health (Overview and Scrutiny) Committee will normally meet six times a year, in accordance with a timetable to be published by the Chief Executive. In addition, extraordinary or ad hoc meetings may be called from time to time

as and when appropriate. A meeting may be called by the Chairman of the Committee, by a quorum of the members of the Committee or by the Chief Executive if he or she considers it necessary or appropriate.

2.6 Chairing the Health (Overview and Scrutiny) Committee

The Chairman and Vice-Chairman of the Committee shall be appointed by the County Council at its Annual General Meeting. In the absence of the Chairman, the Vice-Chairman will preside. In the event that neither the Chairman or the Vice-Chairman are present within 10 minutes from the time appointed for any meeting to begin, the Committee may appoint a person to chair it from amongst the members sitting on it. Sub-Committees and working groups shall appoint their own Chairman from among their membership. An officer of the County Council may not chair a working group;

2.7 Work programme

The Health (Overview and Scrutiny) Committee will be responsible for proposing its own work programme of activities within its planned meetings structure and, in doing so, shall take into account wishes of members on that Committee who are not members of the largest political group on the County Council.

2.8 Agenda items

2.8.1 Any member of the Health (Overview and Scrutiny) Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next convenient meeting (Section 21A (a) and (b) of the 2000 Act). On receipt of such a request, the Chief Executive will ensure that it is so included;

2.8.2 Any member of the County Council may refer to the Health (Overview and Scrutiny) Committee, any local government matter which is relevant to the function to the committee in accordance with Section 21A of the Local Government Act 2000. A “local government matter” is one which relates to the discharge of any function of the County Council, affects all or part of the member’s division, or any person who lives or works in that area. In considering whether to exercise this power, the member must have regard to any relevant statutory guidance;

2.8.3 A relevant Local Involvement Network or a Relevant Person (as defined in the Local Government and Public Involvement in Health Act 2007) may refer any matter relating to the planning, provision and operation of health services or social care service to the Health (Overview and Scrutiny) Committee and any such referral shall be acknowledged by the Committee within 20 working days of the referral and the referrer shall be kept informed of any action taken in regard to the matter;

2.8.4 A matter referred to a Select Committee under paragraph 2.8.2 or 2.8.3 shall be included in the agenda for, and discussed at, a meeting of the Committee. Arrangements for the handling of a matter so referred shall be in accordance with the Councillor Call for Action Protocol and the provision of the 2000 Act;

2.8.5 The County Council or the Executive may request the Health (Overview and Scrutiny) Committee to consider matters referred by it or them. Where this occurs, the matter shall be placed on the agenda of the next available, convenient meeting of the committee and the committee will decide what further action should be taken.

2.8.6 Reports from the Health (Overview and Scrutiny) Committee

(i) The Health (Overview and Scrutiny) Committee may make reports and recommendations to local NHS bodies, or the Executive or the County Council. Such reports and recommendations shall include:

- an explanation of the matter reviewed or scrutinised;
- a summary of the evidence considered;
- a list of the participants involved; and
- any recommendations on the matter reviewed or scrutinised.

(ii) Where the Health (Overview and Scrutiny) Committee requests a response from the NHS Body to whom it has made a report or recommendation, that body shall respond to the request within 28 days of the date of the request.

(iii) Where the Health (Overview and Scrutiny) Committee has completed its review and made reports and recommendations to local NHS bodies scrutinised, the Scrutiny Officer will copy the report to:

- The Cabinet;
- Local MPs and MEPs;
- The Strategic Health Authority;
- Local Involvement Network; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

The Scrutiny Officer will place a copy of the report on the County Council's website.

2.9 Consultation

- 2.9.1 Each NHS Body has a duty to consult the Health (Overview and Scrutiny) Committee on any proposals for any substantial development of the Health Service in the County Council's area or any proposals to make any substantial variation in the provision of such services.
- 2.9.2 An NHS body undertaking a consultation should be prepared to attend the Health (Overview and Scrutiny) Committee, if so requested, to explain the rationale behind the proposals and the options for change being considered.
- 2.9.3 When the Committee has considered the proposals and local evidence, it should provide its comments (if any) to the local NHS body undertaking the consultation. It must respond within the timescale (if any) specified by that local NHS body. If the Committee does not support the proposals, it should provide reasons and evidence for this. In circumstances where the Committee is concerned about the adequacy of the consultation, it should make the reason why clear in its comments. Where the Committee believes the consultation carried out by the local NHS Body is inadequate or where it believes that a proposal would not be in the interests of the health service in the County Council's area, it may report the matter to the Secretary of State for action as appropriate. The Committee should not consider any referral to the Secretary of State until the relevant NHS body has had an opportunity to respond to the Committee's comments and an effort at local resolution has been made.

2.10 Members, Officers and NHS bodies attendance at the Health (Overview and Scrutiny) Committee

- 2.10.1 The Health (Overview and Scrutiny Committee) may scrutinise and review decisions made or actions taken in connection with the discharge of any County Council functions within its terms of reference. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Chief Executive, and/or any other senior officer to attend before it to explain, or give evidence, in relation to matters within their remit and it is the duty of those persons to attend if so required;
- 2.10.2 Where any member or officer is required to attend a Health (Overview and Scrutiny) Committee or working group under this provision, they shall be given reasonable notice of the meeting they are required to attend. The notice will state the nature of the matter on which they will be asked to explain or answer, and they will also be given notice of whether any papers are required to be produced. Where attendance is likely to require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

2.10.3 The Health (Overview and Scrutiny) Committee may require the attendance of an officer from a local NHS Body to answer question and NHS Bodies are under a duty to comply with such a request. Any request for an officer from a local NHS Body to attend must make clear the nature of the information requested, its relevance to its review, and must give the officer requested to attend reasonable notice.

DRAFT

Part 3 Chapter 4

Public Access to Information Procedure Rules

1. Background

- 1.1 The Local Government Act 1972 (“the 1972 Act”) Part VA (as amended) sets out the statutory requirements in respect of rights of access of the public to Meetings and Reports of the County Council, its Committees, Sub-Committees and Standing Panels.
- 1.2 Section 21(11) of the Local Government Act 2000 (“the 2000 Act”), applies the requirements set out in Part VA of the 1972 Act in respect of rights of access of the public to Meetings and Reports to Select (Overview and Scrutiny) Committees, including the Health (Overview and Scrutiny) Committee.
- 1.3 The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (“the Access to Information Regulations”) (as amended) made pursuant to the 2000 Act set out the statutory requirements in respect of rights of access of the public to Meetings and Reports of the Executive.
- 1.4 The rights contained in the above legislation are supplemented by statutory guidance. In practice as a modern business providing public services, the County Council operates a procedure more generous than the statutory requirements in respect of access to information, and aims to be as open as possible in all aspects of its decision making.

2. County Council, Committee, Sub-Committee and Standing Panel Meetings

2.1 Publication of Notice of Meetings

Public notice of the time and place of County Council, Committee, Sub-Committee and Standing Panel Meetings of the County Council will be published at least five clear working days before any Meeting.

2.2 Meetings to be open to the public

County Council, Committee, Sub-Committee and Standing Panel Meetings will be open to the public (unless confidential or exempt items are discussed).

2.3 Access to Agenda and Reports before the Meeting

Copies of the Agenda and any Reports to be considered at a Meeting of the County Council, a Committee, Sub-Committee or Standing Panel Meetings will be open for inspection by the public at least five clear working days before any Meeting, unless a matter is to be considered as a matter of urgency, in which case the item will be available for inspection as soon as it is added to the Agenda for the Meeting.

2.4 Access to Minutes and other Documents after County Council, Committee, Sub-Committee and Standing Panel Meetings

Copies of the Minutes, Agenda, and Reports considered at County Council, Committee, Sub-Committee and Standing Panel Meetings will be available for public inspection for six years after a Meeting, except where confidential or exempt information was discussed, in which case a summary of the relevant part of the proceedings will be available.

2.5 Background Papers

A list of Background Papers will be included in any Report to be considered at a County Council, Committee, Sub-Committee or Standing Panel Meetings. Such Background Papers (other than confidential or exempt items) will be available for inspection by the public from the time any Report to which such Background Papers relate to is available for inspection.

“Background Papers” are those documents (excluding any published works) which disclose any facts or matters on which, in the opinion of the Monitoring Officer, the report or an important part thereof is based, and which have been relied on to a material extent in preparing the Report.

Background Papers will be available for inspection by the public for a period of at least four years beginning with the date of the Council, Committee or Standing Panel Meeting at which the Report to which such Background Papers relate were considered.

2.6 Restriction of Public Rights of Access to Meetings and Reports containing Confidential or Exempt information

2.6.1 Members of the public are excluded from County Council, Committees, Sub-Committee and Standing Panel Meetings where confidential information would otherwise be disclosed in breach of an obligation of confidence. Confidential information means information given to the County Council on terms which forbid its public disclosure, or information which cannot by law be disclosed, or by a court order.

2.6.2 Members of the public are also excluded from a Meeting where exempt information would otherwise be disclosed, after resolution at the meeting to exclude the public. Categories of exempt information are set out at Schedule 12A of the 1972 Act, and include;

- i) Information relating to any individual;
- ii) Information which is likely to reveal the identity of an individual;
- iii) Information relating to the financial or business affairs of any particular person (including the Authority holding that information);
- iv) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority;
- v) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
- vi) Information which reveals that the Authority proposes;
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment
- vii) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

- 2.7 Where a Report or any part of a Report relates to confidential, or exempt information where the public are likely to be excluded, such Reports or part of any such Report will be marked “Confidential Not for Publication”, together with the category of information otherwise likely to be disclosed.

DRAFT

3. Executive Decision Meetings

3.1 Publication of Notice of Public Meetings

Public notice of the time and place of Cabinet, Committees of Cabinet and Individual Executive Member Meetings will be published at least five clear working days before any public Meeting

3.2 Meetings to be open to the public

Meetings of Cabinet, Committees of Cabinet and Individual Executive Member will be open to the public (unless confidential or exempt items as referred to at Paragraph 13 are discussed)

3.3 Access to Agenda and Reports before Executive Meetings

Copies of the Agenda and any Reports to be considered at a public Meeting of Cabinet, Committees of Cabinet, and Individual Executive Member will be open for inspection by the public at least five clear working days before any Meeting unless a non-Key Decision is to be considered as a matter of urgency, or in the case of a Key Decision where a Meeting is convened at shorter notice in accordance with Regulations 15 or 16 of the Access to Information Regulations (as referred to at Part 3, Chapter 2, Paragraph 3.5 or 3.6 of this Constitution from the time the Meeting is convened.

3.4 Access to Reports and Records of decisions made at Executive Meetings

As soon as reasonably practicable after a Meeting of the Executive at which an Executive decision has been made, a written statement will be produced in respect of any decision made at the Meeting. This statement will include the following:

- 3.4.1 A record of the decision;
- 3.4.2 A record of the reasons for the decision;
- 3.4.3 Details of any alternative options considered and rejected by the decision maker at the Meeting at which the decision was made
- 3.4.4 A record of any conflict of interest in relation to the matter decided declared by the decision maker who made the decision
- 3.4.5 in respect of any declared conflict of interest, a note if any dispensation granted by Standards Committee.

- 3.4.6 A written record of any Executive decision and any Report considered at such Meeting will be available for public inspection for six years after an Executive Meeting except where confidential or exempt information was discussed.

Such written statement together with any Reports considered at a Meeting of the Executive will be made available for inspection by the public as soon as reasonably practicable after the Meeting.

3.5 **Background Papers**

A list of Background Papers (as referred to at Paragraph 2.5) will be included in any Report to be considered at any Executive Meeting. Such Background Papers (other than confidential or exempt items) will be available for inspection by the public from the time any Report to which such Background Papers relate to is available for inspection, and for at least four years beginning on the date of the Executive Meeting at which the Report to which such Background Papers relate were considered.

Part 3 Chapter 5

Financial Regulations

1. What are financial regulations?

These regulations identify the financial responsibilities of the County Council, the Cabinet, Executive Members, members of Select (Overview and Scrutiny) Committees and of other Committees, Sub-Committees and Standing Panels, the Chief Executive, the Head of Legal Services, the County Treasurer and other Chief Officers.

