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NOTICE OF MEETING

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| Meeting | Conduct Advisory Panel |
| Date and Time | Tuesday, 13th September, 2022 at 12.30 pm |
| Place | Denning Room, Ell Court, Winchester |
| Enquiries to | members.services@hants.gov.uk |

Carolyn Williamson FCPFA
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website and available for repeat viewing, it may also be recorded and filmed by the press and public. Filming or recording is only permitted in the meeting room whilst the meeting is taking place so must stop when the meeting is either adjourned or closed. Filming is not permitted elsewhere in the building at any time. Please see the Filming Protocol available on the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Non-Pecuniary interest in a matter being considered at the meeting should consider whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF THE PREVIOUS MEETING (Pages 3 - 6)

To confirm the minutes of the previous meeting.

4. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

5. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

6. APPROVAL OF ABSENCE OF ELECTED MEMBERS OF THE COUNTY COUNCIL - SECTION 85 LOCAL GOVERNMENT ACT 1972 (Pages 7 - 12)

To consider a report of the Head of Law & Governance & Monitoring Officer proposing granting periods of absence for elected Members of the County Council pursuant to Section 85 of the Local Government Act 1972.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact members.services@hants.gov.uk for assistance.

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

Agenda Item 3

AT A MEETING of the Conduct Advisory Panel of HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Wednesday, 23rd June, 2021

Chairman:

* Councillor Mark Kemp-Gee

* Councillor Tim Davies
* Councillor David Drew
* Councillor Keith House
Councillor Gavin James
* Councillor Peter Latham

* Councillor Patricia Stallard
* Councillor Kim Taylor
* Councillor Tom Thacker
* Councillor Rhydian Vaughan MBE

*Present

31. APOLOGIES FOR ABSENCE

There were no apologies for absence.

32. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a Disclosable pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

33. MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on 20 November 2020 were agreed as a correct record and signed by the Chairman.

34. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed everyone to the meeting and for the benefit of new Members to the Panel, introductions were made.

35. **DEPUTATIONS**

There were no deputations on this occasion.

36. **AMENDMENT OF CODE OF CONDUCT FOR MEMBERS**

The Panel considered the report (Item 6 in the Minute Book) seeking approval of two amendments to the Code of Conduct for Members as set out in Appendix 1 to the report, paragraphs 3.9 (equalities duties) and 3.14 (bullying and harassment).

The Head of Law & Governance and Monitoring Officer presented the report and expanded on the background to these amendments including a consultation with other Councils in Hampshire together with comparator County Councils and national park authorities referred to in paragraph 2.9 of the report.

During the course of discussion, it was noted that the footnote on page 13 of Appendix 1 providing the Advisory, Conciliation and Arbitration Service (ACAS) description of bullying was helpful.

RESOLVED:

That the Conduct Advisory Panel approve, for recommendation to the County Council, the revised Code of Conduct for Members as contained in Appendix 1 of the supporting report.

37. **DISCLOSABLE PECUNIARY INTERESTS - DISPENSATIONS**

The Panel considered the report (Item 7 in the Minute Book) seeking agreement to the granting of a number of dispensations as set out in section 3 of the report.

RESOLVED:

That the Conduct Advisory Panel grant the following dispensations:

- a) A dispensation under Sections 33(2)(a) and (d) of the Localism Act expiring on 31 July 2025 to all Members of the County Council from the provisions of Sections 31(4)(a) and (b) of the Localism Act enabling all Members of the County Council to participate and vote in any business of the County Council relating to the setting of the Council Tax or Precepts, when they would otherwise be prevented from doing so in consequence of a beneficial interest in land within the administrative area of Hampshire.
- b) A dispensation under Sections 32(2)(a) and (d) of the Localism Act expiring on 31 July 2025 to all Members and Co-opted Members of the County Council in receipt of an allowance under the Hampshire County Council Members' Allowances Scheme or Members' Allowances Scheme of another relevant Authority from the provisions of Sections 31(4)(a) and (b) of the Localism Act enabling all Members and Co-opted Members of the County Council to participate and vote in any business of the County

Council where they may otherwise be prevented from doing so in consequence of being in receipt of a Members' Allowance.