Executive Members and Chief Officers should maintain a written record where decision making has been delegated to members of their staff including seconded staff. Where decisions have been delegated or devolved to other bodies or responsible officers, such as school governors or head-teachers, references to the Executive or Chief Officer in the regulations should be read as referring to them.

1.1 Who should read this document?

The regulations and procedures apply to all staff and members of the County Council.

The prime audience for financial regulations consists of:

- 1.1.1 Members;
- 1.1.2 Chief Officers; and
- 1.1.3 Finance Officers;
- 1.1.4 Staff with financial responsibilities.

More detailed guidance on how the regulations should be implemented in practice are contained in financial procedures which are applicable to all members and all staff.

1.2 Why have financial regulations?

Financial regulations form a part of the means by which the County Council manages its business. They clarify responsibilities and provide a framework for decision making. Where there are specific statutory powers and duties, the financial regulations seek to ensure these are duly complied with, as well as setting the best professional practices and processes for all activities and

decisions of the County Council, the Cabinet, Executive Members and its Committees.

In summary, financial regulations are the regulatory framework within which the financial affairs of the County Council operate.

1.3 **Corporate governance and financial regulations**

All staff and members must comply with the three fundamental 'principles of public life' as set out in the Committee on Standards in Public Life (the Nolan Committee) namely openness, integrity and accountability.

These regulations also reinforce the corporate governance 'standards', as recommended by the Nolan Committee, governing:

1.3.1 organisational structures and processes;

1.3.2 financial reporting and internal controls;

1.3.3 standards of behaviour.

1.4 **What is the coverage of financial regulations?**

The regulations apply to all activities of the County Council.

In practice, this means all budgets, money and funds administered by members and officers in carrying out their duties across all of the County Council's services and activities. This also includes;

1.4.1 the County Council's business units;

1.4.2 funds managed on behalf of third parties such as Hampshire Pension Fund, trust funds, community accounts and unofficial funds;

1.4.3 the rules governing the financial relationship between the County Council and its maintained schools, which are set out in the scheme for financial management. The scheme is consistent with the County Council's financial regulations therefore applies to all schools;

1.4.4 partnership arrangements where the County Council is the accountable body.

External providers (outsourced services, contractors and consultants for example) are managed through the contract process. The contract document will set out the financial requirements. This will include for example, compliance with key control procedures, performance standards and statistics, attendance at service client meetings and access to accounts.

1.5 **Awareness and access**

It is the responsibility of Chief Officers to ensure that all employees with financial responsibilities are made aware of and have access to these regulations and the accompanying financial procedures which set out in more detail how the regulations should be implemented and complied with;

1.6 **Non-compliance with financial regulations**

Failure to comply with these regulations and the accompanying financial procedures may have the following consequences:

- 1.6.1 For employees, these regulations supplement the Officer's Code of Conduct, so a breach will be considered a disciplinary offence which will invoke those procedures (and can lead to dismissal);
- 1.6.2 For members, these regulations supplement the Members Code of Conduct, so a breach may be reported to the Standards Committee which will make an appropriate decision.

An index for these documents may be found on Hantsnet under Finance, Rules and regulations (fast path rules).

1.7 **Review of financial regulations**

The County Treasurer is responsible for maintaining a continuous review of these regulations;

1.8 **Other rules**

Apart from these regulations, there are other rules which all members and officers must comply with. These include:

- 1.8.1 the law:
 - i) general local government law;
 - ii) specific local government law;
 - iii) general civil and criminal law.
- 1.8.2 other County Council rules:
 - the Constitution, including:
 - i) Standing Orders;
 - ii) Scheme of Delegation Rules of Procedure and Standing Orders for Cabinet, Executive Members and all Committees;

- iii) Scheme of Delegation for Officers;
- iv) Contract Standing Orders;
- v) Personnel policies and procedures;
- vi) Schemes of delegation and instructions issued to staff and managers by Chief Officers.

1.8.3 Financial procedures and guidance notes.

Financial Regulations

2 Financial regulations A – Financial accountabilities and management

- 2.1 Financial management covers all financial accountabilities in relation to the running of the County Council including the policy framework and budget;
- 2.2 The County Council is responsible for adopting the County Council's Constitution and Members Code of Conduct and for approving the policy framework and budget within which the Cabinet and executive members operate. It is also responsible for approving and monitoring compliance with the County Council's overall framework of accountability and control. The framework is set out in the County Council's constitution. The County Council is also responsible for monitoring compliance with the agreed policy and related executive decisions;
- 2.3 The County Council is responsible for approving procedures for recording and reporting decisions taken. This includes those 'Key Decisions' delegated by and decisions taken by the County Council, the Cabinet and Executive Members. These delegations including any subsequently made to Committees and details of who has responsibility for which decisions are set out in the Constitution;

The Cabinet and Executive Members

- 2.4 The Cabinet is responsible for proposing the policy framework and budget to the County Council, and for discharging executive functions in accordance with the policy framework and budget;
- 2.5 Executive decisions can be delegated to a Committee of the Executive, an individual Executive Member, officer, or a Joint Committee appointed in accordance with Section 102 of the Local Government Act 1972;
- 2.6 The Cabinet is responsible for establishing protocols to ensure that individual Executive Members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the Executive Member must take account of legal and financial liabilities and risk management issues that may arise from the decision;

Select (Overview and Scrutiny) Committees

- 2.7 The Select (Overview and Scrutiny) Committees are responsible for scrutinising Executive decisions before or after they have been implemented and for holding the Cabinet and executive members to account. They are also responsible for making recommendations on future policy options and reviewing the general policy and service delivery of the County Council.

Standards Committee

- 2.8 The Standards Committee is established by the County Council and is responsible for promoting and maintaining high standards of conduct in public office. In particular, it is responsible for advising the County Council on the adoption and revision of the Members Code of Conduct, and for monitoring the operation of the Code;

Regulatory Committee A, Regulatory Committee B and Audit Committee

- 2.9 There are a number of functions which are not exercised by the Executive, Cabinet or members but are the responsibility of Regulatory Committee A, Regulatory Committee B and Audit Committee. These functions relate to planning, licensing and elections (amongst others). These Committees report to the County Council;

Roles of Statutory Officers

- 2.10 The County Council is required by statute to designate Officers to carry out the following functions: Head of Paid Service, Monitoring Officer and Chief Finance Officer.

The posts that carry out these functions and their responsibilities are summarised below. Throughout financial regulations the title for the post holder in the County Council (Chief Executive) is used rather than the statutory definition (Head of Paid Service);

The Chief Executive (Head of Paid Service)

- 2.11 The Chief Executive as Head of Paid Service is responsible for the corporate and overall strategic management of the County Council as a whole. He or she must report to and provide information for the County Council, the Cabinet and Executive Members, Select (Overview and Scrutiny) Committees and other Committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Chief Executive is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all of the County Council's decisions;

The Monitoring Officer

- 2.12 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the County Council and/or to the Cabinet or Executive Members and for ensuring that procedures for recording and reporting 'key decisions' are operating effectively.
- 2.13 The Monitoring Officer must ensure that the Cabinet and Executive Member decisions and the reasons for them are made public. He or she must also ensure that members are aware of decisions made by the Cabinet and executive members and of those made by officers who have delegated executive responsibility;
- 2.14 The Monitoring Officer is responsible for advising all members and officers about who has authority to take a particular decision;
- 2.15 The Monitoring Officer is responsible for advising the Cabinet and Executive Members or the County Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework or which becomes a key decision;
- 2.16 The Monitoring Officer in consultation with the County Treasurer is responsible for advising the Cabinet and executive members or the County Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be contrary to the budget include;
- 2.16.1 initiating new policies and commitments
 - 2.16.2 committing expenditure in year and in future years above budget
 - 2.16.3 budget or spending transfers above virement limits.
- 2.17 The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

County Treasurer (The Chief Finance Officer)

- 2.18 The County Treasurer as Chief finance Officer has statutory duties in relation to the financial administration and stewardship of the County Council. This statutory responsibility cannot be overridden. The statutory duties arise from:
- 2.18.1 Section 151 of the Local Government Act 1972 ("the 1972 Act")
 - 2.18.2 Local Government Finance Act 1988 ("the 1988 Act")

- 2.18.3 The Local Government and Housing Act 1989 (“the 1989 Act”)
- 2.18.4 The Local Government Act 2003 (“the 2003 Act”)
- 2.18.5 The Accounts and Audit (England) Regulations 2011 (“the 2011 Regulations”)
- 2.19 The County Treasurer is responsible for:
 - 2.19.1 the proper administration of the County Council’s financial affairs
 - 2.19.2 setting and monitoring compliance with accounting and financial management procedures and standards
 - 2.19.3 maintaining an effective and adequate internal audit and all audit arrangements
 - 2.19.4 advising on the corporate financial position
 - 2.19.5 key financial controls necessary to secure sound financial management
 - 2.19.6 providing financial information
 - 2.19.7 preparing and controlling forward financial plans, budget strategies, the revenue budget, the capital strategy and capital programme
 - 2.19.8 treasury management and banking arrangements
 - 2.19.9 schemes of financial delegation
 - 2.19.10 financial and related IT systems
 - 2.19.11 procedures and controls for ordering services, supplies and works
 - 2.19.12 payment of accounts and collection of income
 - 2.19.13 pay and pensions administration
 - 2.19.14 Advice to the Pension Fund Panel
- 2.20 Section 114 and 114A of the 1988 Act require the County Treasurer to report to the County Council, Cabinet and the external auditor if the County Council, the Executive or one of its Officers:
 - 2.20.1 has made, or is about to make, a decision which involves incurring unlawful expenditure
 - 2.20.2 has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the County Council

- 2.20.3 is about to make an unlawful entry to the County Council's accounts
- 2.21 Section 114 of the 1988 Act also requires;
- 2.21.1 That an appropriate Deputy County Treasurer performs these functions in the absence of the County Treasurer
- 2.21.2 That the Council provides the County Treasurer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114 of the 1988 Act.

Chief Officers

- 2.22 Chief Officers are responsible for:
- 2.22.1 ensuring that Executive Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the County Treasurer
- 2.22.2 operating financial processes within their departments. To do this they must ensure that adequate operational controls are in place
- 2.22.3 controlling expenditure and income, monitoring performance and taking the necessary action to remain within budgets and cash limits
- 2.22.4 signing contracts on behalf of the County Council (as set out in Contract Standing Orders).
- 2.23 It is the responsibility of chief officers to consult with the County Treasurer and seek approval regarding any matters which are liable to affect the County Council's finances materially, before any commitments are incurred.
- 2.24 Chief officers are responsible for consulting the County Treasurer when a vacancy arises in a senior financial management post if the post holder has to be a member of one of the accounting bodies specified under section 113 of the 1988 Act.

Other financial accountabilities

Budget transfers (virement)

- 2.25 The County Council is responsible for agreeing procedures for virement of expenditure between budget headings.
- 2.26 Chief officers are responsible for agreeing in-year virements within delegated limits, in consultation with the County Treasurer where required. They must keep a cumulative record of all virements agreed.

- 2.27 Where the accumulated sum of virements for any individual budget item in the budget book reaches £250,000, the virements should be reported to the executive member and the County Treasurer for approval.
- 2.28 All virements in excess of £500,000 or 25% of the budget for any budget item in the budget book division of service that indicate a potential change in policy and must be reported to the Cabinet for approval before implementation.
- 2.29 Virement into an employee budget to appoint new permanent members of staff is not permitted without the specific approval of the Cabinet.

Treatment of year-end balances

- 2.30 The County Council is responsible for agreeing procedures for carrying forward under and overspendings on budget headings on advice of the Cabinet and County Treasurer.

Accounting policies

- 2.31 The County Treasurer is responsible for determining accounting policies and financial systems and ensuring that they are applied consistently.

Accounting records and returns

- 2.32 The County Treasurer is responsible for determining the accounting procedures and records for the County Council.

The annual statement of accounts

- 2.33 The County Treasurer is responsible for ensuring that the annual statement of accounts is prepared and certified in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom. The Audit Committee is responsible for approving the annual statement of accounts.

3 Financial regulation B – Financial planning

- 3.1 The County Council is responsible for approving the policy framework and budget, which will be proposed by the Leader and Cabinet. In terms of financial planning, the key elements are:
- 3.1.1 the Corporate Strategy
 - 3.1.2 the Revenue Budget
 - 3.1.3 the Capital Programme

Policy framework

- 3.2 The County Council is responsible for approving the policy framework and budget. The policy framework comprises a number of statutory plans and strategies laid out in the Constitution.
- 3.3 The County Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the County Council by the Monitoring Officer.
- 3.4 The County Council is responsible for agreeing the level at which the Cabinet and executive members may reallocate budget funds from one service to another. The Cabinet and executive members are responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the County Council.

Preparation of the corporate strategy

- 3.5 The Chief Executive is responsible for proposing the Corporate Strategy to the Cabinet for consideration before its submission to County Council for approval.

Budgeting

Budget format

- 3.6 The general format of the budget and budget guidelines will be approved by the County Council and proposed by the Cabinet on the advice of the County Treasurer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget preparation

- 3.7 The County Treasurer is responsible for ensuring that a revenue budget is prepared on an annual basis and a forward financial forecast is prepared in line with Government Funding notifications for consideration by the Cabinet, before submission to the County Council. The County Council may amend the budget or ask the Cabinet to reconsider it before approving it.
- 3.8 The Cabinet is responsible for issuing guidance in the general content of the budget in consultation with the County Treasurer as soon as possible following approval by the County Council.
- 3.9 It is the responsibility of chief officers to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.

Budget monitoring and control

- 3.10 The County Treasurer is responsible for providing appropriate financial systems to enable budgets to be monitored effectively. The County Treasurer must monitor expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis.
- 3.11 It is the responsibility of chief officers to control income and expenditure on their budgets and to monitor performance taking account of financial information provided by the County Treasurer. They should report to the relevant Executive Member on variations and take any action necessary to avoid exceeding their budgets and alert the County Treasurer to any problems. Any new proposal containing significant financial implications must take note of the County Treasurer's advice as well as that of the relevant chief officer and Executive Member.

Resource allocation

- 3.12 The County Treasurer is responsible for developing and maintaining a resource allocation process which ensures due consideration of the County Council's Corporate Strategy and Community plans.

Preparation of the capital programme

- 3.13 The County Treasurer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Cabinet following appropriate consultation between the relevant Chief Officers and Executive Members, before submission to the County Council.

Guidelines

- 3.14 Guidelines on budget preparation are issued to members and chief officers by the County Treasurer following agreement with the Cabinet. The guidelines will take account of:
- 3.14.1 legal requirements
 - 3.14.2 medium term planning prospects
 - 3.14.3 the corporate strategy
 - 3.14.4 available resources
 - 3.14.5 spending pressures
 - 3.14.6 community plans and other relevant plans.

Maintenance of balance and reserves

- 3.15 It is the responsibility of the County Treasurer to advise the Cabinet and/or the County Council on prudent levels of balances and reserves for the County Council.

4 **Financial regulation C – Risk management and control of resources**

- 4.1 It is essential that robust systems are developed and maintained for identifying and evaluating all significant operational risks to the County Council on an integrated basis.

Risk management

- 4.2 The Cabinet is responsible for approving the County Council's risk management policy strategy. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.
- 4.3 The Chief Executive is responsible for preparing the County Council's risk management policy statement and for promoting it throughout the County Council and for advising the Cabinet on proper insurance cover where appropriate.
- 4.4 The Chief Executive is responsible for ensuring regular corporate assessments of risk and chief officers for reviewing risks annually.

Internal control

- 4.5 Internal control refers to the systems of control to ensure that the County Council's objectives are achieved in a manner which promotes economical, efficient and effective use of resources and that the County Council's assets and interests are safeguarded. The relevant Chief Officer is responsible for the implementation of such advice.
- 4.6 The County Treasurer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. The County Council should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 4.7 It is the responsibility of chief officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit requirements

- 4.8 The 2011 Regulations require the County Treasurer to maintain an adequate and effective internal audit.
- 4.9 The Audit Commission is responsible for appointing external auditors to the County Council. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.

- 4.10 The County Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs who have statutory rights of access.

Preventing fraud and corruption

- 4.11 The County Treasurer is responsible for developing and maintaining procedures to prevent fraud and corruption.

Assets

- 4.12 Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury management

- 4.13 The County Council has adopted the key principles of CIPFA's *Treasury Management in the Public Services: Code of Practice* (the Code), as described in Section 4 of the Code.
- 4.14 Accordingly, the County Council will create and maintain, as the cornerstones for effective treasury management:
- A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - suitable treasury management practice (TMPs) setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 4.15 The County Council will receive reports on its treasury management policies, practices and activities, including an annual strategy and plan in advance of the year, a mid-year review, and an annual report after its close, in the form prescribed in its TMPs. The annual investment strategy requires the approval of the full County Council.
- 4.16 The County Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the County Treasurer, who will act in accordance with the County Council's Treasury Management Policy Statement, TMPs and CIPFA's Standard of Professional Practice on Treasury Management. The Audit Committee will perform the role of detailed challenge in line with CIPFA guidance.

Banking arrangements

- 4.17 All arrangements with bankers must be made only by the County Treasurer, who is authorised to operate any bank accounts considered necessary.

Staffing

- 4.18 The Chief Executive in consultation with the Leader is responsible for determining how officer support for the Cabinet and Executive members and for all other member roles within the County Council will be organised.
- 4.19 The Chief Executive is responsible for providing overall management to staff and for ensuring that there are systems for the proper evaluation of pay for all staff and evaluation of performance.
- 4.20 Chief Officers are responsible for controlling total staff numbers by:
- 4.20.1 advising the executive members on the budget necessary in any given year to cover estimated staffing levels
 - 4.20.2 adjusting the staffing numbers within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
 - 4.20.3 the proper use of appointment procedures, workforce plans and verified personnel information

5 Financial regulation D – Systems and procedures

- 5.1 Sound systems and procedures are essential to an effective framework of accountability and control

General

- 5.2 The County Treasurer is responsible for ensuring the County Council has appropriate IT systems for financial purpose, for accounting systems, the form of accounts and the supporting financial records. Any changes made by chief officers to the existing financial systems or the establishment of new systems must be approved by the County Treasurer. However, chief officers are responsible for the proper operation of financial processes in their own departments.
- 5.3 Any changes to agreed procedures by chief officers to meet their own specific service needs should be agreed with the County Treasurer.
- 5.4 Chief officers should ensure that their staff receive relevant financial training which has been approved by the County Treasurer.
- 5.5 Chief officers must ensure that, where appropriate, computer and other systems are registered in accordance with data Protection legislation. Chief

officers must ensure that staff are aware of their responsibilities under the freedom of information legislation.

Income and expenditure

- 5.6 Its is the responsibility of chief officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the chief officers' behalf, or on behalf of the executive members, in respect of payments, income collection and for placing orders together with the limits of their authority. The County Treasurer is responsible for specifying the procedure to be followed in ordering, making payments, collecting income and approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to employees, members and pensioners

- 5.7 The County Treasurer is responsible for paying all employees, allowances to members and pensions.

Taxation

- 5.8 The County Treasurer is responsible for advising chief officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the County Council. The County Treasurer is responsible for maintaining the County Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Anti Money Laundering

- 5.9 Following advice received from HM Revenue and Customs, the County Council will not accept settlement in cash of any transaction above the value of €15,000 equivalent (approximately £13,200 as at May 2011).

Business units

- 5.10 It is the responsibility of the Chief Executive and County Treasurer to approve the establishment and financial procedures for business units.

Stocks, stores and inventories

- 5.11 Chief officers must ensure that proper security is maintained at all times for all stocks and stores and that inventories are maintained for all items of moveable furniture, equipment, vehicles and plant above a limit agreed with the County Treasurer.

Information technology systems

- 5.12 Chief officers must ensure that there is a corporate approach to systems development in line with the IT and E-government strategy and liaise with the Head of IT Services accordingly.

6 Financial regulation E – External arrangements

Introduction

- 6.1 The County Council must develop local community plans and act to achieve the promotion or improvement of the economic or social or environmental well-being of its area.

Partnerships

- 6.2 The Cabinet and Executive members are responsible for approving partnership arrangements with local public, private, voluntary and community sector organisations to address local needs.
- 6.3 The Cabinet and Executive members can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the County Council's Constitution. Where functions are delegated, the Cabinet and Executive Members remain accountable for them to the County Council.
- 6.4 The Chief Executive is responsible for ensuring to due diligence and legality of all partnership arrangements.
- 6.5 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to partnerships that apply throughout the County Council.
- 6.6 The County Treasurer must ensure that accounting arrangements adopted relating to partnerships and joint ventures are satisfactory and that the overall corporate governance arrangements are satisfactory when contracts are arranged with external bodies. The County Treasurer must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 6.7 Chief officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External funding

- 6.8 The County Treasurer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the County Council's accounts.

Work for third parties

- 6.9 The County Treasurer and Head of Legal Services are responsible for approving contractual framework for any work for third parties or external bodies.

DRAFT

Part 3 Chapter 6

Contract Standing Orders

1. Interpretation
2. Status of, and Compliance with, Contract Standing Orders
3. Approval to Commence Procurement
4. Contract Value and Aggregation
5. Framework Agreements, Approved Lists and Suitability of Contractors
6. Public Notice
7. Purchasing Procedures for Contracts of a Value less than £25,000
8. Tendering Procedures for Contracts of a Value £25,000 or greater but less than £100,000
9. Tendering Procedures for Contracts of a Value of £100,000 or greater but less than relevant EU Threshold
10. Tendering Procedures for Contracts Above EU Thresholds
11. Receipt and Opening of Tenders
12. Evaluation of Tenders and Award of Contract
13. Waiver of Contract Standing Orders

Contract Standing Order 1: Interpretation

1.1 In these Contract Standing Orders, the following terms have the following meanings:

“Advance Works Order” means an advance works order issued under CSO 12.10

“Approved List” means a list of suitable Contractors drawn up under CSO 5

“Area of Responsibility” means the function and area of responsibility for a Chief Officer as detailed in Part 1, Chapter 11, Paragraph 11.2, and Part 2, Chapter 4 of the County Council’s Constitution

“Chief Officer” means any of the posts identified at Part 1 Chapter 11, Paragraph 12.2 of the County Council’s Constitution

“Contract” means

(i) any agreement for the supply of goods, services, or the execution of works to or for the Council including the use of consultants;

(ii) any Framework Agreement; or

(iii) any agreement where no payment is made by the County Council but which is of financial value to the Contractor (e.g. a catering concession)

but does not include (without exception)

(iv) an employment contract: or

(v) a Grant Agreement

“Contract Lead Officer” means a County Council officer nominated to deal with Contracts in accordance with CSO 3.3

“Contractor” means the party or potential party to a Contract

“County Council” means Hampshire County Council

“CSO”/ “CSOs” means Contract Standing Order/ Contract Standing Orders

“EC Treaty” means the Treaty establishing the European Community signed on 25 March 1957 as amended by subsequent treaties

“EU Public Procurement Directives “ means EU Directive 2004/18/EC This directive consolidates all previous directives relating to public works, supplies

(goods) and service contracts and any Directives and Regulations by which it is applied, extended, amended, consolidated or replaced and any re-enactment thereof

“EU Thresholds” means the thresholds for public advertisement of goods, works and services contracts as provided for in the EU Public Procurement Directives and advised by the Government

“Evaluation Report” means a report on the evaluation of tenders prepared under CSO 12

"Framework Agreement" means an agreement with Contractors that sets out the terms and conditions under which specific purchases can be made

“Grant Agreement” means an agreement giving financial assistance to an individual or organisation with no supply of goods or services, or execution of works, in return

"OJEU" means the Official Journal of the European Union

“Procurement Network” means a formal group of officers of the County Council representing all departments and procurement teams whose main purpose is to provide leadership on procurement matters for the County Council

“Senior Officer” means a County Council officer on grade HMG E or above

“UK Regulations” means the Public Contracts Regulations 2006

“works” “supplies” & “services” are as defined in the EU Public Procurement Directives

Contract Standing Order 2: Status of, and Compliance with, Standing Orders

- 2.1 By law, the County Council is required to make standing orders with respect to contracts for the supply of goods or materials or for the execution of works which provide for securing competition and regulation of the manner in which tenders are invited.
- 2.2 The County Council is a contracting authority for the purposes of the EU Public Procurement Directives, and is thereby legally bound to comply with certain practices and procedures in the award of Contracts.
- 2.3 The County Council has therefore adopted these Contract Standing Orders (CSOs), setting set out the administrative procedures that must be followed in relation to the procurement and award of a Contract. CSOs provide a framework to ensure that the County Council uses its resources efficiently in making purchasing decisions to obtain best value in public services. CSOs also provide a means of safeguarding the reputation of the County Council and its staff from any implication of dishonesty or corruption.
- 2.4 The County Treasurer and Head of Legal Services are the joint custodians of these CSOs and are responsible for keeping them under review. This includes giving advice on their implementation and interpretation.
- 2.5 Every Contract made by the County Council or on its behalf (irrespective of the source of funding) shall comply with the EC Treaty, the EU Public Procurement Directives, all other applicable EU and domestic legal requirements, CSOs and Financial Regulations. In the event that there is any conflict or inconsistency between the provisions of CSOs and any legal requirement, the legal requirement shall apply.
- 2.6 The EC Treaty provisions and Treaty-based principles, including non-discrimination and equal treatment, and transparency, apply generally in the award of public contracts – including those of a value below the EU Thresholds. Care must be taken at all times to ensure that nothing is done which is discriminatory, improper or which distorts competition.
- 2.7 It is the role of the Director of Culture, Community and Business Services (CCBS) to publish the [Corporate Procurement Strategy](#) and to maintain a Procurement Network on behalf of the County Council.
- 2.8 These CSOs are supplemented by the [Procurement Best Practice Guide](#) maintained by the Director of CCBS. In the event that there is any conflict or inconsistency between the provisions of the Procurement Best Practice Guide and CSOs, CSOs shall apply.
- 2.9 These CSOs supplement the officers' code of conduct and a failure to comply will normally be regarded as a disciplinary offence. Where a person who is not a County Council employee is contracted to a position where they are authorised to carry out purchasing functions, it is a condition of their contract

that they comply with CSOs.

- 2.10 These CSOs shall always be interpreted and applied in a way that supports the achievement of the County Council's identified business objectives, within relevant legal frameworks.

DRAFT

Contract Standing Order 3: Approval to Commence Procurement

- 3.1 The commencement of a procurement process for a Contract is subject to the prior approval of the relevant decision maker who has the authority to give such approval under the Constitution. The giving of approval is subject to the expenditure involved having been included in approved estimates and sufficient budgetary provision having been made in the County Council's capital programme or revenue budget.
- 3.2 In estimating the value of the Contract, the principles of CSO 4 shall be applied.
- 3.3 In all cases, the Chief Officer within whose Area of Responsibility the Contract falls shall designate a Senior Officer as Contract Lead Officer for the Contract. It shall be the responsibility of the Contract Lead Officer to ensure that the processes followed in relation to the procurement and award of the Contract are compliant with these CSOs.

Contract Standing Order 4: Contract Value and Aggregation

- 4.1 The estimated value of a Contract shall be the total value of the Contract net of VAT. This is the total consideration estimated to be payable over the full term of the Contract by the County Council to the Contractor. Where the Contract is one where no payment is made by the Council (e.g. a concession) a best estimate of the financial value to the Contractor shall be ascertained.
- 4.2 Where the Contract period is indefinite or uncertain, the estimated value shall be calculated on the basis that the Contract will be for a period of four years.
- 4.3 The estimated value of a Framework Agreement is the total value of all the Contracts which could be entered into by the County Council and other contracting authorities, further to that Framework Agreement.
- 4.4 Purchases of the same or similar goods or services must be aggregated wherever practicable. Contracts must not be artificially separated so as to circumvent the application of any part of CSOs, the EU Public Procurement Directives or UK Regulations.
- 4.5 Contracts which are each of a value below the relevant EU Threshold may nevertheless be subject to full EU Public Procurement Directives tendering requirements, where they constitute a series of related or repeat purchases. Advice should be sought where this is the case, in order that the relevant procurement route can be adopted.

Contract Standing Order 5: Framework Agreements, Approved Lists and Suitability of Contractors

- 5.1 A **Framework Agreement** is an agreement with Contractors that sets out the terms and conditions under which specific purchases can be made (or “called-off”) throughout the term of the agreement. Framework Agreements may be established by the County Council, or by other public bodies, or public sector buying consortia, as arrangements through which the County Council, along with other public bodies, may make specific purchases.
- 5.2 A Framework Agreement that has been approved as suitable by the Head of Legal Services and Director of CCBS should be used for the making of the proposed purchase. Approving the use of a Framework Agreement shall be subject to confirmation that the procurement of that Agreement was compliant with the EU Public Procurement Directives, and that the terms and conditions applicable to call-off arrangements meet the minimum requirements of the County Council. The terms of a particular call-off arrangement shall not be substantially amended from the terms laid down in the Framework Agreement.
- 5.3 An **Approved List** is a list of Contractors for the execution of works, or the supply of goods and/or services, who have been assessed as meeting specified criteria. The criteria are designed to ensure the competence and suitability of the Contractor as a party with whom the County Council may contract. In each case where tenders are invited from Contractors who are included on an Approved List, it is not then necessary for their competence and suitability to be investigated afresh, thus making for more efficient use of time and resources in purchasing.
- 5.4 Any Chief Officer may establish an Approved List for supplies, services or works within their Area of Responsibility, subject to the Chief Executive’s approval.
- 5.5 An Approved List shall be established following an advertised competitive process. A notice shall be published in accordance with CSO 6. The public notice shall specify (i) a time period (minimum 14 days) within which interested parties may express an interest in being included in the Approved List and (ii) the method by which such interest shall be expressed. The public notice shall specify that information is to be provided by the completion and return of a pre-qualification questionnaire. Interested parties shall be advised of the criteria that apply for inclusion in the Approved List. As a minimum these shall include the requirements of CSO 5.9.
- 5.6 An Approved List shall contain the names and addresses of all providers who meet the Approved List criteria, and shall indicate the nature and value of Contracts for which the Contractors listed may be used. The value of any Contract entered into, calculated in accordance with CSO 4, may not exceed the relevant EU Threshold.
- 5.7 An Approved List shall be reviewed and re-established every three years, following the procedure in CSO 5.5.

- 5.8 A Contractor may be removed from an Approved List should their circumstances change, to the extent that they no longer meet the criteria for inclusion in the Approved List.
- 5.9 In all cases where a Contract is awarded under these CSOs, a Contractor can only be appointed who, as a minimum:
- a) can confirm a business contact address and contact number (e.g. telephone, mobile, fax)
 - b) meets the County Council's insurance requirements for the Contract (in respect of public liability, product, professional indemnity and/or employer's liability as appropriate, based on an assessment of risk for the Contract)
 - c) is registered for tax and holds a valid certificate (where appropriate)
 - d) is able to provide at least two independent referees from whom a reference may be sought for contracts completed within the last three years

Contract Standing Order 6: Public Notice

- 6.1 In all cases where, by virtue of these CSOs or by some other authority, a public notice is required, it shall be placed on the corporate tendering opportunities portal on Hantsweb.
- 6.2 Where the estimated total value of a proposed Contract is less than £100,000, the notice shall additionally be placed in at least one relevant local publication and/or one newspaper or journal circulating among Contractors who undertake Contracts of that nature. However, this is not required where the relevant Chief Officer is satisfied that to do so would not be value for money.
- 6.3 Where the estimated total value of a proposed Contract is £100,000 or above, the notice shall be placed in at least one newspaper or journal circulating among Contractors who undertake Contracts of that nature. It shall also be placed in a local publication unless the relevant Chief Officer is satisfied that there are insufficient Contractors in the locality who undertake Contracts of that nature.
- 6.4 Where the value of the Contract exceeds the relevant EU Threshold, public notice shall also be placed in the OJEU in accordance with the EU Public Procurement Directives.
- 6.5 The position is summarised in the table below:

| Contract Value | Corporate tendering opportunities portal on Hantsweb | Local publication | Trade journal | OJEU |
|--------------------|--|--|---------------|-----------|
| <£100,000 | Mandatory | At least one – Optional Both – Optional | | Optional |
| >£100,000 | Mandatory | Optional | Mandatory | Optional |
| Above EU Threshold | Mandatory | Optional | Mandatory | Mandatory |

Contract Standing Order 7: Purchasing Procedures for Contracts of a Value less than £25,000

- 7.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is less than £25,000, and there is a suitable Framework Agreement approved by the Director of CCBS and Head of Legal Services, under CSO 5.2, that Framework Agreement shall be used.
- 7.2 Where no Framework Agreement is available, three written quotations should be obtained against the same written request for quotation. Where a relevant Approved List exists, the written quotations should be sought from Contractors included on it.
- 7.3 In the selection of the Contractor, the Contract Lead Officer shall bear in mind the need to seek best value for money and be able to demonstrate that they have achieved this.
- 7.4 The Contract shall be evidenced in writing, by submission of an order in accordance with the Framework Agreement or, where a Framework Agreement is not used, by the placing of an order on the basis that the price in the written quotation received shall apply.

Contract Standing Order 8: Tendering Procedures for Contracts of a Value £25,000 or greater but less than £100,000

- 8.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is £25,000 or greater but less than £100,000, and there is a suitable Framework Agreement approved by the Director of CCBS and Head of Legal Services, under CSO 5.2, that Framework Agreement shall be used.
- 8.2 Where no Framework Agreement is available, at least **three** tenders shall be invited. Where a relevant Approved List exists, the tenders shall be sought from Contractors included on it.
- 8.3 Where no Framework Agreement or Approved List is available, at least **three** tenders shall be invited. The tendering procedure to be followed shall be that set out in CSO 9.4 – 9.8, with the term “Chief Officer” substituted for “Head of Legal Services” in CSO 9.7.
- 8.4 The invitation to tender shall state the evaluation criteria, including sub-criteria and sub-sub-criteria (where used), weightings and scoring criteria that will be applied in the award of the Contract. These criteria must be capable of objective assessment, include price and any other relevant factors, and be weighted by relative importance. The invitation to tender shall also include the terms and conditions that will apply to the Contract.
- 8.5 The Contract shall be evidenced in writing by the completion of a written Contract between the County Council and the Contractor(s).

Contract Standing Order 9: Tendering Procedures for Contracts of a Value of £100,000 or greater but less than relevant EU Threshold

- 9.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is £100,000 or greater but less than the relevant EU Threshold, and there is a suitable Framework Agreement approved by the Director of CCBS and Head of Legal Services, under CSO 5.2, that Framework Agreement shall be used.
- 9.2 Where no Framework Agreement is available, at least **five** tenders shall be invited. Where a relevant Approved List exists, the tenders shall be sought from Contractors included on it.
- 9.3 Where no Framework Agreement or Approved List is available, at least **five** tenders shall be invited, using either the open or restricted procedure.
- 9.4 The open procedure requires the publication of a notice in accordance with CSO 6. The public notice shall specify (i) a time period (minimum 14 days) within which interested parties may express an interest in tendering and (ii) the method by which such interest shall be expressed. At the end of this period, an invitation to tender shall be sent to all parties who have expressed an interest, specifying a period of not less than three weeks for tenders to be returned.
- 9.5 The restricted procedure, where a number of tenderers are selected from those who express an interest, is identical to that for open tendering, except that:
- a) the public notice shall state that a restricted tendering procedure will be used;
 - b) the public notice should specify that information is to be provided by interested parties for the short-listing process and that this shall be by their completion and return of a pre-qualification questionnaire;
 - c) at the end of the period specified in the public notice, an invitation to tender shall be issued to tenderers selected by means of pre-determined, objective selection criteria (or all of them where less than five entrants meet the criteria). The invitation to tender should specify a period of not less than three weeks for tenders to be returned.
- 9.6 In all cases, every invitation to tender shall include the following:
- A statement that the tendering process will be conducted within the County Council's corporate electronic tendering system;
 - Full instructions on how to submit their tender to this system;
 - Advice that tenders, once received in the system, will be anonymous and locked away until the time specified for their opening;
 - Advice as to the deadline for submission of tenders to this system

- 9.7 Tenderers shall be advised that, in exceptional circumstances, where a tenderer wishes to submit a tender on paper they may do so, but that:
- no tender will be considered unless it is enclosed in a plain, sealed packet addressed to the Head of Legal Services and endorsed with the words “Tender for.....” followed by the subject to which it relates and the latest time and day for the receipt of the tender
 - the packet should bear no mark that identifies the tenderer; and
 - faxed or e-mailed tenders will not be considered.
- 9.8 In exceptional circumstances, and with the prior approval of the Director of CCBS, an invitation to tender may be sent to tenderers in hard copy paper form, rather than through the electronic tendering system.
- 9.9 The invitation to tender shall state the evaluation criteria, including sub-criteria and sub-sub-criteria (where used), weightings and scoring criteria that will be applied in the award of the Contract. These criteria must be capable of objective assessment, include price and any other relevant factors, and be weighted by relative importance. The invitation to tender shall also include the terms and conditions that will apply to the Contract.
- 9.10 The Contract shall be evidenced in writing by the completion of a formal written Contract, the terms of which have been approved by the Head of Legal Services or other person authorised by him for this purpose.

Contract Standing Order 10: Tendering Procedures for Contracts Above EU Thresholds

- 10.1 The EU Public Procurement Directives set a financial threshold beyond which prescribed tendering procedures must be followed. The EU Thresholds are reviewed annually, and the updated figures can be found in the Best Practice Guide (insert hyperlink).
- 10.2 Where the estimated value of the Contract is in excess of the relevant EU Threshold, the procedures set out in the EU Public Procurement Directives must be followed. In most cases, the open, or restricted procedure will be used, but in certain specialist cases, such as private finance initiative Contracts, the negotiated or competitive dialogue procedure shall apply. Advice on which procedure is appropriate to the specific case should be sought from the Head of Legal Services. Approval of the Head of Legal Services shall be sought to the use of the negotiated or competitive dialogue procedure.

Contract Standing Order 11: Receipt and Opening of Tenders

- 11.1 Subject to CSO 11.2 – 11.3, all tenders shall be opened at the same time, by two officers as soon as reasonably practicable on or after the date for return of tenders. People under contract to the County Council, but not permanent employees of the County Council shall not open tenders unless approved by a Chief Officer or Head of Legal Services.
- 11.2 For a Contract of a value less than £100,000, the two officers opening tenders shall include the Chief Officer or other Senior Officer within his/her Department authorised by the Chief Officer for this purpose.
- 11.3 For a Contract of a value of £100,000 or greater, the two officers opening tenders shall include the Head of Legal Services or a Senior Officer within Legal Services or Business and Member Support authorised by the Head of Legal Services for this purpose.
- 11.4 The officers opening tenders shall record, in respect of each tender opened, the name of the tenderer and, where applicable, the total value.
- 11.5 Where a paper tender is received in a sealed packet further to CSO 9.7, a record shall be kept of the time and date of receipt, and it shall be kept secure until the time specified for tender opening. Any tender received after the specified time shall not be considered for evaluation and shall be returned promptly to the tenderer. A late tender may be opened to ascertain the name of the tenderer but no details of the tender shall be disclosed.

Contract Standing Order 12: Evaluation of Tenders and Award of Contract

- 12.1 The Contract Lead Officer shall ensure that the tenders received are evaluated in accordance with the evaluation criteria that have been adopted for the Contract, and stated in the invitation to tender. These criteria must be capable of objective assessment, include price and other relevant factors, and be weighted by relative importance.
- 12.2 The Contract Lead Officer shall produce a written report evaluating each tender received against the evaluation criteria. The report shall identify the tenderer who has submitted the most economically advantageous tender i.e. the tender that achieves the highest score in the evaluation, and recommend the award of the Contract to that tenderer. This report shall be submitted to the person authorised to award the Contract under CSO 12.4.
- 12.3 No contract may be awarded unless the expenditure involved has been included in approved estimates and sufficient budgetary provision made in the County Council's capital or revenue accounts in accordance with CSO 3.1. The Evaluation Report shall confirm how this requirement is met.
- 12.4 Each Chief Officer is authorised to award and sign any contract entered into on the County Council's behalf, where it relates to their Area of Responsibility, and where the value of the Contract is less than £100,000. The Contract may be awarded and signed by a Senior Officer who is authorised to do so on behalf of the Chief Officer as documented in that Chief Officer's scheme of financial delegation. All other Contracts shall be awarded by the Head of Legal Services or a Senior Officer nominated by the Head of Legal Services for this purpose, and signed by or on behalf of the Head of Legal Services in accordance with Part 1, Chapter 14 of the Constitution.
- 12.5 Where the value of a Contract is above the relevant EU Threshold, the Contract shall be awarded in accordance with the UK Regulations and in particular the requirements relating to a "standstill" period prior to the Contract being entered into.
- 12.6 All Contracts, including an arrangement subject to a purchase order, must be made in writing under English Law, and must clearly and carefully specify the supplies, services or works to be provided, the agreed programme for delivery and the price and terms for payment together with all other terms and conditions.
- 12.7 As far as practicable, purchases of a value less than £100,000 shall be made on the basis of standard terms and conditions that have been approved by the Head of Legal Services. Where a contract is estimated at a value £100,000 or above or is of an unusual or complex nature, the Head of Legal Services shall be consulted to produce a suitable set of conditions of contract.
- 12.8 Every contract must also include certain clauses, in a form approved by the Head of Legal Services, to protect the County Council from fraud and to

ensure that Contractors understand their responsibilities when they are acting on the County Council's behalf.

- 12.9 The Chief Officer within whose Area of Responsibility the Contract falls shall allocate to a Senior Officer responsibility for the ongoing management of the Contract.
- 12.10 In exceptional circumstances, where a Contract has been awarded under CSO 12.4, but it is considered necessary in the best interests of the County Council to initiate the provision of goods or services under that Contract prior to the Contract being signed, the issue of an Advance Works Order by the Head of Legal Services may be requested. Issue will be subject to confirmation that a decision to award the Contract has been made in accordance with CSOs, the necessary funding for the Contract having been approved, and the value of the Advance Works Order not exceeding £100,000.

Contract Standing Order 13: Waiver of Contract Standing Orders

- 13.1 Any of the requirements of these CSOs may be waived in an individual case, by the person authorised as follows:
- Where the estimated value of the Contract is less than £100,000, the Chief Officer within whose Area of Responsibility the Contract falls
 - Where the estimated value of the Contract is £100,000 or greater but less than £1m, the Head of Legal Services
 - Where the estimated value of the Contract is £1m or greater, the Executive or, in respect of non-executive matters, the committee with delegated responsibility for the relevant service area
- 13.2 A request for the issue of a waiver must be made in writing to the person authorised under CSO 13.1, with full reasons as to why the waiver is required, and evidence that the issue of a waiver will not prevent best value from being obtained. The decision in response to the request must also be in writing. No action shall be taken to enter into the Contract until such request has been submitted and the decision made.
- 13.3 The County Council is subject to legal requirements to ensure fair competition for Contracts of a value exceeding the EU Thresholds, and subject to obligations under the EU Treaty to ensure that all Contracts (regardless of value) are awarded having regard to the need to avoid any action that is discriminatory, improper or which distorts competition.
- 13.4 An extension of an existing Contract shall be deemed for the purposes of CSOs to be a new Contract, and as such waiver of CSOs will be required before proceeding with such extension. For the purposes of CSO 13.1, the value shall be the aggregated value of the original Contract and the proposed extension.
- 13.5 It is understood that waiver may be utilised where it can be demonstrated that the ability to act quickly to engage a single supplier would make economic sense and fit with service requirements, in circumstances where there is no more effective way to secure the capacity.

Part 4

Codes and protocols

Appendix A - Code of Conduct for Members

Part 1: General provisions

Introduction and interpretation

- 1 (1) This Code applies to **you** as a member of Hampshire County Council.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State(a).
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code
“meeting” means any meeting of
 - (a) Hampshire County Council;
 - (b) the Executive of Hampshire County Council;
 - (c) any of Hampshire County Council or its Executive’s Committees, Sub-Committees, Joint Committees, Joint Sub-Committees, or Area Committees;“member” includes a co-opted member and an appointed member of Hampshire County Council.
“your authority” means Hampshire County Council
- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the Monitoring Officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the local Government Act 2000.
- (6) Where you are a member of more than one local authority, but acting on behalf of the County Council, you are, for the avoidance of any doubt, bound by this Code of Conduct.

Scope

- 2 (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3 (1) You must treat others with respect.
- (2) You must not
 - a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the equality Act 2006(a));
 - b) bully any person;

- c) intimidate or attempt to intimidate any person who is or is likely to be
 - (i) a complainant.
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct, or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4 You must not

- a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the authority; or
- b) prevent another person from gaining access to information to which that person is entitled by law.

5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute.

6 You

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage, or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority

- (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2: Interests

Personal Interests

- 8 (1) You have a personal interest in any business of your authority where either
- (a) it relates to or is likely to affect
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
Of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;

- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities or that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contracts for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimate value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in your authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decisions; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) in sub-paragraph (1)(b), a relevant person is

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- 9 (1) Subject to sub-paragraphs (2) to 97), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph (8)(1)(a)(i) or (8)(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(i)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest

- (7) In this paragraph, 'executive decision' is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 (a).

DRAFT

Prejudicial interest generally

- 10 (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and benefits Act 1992, where you are in receipt of or are entitled to the receipt of such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committee

- 11 You also have a prejudicial interest in any business before a Select (Overview and Scrutiny) Committee of your authority (or of a sub-committee of such a committee) where
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive committee, sub-committee, joint committee, or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests in participation

- 12 (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's Standards Committee;
- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3: Registration of Members' Interests

Registration of members' interests

- 13 (1) Subject to paragraph 14, you must, within 28 days of
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), register in your authority's register of members' interests (maintained under section 81(1) of the local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 891(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 14 (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstance which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, 'sensitive information' means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Part 4

Appendix B - Officers Code of Conduct

1. **Standards**

- 1.1 Local government employees are expected to give the highest possible standards of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.

Employees must report to the appropriate manager any impropriety or breach of procedure.

2. **Disclosures of information**

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The County Council itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.
- 2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor, which is personal to that councillor and does not belong to the County Council, should not be divulged by the employee without the prior approval of that councillor – except where such disclosure is required or sanctioned by the law.

3. **Political neutrality**

Employees serve the County Council as a whole. It follows they must serve all councillors and not just those of the controlling group, and they must ensure that the individual rights of all councillors are respected.

Subject to the County Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the County Council and must not allow their own personal or political opinions to interfere with their work.

- 3.4 Political assistants appointed on fixed-term contracts, in accordance with the Local Government and Housing Act 1989, are exempt from the standards set in the above paragraphs on political neutrality.

4. Relationships

4.1 Councillors

Employees are responsible to the County Council through its senior managers. For some, their role is to give advice to councillors and senior managers, and all are there to carry out the County Council's work. Mutual respect between employees and councillors is essential to good local government.

Close personal familiarity between employees and individual councillors can damage the relationship, and prove embarrassing to other employees and councillors, and should therefore be avoided.

4.2 The local community and service users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community, as defined by the policies of the County Council.

4.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

- 4.4 Employees who engage or supervise contractors, or who have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

5. Appointment and other employment matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias,

employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship with him or her.

- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6. **Outside commitments**

Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the County Council's interests.

Employee's should follow the County Council's rules on the ownership of intellectual property or copyright created during their employment.

7. **Personal interests**

- 7.1 Employees must declare, to an appropriate manager, any non-financial interests that they consider could bring conflict with the County Council's interests.
- 7.2 Employees must declare, to an appropriate manager, any financial interests which could conflict with the County Council's interests.

Employees should declare, to an appropriate manager, membership of any organisation not open to the public, without formal membership and commitment of allegiance, and which has secrecy about rules or membership or conduct.

8. **Equality issues**

- 8.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with, in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9. **Separation of roles during tendering**

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the County Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors, should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. **Corruption**

- 10.1 Employees must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11. **Use of financial resources**

- 11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the County Council.

12. **Hospitality**

- 12.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community, or where the County Council should be seen to be represented. They should be properly authorised and recorded.
- 12.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the County Council.
- 12.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the County Council may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.
- 12.4 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions that the County Council may be taking affecting those providing the hospitality.
- 12.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is

corporate rather than personal, where the County Council gives consent in advance; and where the County Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc, are required, employees should ensure that the County Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

13. Sponsorship – giving and receiving

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity – whether by invitation, tender, negotiation or voluntarily – the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the County Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way, without there being full disclosure to an appropriate manager of any such interest. Similarly, where the County Council, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Part 4

Appendix C - Protocol for Member/Officer Relations

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

2. Conduct and Capability Issues

- 2.1 Members should not raise matters relating to the conduct or capability of a County Council employee or of employees collectively at meetings held in public. This is a long-standing tradition in public service. Employees have no means of responding to criticisms like this in public. If members feel they have not been treated with proper respect or courtesy or if they have any concern about the conduct or capability of a County Council employee, they should raise the matter with the chief officer of the department concerned if they fail to resolve it through direct discussion with the employee. The chief officer will then look into the facts and report back to the member. If the member continues to feel concern, they should then report the facts to the Chief Executive who will look into the matter afresh.
- 2.2 Officers are bound by the Officer's Code of Conduct and relevant contractual and disciplinary Codes. The Chief Executive may inform the relevant political group leader of the matter, if it is referred to him following ongoing concerns by the Member, but should only do so in full knowledge of the facts surrounding the issue and where doing so would not contravene any legal requirements or other Protocol contained within this Constitution, or would otherwise prejudice determination of the matter.
- 2.3 If an officer feels that he or she has not been properly treated with respect and courtesy they should raise the matter with their line manager, their chief officer, the Monitoring Officer or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the member concerned. In these circumstances and subject to Paragraph 2.4, the chief officer, the Monitoring Officer or the Chief Executive will take appropriate action either by approaching the individual member or group leader.
- 2.4 Members are bound by the Member's Code of Conduct. Where a complaint is made by an Officer under the Member's Code of Conduct, then regard must be given to the requirements in the Standards Committee (England) Regulations 2008 ("the Standards Regulations") and statutory guidance thereon regarding confidentiality. This means that whilst a Member subject of a complaint under the Member's Code of Conduct may inform his political group Leader of the matter, Officers may not inform the group leader until able to do so under the Standards Regulations, without the permission of the Member.

3. Officer advice to party groups

- 3.1 It must be recognised by all officers and members that in discharging their duties and responsibilities, officers serve the County Council as a whole and not exclusively any political group, combination of groups or any individual member of the County Council.
- 3.2 It is common practice for party groups to give preliminary consideration to matters of County Council business in advance of such matters being considered by the relevant County Council decision-making body. Officers may properly be called upon to support and contribute to such deliberations by

party groups, but they must maintain political neutrality at all times. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner.

- 3.3 The support provided by officers can take many forms, ranging from a briefing meeting with a chairman or spokesperson prior to a committee meeting to a presentation to a full-party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the County Council, such support is available to all party groups.
- 3.4 Certain points must however, be clearly understood by all those participating in this type of process, members and officers alike. In particular:
 - 3.4.1 Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of County Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed.
 - 3.4.2 Party group meetings, while they form part of the preliminaries to County Council decision making, are not empowered to make decisions on behalf of the County Council. Conclusions reached at such meetings do not therefore rank as County Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - 3.4.3 Similarly, where officers provide information and advice to a party group meeting in relation to a matter of County Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered.
- 3.5 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting, which includes persons who are not members of the County Council. Such persons will not be bound by the Members Code of Conduct (in particular, the provisions concerning the declaration on interests and confidentiality) and for this and other reasons, officers may not be able to provide the same level of information and advice as they would do for a members-only meeting.
- 3.6 Any request for advice, together with the advice given to a political group of Members, will be treated with strict confidentiality by the officers concerned and will not be accessible to any other political group. It is acknowledged, however, that factual information on which any advice is based will, if requested, be available to all political groups.
- 3.7 It must not be assumed by any political group or Member that any officer is personally supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.

- 3.8 Officers must respect the confidentiality of any party group discussions at which they are present, in the sense that they should not relay the content of any such discussion to another party group or other non-involved officers.
- 3.9 Any particular cases of difficulty or uncertainty in this area of officer-advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

DRAFT

4 Support services to members and party groups

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

5 Member's access to information and to County Council documents

- 5.1 Members are free to approach any County Council department to provide them with such information, explanation and advice (about that department's functions) as they may reasonably need in order to assist them in discharging their role as members of the County Council. This can range from a request for general information about some aspect of a department's activities, to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the chief officer or another senior officer of the Department concerned. In cases of doubt, the Monitoring Officer should be asked for assistance.
- 5.2 As regards the legal rights of members to inspect County Council documents, these are covered partly by statute and partly by the common law.
- 5.3 By virtue of Section 100F(1) of the Local Government Act 1972 ("the 1972 Act"), Members have a statutory right to inspect any County Council document which contains material relating to any business which is to be transacted at a County Council, Committee, Sub-Committee or Standing Panel Meeting. This right applies irrespective of whether the Member is a Member of the Committee, Sub-Committee or Standing Panel concerned, and it extends not only to Reports which are to be submitted to the Meeting, but also to any relevant background papers.
- 5.4 Similar provisions apply in respect of Executive documents by virtue of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations ("the Access to Information Regulations"), in respect of documents in the possession or under the control of the Executive. Where the document contains information relating to business to be transacted at a public meeting of the Executive or individual Executive Members, Members or individual Executive Member have a right to inspect the document once it is

available. Where the document contains information relating to business to be discussed at a private meeting of the Executive, or to an individual Executive Member decision made in private, or a Key Decision to be made by an Officer, then the document should be available for inspection on conclusion of the Meeting. Members may also inspect any contemporaneous notes taken by the Chief Executive's business support staff at any such meeting.

- 5.5 This right does not, however, apply to documents relating to some exempt items. The items in question are described in Schedule 12A of the 1972 Act, and are those which contain exempt information relating to:
- 5.5.1 Information relating to any individual (e.g. appointment of staff),
 - 5.5.2 Information which is likely to reveal the identity of an individual,
 - 5.5.3 Information relating to the financial or business affairs of any particular person (including the County Council), where the information relates to any terms proposed or to be proposed by the County Council in the course of negotiations for a contract (e.g. property transactions),
 - 5.5.4 Contract and industrial relations negotiations (e.g. pay and other employment matters),
 - 5.5.5 Information in respect of which a claim to a legal professional privilege could be maintained in legal proceedings (e.g. legal advice),
 - 5.5.6 Criminal investigations.
- 5.6 Additional rights of access are given to Members of Select (Overview and Scrutiny) Committees (including the Health (Overview and Scrutiny) Committee), who are entitled to any exempt or confidential document, provided that the information is relevant to an action or decision the Member is reviewing or scrutinising, or which is relevant to any review contained in a work programme of such Committee.
- 5.7 However, the statutory position is in addition to any common law right of Members to have access to information. The common law right members have is much broader and is based in the principle that *prima facie* a Member has a right to inspect County Council documents. This right exists because Members are under a duty to keep themselves informed of business which enable a Member to properly perform his or her duties as a Member of the County Council. This principle is commonly referred to as the 'need to know' principle. This same principle applies to Meetings where exempt information is discussed.
- 5.8 The exercise of this common law right depends therefore, upon the Member's ability to demonstrate that he or she has the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine

documents of the County Council. Mere curiosity is not sufficient. The crucial question is determination of the 'need to know'.

- 5.9 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee or an Opposition Group Spokesperson for an Executive Portfolio) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties), such Member will be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature, are either not accessible by members or are accessible only by the political group forming the administration and not by the other political groups. An example of this latter category would be draft documents compiled in the context of emerging County Council policies and draft committee reports, the premature disclosure of which might be against the County Council's and the public interest.
- 5.10 Any question as to whether a Member has a right to an exempt document or to attend a Meeting where exempt information is discussed should be referred to the Chief Executive who will take advice from the Monitoring Officer.
- 5.11 The term 'County Council document' is very broad and includes, for example, any document produced with Council resources, but it is accepted by convention that a Member of one party group will not have a 'need to know' and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 5.12 Finally, any County Council information provided to a Member must only be used by the Member for the purpose for which it was provided, that is in connection with the proper performance of the Member's duties as a Member of the County Council. Unauthorised disclosure of exempt or confidential information is prejudicial to the effective conduct of public affairs, and detrimental to the effective delivery of the County Council's business. Unauthorised disclosure of exempt or confidential information is also potentially a breach of the Members Code of Conduct.
- 6. Officer, Executive Member and Chairman relationships**
- 6.1 It is clearly important that there should be a close working relationship between an executive member, a chairman of a committee and the chief officer and other senior officers of any department which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other party groups.
- 6.2 The executive member or chairman or a committee (or sub-committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting but it must be recognised that in some situations, a chief officer will be under a duty to submit a report on a particular matter. It is at this stage executive members should make clear their requirements for any

changes. Similarly, a chief officer or other senior officer will always be fully responsible for the contents of any report submitted in his or her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Executive members are entitled to accept, amend or change recommendations of officers in reports. For legal reasons, reports may not be amended after publication. Any issues arising between an executive member, a chairman and a chief officer in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the County Council.

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

7. **Correspondence**

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

8. **Involvement of divisional members**

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

9. **Ceremonial events**

- 9.1 The Chairman of the County Council, or in his or her absence the Vice-Chairman, will be the appropriate person to lead County Council ceremonial events which are not specifically associated with a particular committee, and to represent the County Council by invitation at ceremonial events of other organisations which are not specifically associated with a particular committee.
- 9.2 Executive members or their nominees are the appropriate candidates for ceremonial events within the scope of their portfolios.
- 9.3 Local members should always be informed of and, where possible, invited to ceremonial events taking place within their own divisions, as should district and parish councils as appropriate.
- 9.4 Any member taking part in a ceremonial event must not seek disproportionate personal publicity or use the occasions for party political advantage, bearing in mind that the member is representing the County Council as a whole.

10. **Public relations and press releases**

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

Appendix D - Members' Allowance Scheme 2011/12

1. This scheme is made by Hampshire County Council in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 and operates from 1 April 2011.

Basic Allowance

2. With effect from 1 April 2011 a basic allowance per annum of £12,003 shall be paid to each elected Member of the County Council, £675 to each Co-opted Member of the Children and Young People Select (Overview and Scrutiny) Committee, £675 to each Independent member of the Standards Committee and £225 to each Independent Remuneration Panel member.

Special Responsibility Allowance

3. (1) Subject to paragraph 5 and sub-paragraph (2) below, a special responsibility allowance shall be paid to those Members who hold the offices of special responsibility listed in the Appendix to this scheme and the amount of each allowance shall be the amount specified against that special responsibility in that schedule.
(2) Provided that any Member who for the time being holds more than one office of special responsibility shall be entitled to receive the higher allowance attached to one office only.

Remuneration

4. A Member may give notice to the Chief Executive to elect to forego all or any part of his/her entitlement to any of the allowances payable under this scheme.

Part-Year Payment

5. (1) If this scheme is amended during any year to change the amounts to which a Member is entitled by way of basic allowance or special responsibility allowances, the payments due shall be calculated by reference to the number of days during the year to which the appropriate rate of allowance applies.
(2) If this scheme is amended during any year to change the special duties for the payment of special responsibility allowance set out in the Appendix, the payments due shall be calculated by reference to the number of days during the year that the special duties were approved for the payment of special responsibility allowance.

- (3) Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year the entitlement to basic allowance shall be calculated by reference to the number of days during the year during which that member held office.
- (4) Where any Member ceases during the year to hold a position of special responsibility or is appointed to a position of special responsibility as set out in the Appendix to this scheme, the entitlement to special responsibility allowance shall be calculated by reference to the number of days during the year when the Member held a position of special responsibility.

Pensions

6. Basic and special responsibility allowances are pensionable for all County Councillors under the age of 75.

Childcare and Dependents' Carers' Allowances

7. Childcare and dependents' carers' allowances are paid at a rate of £6.00 per hour for childcare and £8.00 per hour for dependents' carers. Payments made in respect of these allowances are subject to income tax and national insurance deductions in the same way as the basic allowance.

Suspension of Allowances

8. When a Member of the County Council is suspended from all duties, all allowances, including travel, childcare and dependents' carers' allowances, will be withheld for the period of suspension. Where a Member is partially suspended, any special responsibility allowance relating to any duties from which the member is wholly suspended will be withheld for that period. For other cases of partial suspension, it is expected that such Members will agree to a voluntary suspension of their allowances as appropriate.

Recovery of Allowances Paid

9. Any allowance that has been paid to a Member whilst on suspension or any allowance after a Member has ceased to be a member of the County Council shall be recovered.

Duplication

10. Where a Member is a member of two or more authorities, they will not receive more than one allowance for the same duties.

Financial Loss Allowances

11. Financial loss allowances are payable only to Independent Appeal Panel Members at the following rates:

- (1) for a period not exceeding four hours - £34.16
- (2) for a period exceeding four hours, but not exceeding 24 hours - £68.33
- (3) for a period exceeding 24 hours, the aggregate of £66.50 and such amount specified in (1) and (2) above as is appropriate to the number of hours by which the period exceeds 24 hours.

Travelling Allowances

12. (1) Travelling allowances payable to Members shall be in accordance with the HMRC rate (currently 45p per mile for the first 10,000 miles and 25p per mile thereafter).
- (2) Travelling allowances payable to Independent Appeal Panel members shall be 57.8p per mile.

Subsistence – overnight stays in the U.K. and abroad

13. (1) When abroad, for Members' convenience arrangements will be made where possible for the County Council to be invoiced for the cost of accommodation or, given that Officers will normally be present, for the County Council to pay direct and for the Members' budget to be recharged accordingly. Where direct payment by the County Council is not practicable then foreign currency will be issued up to the maximum permitted by the Secretary of State. Any balance must be returned afterwards and expenditure accounted for. If Members make their own arrangements they should continue to claim for any overnight stays required in connection with the exercise of an approved duty; reasonable expenses will be paid.

When carrying out approved duties in the U.K. which require an overnight stay the same principles will apply other than in relation to any cash advance.

- (2) At home or abroad the overnight allowance covers accommodation and all meals taken in a day. Where a meal is paid for by Officers, therefore, or is otherwise provided as part of the exercise of an approved duty, Members are reminded that they should reduce any claim they make to reflect that. Where accommodation arrangements are made for Members and paid for by the County Council, no claims should be made other than for travelling if Members have to make their own travel arrangements. At all times where the County Council pays for accommodation members must pay for their incidental expenditure, such as newspapers, personal telephone calls, refreshments etc.

Claims and Payments

14. (1) Payments in respect of basic and special responsibility allowance shall be made in 12 equal monthly instalments on the last day of each calendar month.
- (2) Where any monthly payment of basic or special responsibility allowance would otherwise exceed the amount payable by virtue of paragraph 5, the value of any payment made will be restricted to the entitlement under that paragraph.
- (3) All travel expenses, subsistence for overnight stays in the U.K. and abroad, and a childcare and a dependent carers' allowance must be claimed within six months of the date of the meeting/conference or seminar.

Annex to Appendix D

HAMPSHIRE COUNTY COUNCIL

THE LOCAL AUTHORITIES' (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003

| A | MEMBERS ALLOWANCES SCHEME 2011/12 | £ per annum |
|------|---|----------------|
| (i) | Basic Allowance for Members of the County Council | 12,003 |
| | Basic Allowance for Co-opted Members of the Children and Young People Select (Overview and Scrutiny) Committee | 675 |
| | Basic Allowance for Independent Members of the Standards Committee | 675 |
| | Basic Allowance for Independent Remuneration Panel Members | 225 |
| (ii) | Special Responsibility Allowances (SRA) | |

Only one special responsibility allowance is payable to any Member under the scheme. The allowances in brackets will not be paid which would otherwise be paid under this scheme whilst the current post holder receives a higher special responsibility allowance in respect of another post.

| | £ per annum |
|---|----------------|
| The Cabinet (Executive): | |
| Leader and Executive Member for Policy and Resources | 28,967 |
| Executive Lead Member for Children's Services and Deputy Leader | 17,379 |
| Executive Member for Culture and Recreation | 17,379 |
| Executive Member for Economic Development | |
| Human Resources and Rural Affairs | 17,379 |
| Executive Member for Adult Social Care | 17,379 |
| Executive Member for Communications and Efficiency | 17,379 |
| Executive Member for Communities and International Relations | 17,379 |
| Executive Member for Economy, Transport and Environment | 17,379 |

Leaders of Political Groups:

Leader of Liberal Democrat Group 13,846

Chairmen of Select Committees:

Policy and Resources 11,586

Children and Young People 11,586

Safe and Healthy People (11,586)

Culture, Communities and Rural Affairs 11,586

Environment and Transportation 11,586

Assistants to Lead Executive Member for Children's Services:

Assistant to Executive Member Children's Services
(Education) and Chairman of Education Advisory Panel 7,500

Assistant to Executive Member Children's Services (Safeguarding)
and Chairman of Children and Families Panel 7,500

Vice-Chairmen of Select (Overview and Scrutiny) Committees:

Policy and Resources 2,901

Children and Young People 2,901

Safe and Healthy People 2,901

Culture, Communities and Rural Affairs 2,901

Environment and Transportation 2,901

Health (Overview and Scrutiny) Committee:

Chairman 14,433

Vice-Chairman 3,612

Regulatory Committee A:

Chairman 11,586

Vice-Chairman 2,901

| | |
|-------------------------------------|---------|
| Standards Committee: | |
| Chairman | 2,025 |
| Vice-Chairman | 1,449 |
| Audit Committee | |
| Chairman | 5,793 |
| Vice-Chairman | 1,449 |
| Pension Fund Panel | |
| Chairman | 5,793 |
| Vice-Chairman | (1,449) |
| Minority Parties' Spokesmen: | |
| Liberal Democrats: | |
| Policy and Resources | 5,793 |
| Children and Young People | 5,793 |
| Safe and Healthy People | 5,793 |
| Culture and Communities | 5,793 |
| Environment and Transportation | 5,793 |
| Health Overview and Scrutiny | 5,793 |
| Regulatory Committee | 5,793 |

Rates of Travelling Allowances payable to Members of the Council and its Committees and Sub-Committees, all Co-opted Members, all Independent Members and all Members of the Independent Remuneration Panel

1. **Cycle Allowance**

The rate for travel by a Member's own cycle/ electric cycle or one provided for his/her use

HMRC rate (currently 20p per mile).

2. **Motor cycle allowance**

The rate for travel by a member's own solo motor cycle or one provided for his/her use

HMRC rate (currently 24p per mile).

3. **Motor vehicle allowance**

(a) The rate for travel by a member's own private Motor vehicle, or one belonging to a member of his/her family or otherwise provided for his/her use, other than a solo motor cycle:

HMRC rate (currently 45p per mile for the first 10,000 miles and 25p per mile thereafter)

(b) The rate for travel by an Independent Appeal Panel Member's own private motor vehicle, or one belonging to a member of his/her family or otherwise provided for his/her use, other than a solo motor cycle:

57.8p per mile

The rates specified in paragraph 3 may be increased by not more than the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

4. **Rates for travel by public transport or taxi**

(a) The rate for travel by public transport shall not exceed the amount of the ordinary fare or any available cheap fare, and where more than one class of fare is available, the rate shall be determined, in the case of travel by ship by reference to first class fares, and in any other case by reference to second class fares unless the body determines, either generally or specifically, that first class fares shall be substituted.

- (b) The rate specified in the preceding sub-paragraph may be increased by supplementary allowances not exceeding expenditure actually incurred:
 - i) on Pullman car or similar supplements, reservation of seats and deposit or portage of luggage; and
 - ii) on sleeping accommodation engaged by the Member for an overnight journey, subject, however, to reduction by one third of any subsistence allowance payable to him for that night;
- (c) The rate for travel by taxi cab shall not exceed:
 - (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any other reasonable gratuity paid; and
 - (ii) in any other case, the amount of the fare for travel by appropriate public transport
- (d) The rate for travel by a hired motor vehicle other than a taxi cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Member who hired it, provided that where the body approves, the rate may be increased to an amount not exceeding the actual cost of hiring.
- (e) The rate of travel by air shall not exceed the rate applicable to travel by appropriate means of transport together with an allowance equivalent to the amount of any saving in attendance allowance or financial loss allowance, and subsistence allowance consequent on travel by air. Provided that where the body resolves, either general or specifically, that the saving in time is so substantial as to justify payment of the fare for travel by air, these may be paid an amount not exceeding:
 - (i) the ordinary fare or any available cheap fare for travel by regular air service; or
 - (ii) where no such service is available or in case of urgency, the fare actually paid by the Member.

List of duties specified as “approved duties” for the purposes of the payment of travelling expenses and childcare and dependents carers’ allowances

With effect from 1 October 2003 for the purposes of claiming travelling expenses and childcare and dependents’ carers’ allowances, approved duties shall be taken to include:

1 **The County Council, the Executive and Committees etc**

Attendance at meetings of the County Council and, provided the Member has been appointed by name or attends by virtue of Standing Order 17.4, attendance at meetings of the executive or the Council’s Standing Committees, Sub-Committees and panels.

2 **Executive Members**

Attendance individually for the purpose of making Executive Member decisions.

3 **Meetings with an Executive Member**

Attendance at the invitation of an Executive Member to meet with the executive member in connection with the discharge of the County Council’s functions, the Executive Member to notify the Chief Executive in advance of every invitation.

4 **Other County Council Meetings**

Attendance at meetings in connection with the discharge of the County Council’s functions to which Members of more than one political group have been formally invited by the Chief Executive or other Chief Officer.

5 **With the Chairman’s Concurrence**

With the Chairman’s concurrence, attendance by a Member to speak on business in connection with his/her duty as a Member of the County Council or as a local Member at meetings of the Executive or Committees, Sub-Committees and Standing Panels to which the member has not been appointed by name.

6 **Political group Meetings**

Attendance at ONLY the political group meeting before a meeting of the full County Council. (The Chief Executive must be advised of the dates of political group meetings and be supplied with a copy of the record of attendance).

7 **Executive Decision Days**

Attendance by the Executive Member and Chairman, Vice-Chairman and Political Group Spokesmen of the appropriate Select (Overview and Scrutiny) Committee.

8 **Meetings with Officers**

Attendance at formally arranged meetings with Officers in connection with the discharge of the functions of the County Council provided that, for each occasion, either the Member or Officer concerned makes the arrangements at least the day before the meeting takes place.

9 **Meetings of other Local Authorities and Residents' Associations**

Attendance at meetings of district and parish councils and recognised residents' associations, provided that the member is specifically and formally invited to attend as a representative of the County Council.

10 **Head-teacher Interview Panels**

Attendance at Interview Panels to appoint head-teachers, provided that the member's attendance is as a representative of the County Council and not as a school governor.

11 **Opening Ceremonies and VIP occasions etc.**

Attendance by the Chairman and/or Vice-Chairman of the County Council, and/or Executive Members and/or the Chairman and/or Vice-Chairman of the appropriate Committee(s) at V.I.P visits, launches, or the official opening of premises for the purpose of, or in connection with, the discharge of the functions of the Council or any Committee of the Council or similar occasions, due to their holding that particular office. Committee Members or other nominated Members may also claim provided that the invitation is formally extended by the relevant Committee Chairman or Chief Officer.

Note: This does not apply to County Council receptions, the Civic Service or similar events.

12 **Hampshire Ambassadors' Events**

Attendance as a member of the Executive or the Policy and Resources Select (Overview and Scrutiny) Committee, on the invitation of the Director of Environment, at Hampshire Ambassador events.

13 **Duties of Executive Members, Chairmen, Vice-Chairmen and Deputy Chairmen**

Attendance following consultation with the appropriate Chief Officer, for the purpose of duties arising from the holding by a Member of the office of Chairman or Vice-Chairman of the County Council, of Executive Member or Chairman, Vice-Chairman or Deputy Chairman of a Committee, Sub-Committee or Standing Panel of the County Council.

14 **Conferences, Seminars and Courses**

Attendance authorised by the Chief Executive, after consultation with the Leader or other appropriate Executive Member at any conference, seminar or course, details to be reported quarterly by the Chief Executive to the Executive.

15 **Outside Bodies**

Attendance at business meetings of any outside body to which a Member has been formally appointed by the County Council, and at conferences, seminars, courses and other meetings arranged by the outside body, provided that, for each occasion, either the Member or outside body concerned makes the arrangements at least the day before the meeting takes place. This authority shall not constitute approval by the County Council to meet the cost of any conference, seminar or course attendance fee; in this respect the preceding paragraph applies.

16 **Local Government Association/County Councils Network Council/South East England Councils/South East England Development Agency**

Attendance at Local Government Association County Councils' Network Council, South East England Councils and the South East England Development Agency meetings provided that the Member has been duly appointed as a representative of his/her political county or national group.

Note

- (i) The terms "Chief Executive" and "Chief Officer" include their representative(s).
- (ii) Where the exercise of an approved duty requires a Member to be away from home overnight and provided that the County Council does not meet any of the costs direct, then the Member may claim for actual expenses incurred on accommodation and meals up to the prevailing maximum overnight rate permitted by the Secretary of State.
- (iii) This scheme also applies to non County Councillors appointed to represent the County Council or outside organisations.

B. AMOUNTS PAID IN ALLOWANCE IN 2009/10

The following amounts were paid to County Councillors by way of allowances in 2009/10 (Note those marked (*) below are Cabinet Members and (◇) below is a former Cabinet Member).

| | | Basic Allowance | Special Responsibility Allowance | Mileage Allowance | Public Transport | Subsistence |
|--------|---------------|-----------------|----------------------------------|-------------------|------------------|-------------|
| | | £ | £ | £ | £ | £ |
| FG | Allgood | 12,037.68 | 2,305.26 | 1,017.36 | Nil | |
| Mrs C | Bailey | 12,037.68 | Nil | Nil | Nil | |
| Mrs PG | Banks (◇) | 2,301.91 | 3,333.09 | 602.02 | 73.70 | |
| RJ | Baulk | 2,301.91 | 516.35 | Nil | Nil | |
| IFE | Beagley | 12,037.68 | 2,910.12 | 1,317.03 | Nil | |
| DR | Blampied | 2,301.91 | Nil | 43.04 | Nil | |
| R | Bolton | 9,735.77 | Nil | 843.58 | Nil | |
| Mrs CA | Boulton | 2,301.91 | Nil | Nil | Nil | |
| A | Broadhurst | 12,037.68 | Nil | Nil | Nil | |
| J | Bryant | 12,037.68 | 1,151.15 | 1,147.93 | 1.00 | |
| Mrs A | Buckley | 12,037.68 | Nil | Nil | Nil | |
| R | Burgess | 9,735.77 | Nil | Nil | 69.90 | |
| Mrs EM | Byrom | 2,301.91 | Nil | Nil | Nil | |
| A | Carew | 12,037.68 | 4,602.50 | Nil | Nil | |
| C | Carter | 9,735.77 | Nil | 1,176.37 | Nil | |
| MF | Cartwright | 2,301.91 | 2,222.11 | 374.45 | Nil | |
| KG | Chapman | 12,037.68 | 11,620.20 | 2,155.30 | Nil | |
| PJ | Chegwyn | 12,037.68 | 5,810.04 | 505.82 | 1.00 | |
| NGR | Clarke | 2,301.91 | Nil | 60.26 | Nil | |
| V | Clarke | 9,735.77 | Nil | 1,163.16 | Nil | |
| AP | Collett | 12,037.68 | 7,690.47 | 958.46 | 104.20 | |
| B | Collin | 9,735.77 | Nil | Nil | Nil | |
| MG | Cooper | 12,037.68 | 5,810.04 | 826.91 | 3.40 | |
| BD | Dash | 12,037.68 | 5,810.04 | 885.02 | Nil | |
| CRH | Davidovitz(*) | 12,037.68 | 18,077.68 | Nil | Nil | |
| GW | Davies-Dear | 2,301.91 | Nil | Nil | Nil | |
| Mrs PM | Devereux | 1,803.30 | Nil | 79.62 | Nil | |
| Mrs P | Dickens | 12,037.68 | 5,810.04 | Nil | Nil | |
| AG | Dowden | 12,037.68 | 5,810.04 | 670.35 | 19.15 | 4.50 |
| LT | Dunsdon | 2,301.91 | Nil | Nil | Nil | |
| PR | Edgar | 12,037.68 | 5,958.33 | 5,357.03 | 56.80 | 4.50 |
| Mrs A | Edwards | 2,301.91 | 556.66 | 114.59 | Nil | |
| Dr RJ | Ellis (*) | 12,037.68 | 17,428.73 | 4,949.38 | 1,119.27 | 128.10 |
| ADG | Evans | 12,037.68 | Nil | 1,324.01 | Nil | |
| KD | Evans | 12,037.68 | 4,602.22 | 2,354.05 | 7.50 | |
| A | Fairhurst | 9,735.77 | Nil | 1,015.90 | Nil | |
| Mrs JK | Frankum | 12,037.68 | 605.04 | 552.90 | Nil | |
| EF | Gale | 2,301.91 | 556.66 | 135.58 | 1.00 | |
| M | Geddes | 9,735.77 | Nil | 664.57 | Nil | |
| A | Gibson | 9,735.77 | Nil | 1,275.56 | 5.20 | |
| KL | Gill | 2,301.91 | Nil | 124.81 | Nil | |
| D | Gillett | 2,301.91 | Nil | Nil | Nil | |
| JK | Glen(*) | 12,037.68 | 17,429.88 | 7,539.57 | 119.30 | 28.71 |

| | | | | | | |
|----------|---------------|-----------|--|----------|--------|---------------------------|
| BT | Gurden | 12,037.68 | Nil | 163.55 | Nil | |
| D | Harrison | 12,037.68 | Nil | 294.12 | Nil | |
| PA | Heath | 2,301.91 | 11.16 | Nil | Nil | |
| Mrs K | Heron | 2,301.91 | Nil | Nil | Nil | |
| E | Heron | 9,735.77 | Nil | 1,312.19 | Nil | |
| Felicity | Hindson(*) | 12,037.68 | 17,429.88 | 3,102.61 | 403.25 | 30.00 |
| GM | Hockley | 12,037.68 | 2,305.26 | 2,065.97 | 104.40 | |
| K | House | 12,037.68 | 12,207.49 | 708.64 | 2.00 | |
| R | Hughes | 2,301.91 | Nil | Nil | Nil | |
| R | Hussey | 9,735.77 | Nil | 333.56 | Nil | |
| PRC | Hutcheson | 2,301.91 | 2,222.08 | 85.00 | 32.70 | |
| SC | James | 12,037.68 | Nil | 986.84 | Nil | |
| A | Joy | 9,735.77 | Nil | 694.02 | | |
| D | Keast | 9,735.77 | Nil | Nil | Nil | |
| Jo | Kelly | 2,301.91 | 1,362.68 | 246.94 | | |
| MN | Kemp-Gee | 12,037.68 | 4,602.22 | 801.63 | Nil | |
| MJ | Kendal(*) | 12,037.68 | 17,429.88 | 6,341.38 | 219.40 | 12.70 |
| RJ | Kimber | 11,121.00 | 2,305.26 | 1,645.31 | Nil | |
| DA | Kirk(*) | 12,037.68 | 17,429.88 | 6,118.89 | 160.36 | 31.57 |
| TG | Knight | 12,037.68 | Chairman of the County Council Allowance | 4,888.93 | 139.90 | |
| | | | 16,037.32 | | | |
| R | Kyrle | 9,735.77 | Nil | Nil | Nil | |
| Mrs CA | Leversha | 12,037.68 | 2,415.22 | 1,925.50 | 9.90 | |
| | | | Vice- Chairman of the County Council Allowance | | | |
| | | | 7,103.57 | | | |
| AR | Ludlow | 2,301.91 | Nil | Nil | Nil | |
| K | Mans | 9,735.77 | 11,618.46 | 870.73 | Nil | |
| PK | Mason | 12,037.68 | Nil | 733.83 | Nil | |
| JJW | Maxwell | 2,301.91 | Nil | 68.33 | 134.20 | |
| A | McEvoy | 9,735.77 | Nil | 1,156.70 | Nil | |
| RC | McIntosh | 12,037.68 | 11,620.20 | 1,277.56 | Nil | |
| Mrs AM | McNair Scott | 12,037.68 | 14,471.23 | Nil | Nil | |
| R | Muschamp | 9,735.77 | Nil | 664.10 | Nil | Carer Allowance 604.00 |
| P | Mutton | 9,735.77 | Nil | Nil | Nil | |
| E | Neal | 12,037.68 | Nil | 2,018.70 | Nil | |
| Sam | Payne | 12,037.68 | Nil | 525.83 | Nil | |
| F | Pearce | 9,735.77 | Nil | 2,990.84 | Nil | |
| RJ | Perry(*) | 12,037.68 | 17,429.88 | 3,937.37 | 71.80 | |
| Mrs PG | Peskett | 2,301.91 | Nil | Nil | Nil | |
| Mrs JA | Porter | 12,037.68 | Nil | Nil | Nil | |
| RH | Price | 12,037.68 | Nil | 1,059.34 | 0.50 | |
| J | Radley | 9,735.77 | Nil | 233.49 | Nil | |
| SH | Reid | 12,037.68 | 9,205.01 | 214.04 | Nil | |
| AW | Rice | 12,037.68 | 2,910.12 | 112.98 | Nil | |
| S | Rippon-Swaine | 9,735.77 | Nil | 1,023.25 | 14.50 | |
| Mrs AM | Roling | 12,037.68 | Nil | Nil | Nil | |
| D | Simpson | 12,037.68 | Nil | 1,871.82 | Nil | |

| | | | | | | |
|--------|-------------|-----------|---|----------|--------|------|
| Mrs MD | Snaith(*) | 12,037.68 | 17,429.88 | 2,809.43 | 155.80 | |
| Mrs EF | Still | 12,037.68 | 4,827.50 | Nil | Nil | |
| B | Tennent | 9,735.77 | Nil | 419.60 | Nil | |
| T | Thacker | 9,735.77 | Nil | 703.70 | Nil | |
| C | Thomas | 9,735.77 | Nil | Nil | Nil | |
| TK | Thornber(*) | 12,037.68 | 29,051.16(^) | 4,078.05 | 167.80 | 4.50 |
| Mrs MJ | Tucker | 12,037.68 | 5,958.33 | 1,827.59 | Nil | |
| J | Wall | 9,735.77 | Nil | Nil | 753.20 | |
| A | Weeks | 12,037.68 | Nil | 319.01 | 4.80 | |
| JK | West | 12,037.68 | Nil | 1,691.69 | 5.20 | |
| Mrs PA | West | 12,037.68 | 11,604.59 | Nil | Nil | |
| J | West | 12,037.68 | Nil | 1,691.69 | 5.20 | |
| Mrs SA | Wheale | 12,037.68 | 9,810.05 | 1,530.21 | 152.40 | |
| MJ | Woodhall | 2,535.31 | 3,681.82 | 1,072.23 | 133.20 | |
| | | | Chairman of the County Council Allowance | | | |
| SDT | Woodward | 12,037.68 | Nil | 843.32 | Nil | |
| DF | Wright | 2,301.91 | 556.66 | 242.48 | Nil | |

(^) This figure includes £83.76 arrears from 08/09.