- c) A dispensation under Section 33(2)(e) of the Localism Act expiring on 31 July 2025 to all Officer Members of the Health and Wellbeing Board for Hampshire from the provisions of Sections 31(4)(a) and (b) of the Localism Act enabling them to fully participate and vote in any business of the Health and Wellbeing Board for Hampshire when they would otherwise be prevented from doing so by virtue of a DPI deriving from their employment by the County Council.
- d) A dispensation under Section 33(2) (a) and (c) of the Localism Act expiring on 31 July 2025 to all Members of the River Hamble Harbour Board and the River Hamble Management Committee enabling them to fully participate and vote in any business of the River Hamble Harbour Board and River Hamble Management Committee when they would otherwise be prevented from doing so by virtue of a Disclosable Pecuniary Interest arising from holding a mooring on the River Hamble.
- e) A dispensation under Section 33(2)(c) of the Localism Act expiring on 31 July 2025 to Mr Moody enabling him to fully participate and vote in any business of the River Hamble Harbour Board when he would otherwise be prevented from doing so by virtue of a Disclosable Pecuniary Interest arising from the honorarium he receives from the Hamble River Boatyard and Marina Operators Association.

38. **AMENDMENT OF ARRANGEMENTS FOR DEALING WITH THE ASSESSMENT, INVESTIGATION AND DETERMINATION OF COMPLAINTS THAT A MEMBER OR CO-OPTED MEMBER OF THE COUNTY COUNCIL HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT FOR MEMBERS, AND HEARING PROCEDURE**

The Panel considered the report (Item 8 in the Minute Book) setting out a Pre-Hearing and Hearing Procedure in regard to the determination of allegations of breach of the Code of Conduct for Members and consequential amendment to the County Council's arrangements for the assessment, investigation and determination of such complaints. The report was presented by the Head of Law & Governance and Monitoring Officer.

During the course of discussion, some amendments were proposed to paragraphs 2, 4 and 6 of the Pre-Hearing Procedure regarding the agreement of the Monitoring Officer to a request to call witnesses, and to paragraph 18 of the Hearing Procedure regarding the determination of the findings of fact in the interests of clarity and fairness to all parties concerned. The Monitoring Officer had no objections to the amendments proposed but did remind the Panel that the Procedure deals how a local authority hearing is conducted, which is not a legal process.

RESOLVED:

That the Conduct Advisory Panel approve:

- a) the revised Arrangements as contained at Appendix 1 of the supporting report;
- b) the Pre-Hearing and Hearing Procedure, as amended by the Panel, appended to these Minutes.

Chairman,

HAMPSHIRE COUNTY COUNCIL

Decision Report

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|---------------------|---|
| Panel: | Conduct Advisory Panel |
| Date: | 13 September 2022 |
| Title: | Approval of absence of elected Members of the County Council – Section 85 Local Government Act 1972 |
| Report From: | Head of Law & Governance & Monitoring Officer |

Contact name: Barbara Beardwell

Tel: 03707 793751

Email: Barbara.beardwell@hants.gov.uk

Purpose of this Report

1. The purpose of this report is for the Conduct Advisory Panel to consider granting periods of absence for elected Members of the County Council pursuant to Section 85 of the Local Government Act 1972.

Recommendation

2. That the Conduct Advisory Panel approve a period of absence from attendance at a meeting of the County Council, its Committees, Outside Bodies or Joint Committees to which he is appointed, pursuant to Section 85 of the Local Government Act 1972 until 25 November 2022 for Councillor Dowden for health reasons.
3. That the Conduct Advisory Panel approve a period of absence pursuant to Section 85 of the Local Government Act 1972 until 31 March 2023 for Councillor Kirsty North, whilst she is on maternity leave. This period of absence to apply to both her attendance at a meeting of the County Council, its Committees, Outside Bodies or Joint Committees to which she is appointed and to her attendance at a meeting of the Executive.

Contextual information

4. By virtue of Section 85 of The Local Government Act 1972 (the Act) a County Councillor ceases to be a Member of the County Council if he/she fails to attend a Meeting of the County Council, its Committees, Outside Body or Joint Committee to which they are appointed to represent the County Council,

for a period of six consecutive months commencing on the date of the Member's last attendance, unless the period of absence is, for some reason, approved by the County Council prior to the expiry of that period.

5. In addition to the general attendance requirement detailed above, by virtue of Section 85(2A/2B) of the Act, where a Local Authority operates Executive Arrangements, a member of the Executive also ceases to be a Member of the County Council if he/she fails to attend any meeting of the Executive for a period of six consecutive months, unless the period of absence is, for some reason, approved by the County Council prior to the expiry of that period. In this context, attendance may include the discharge of an Executive responsibility by the Member acting alone (e.g. a Decision Day), or attendance at a committee of the Executive (e.g. Cabinet).
6. The function of approval of absence pursuant to Section 85 of the Act was delegated by the County Council at its meeting on 20 September 2018 to the Conduct Advisory Panel.

Councillor Dowden

7. Councillor Dowden has recently suffered an injury that has significantly impaired his mobility. This has resulted in him being unable to attend a meeting of the County Council, its Committees, Outside Bodies or Joint Committees to which he was appointed since the meeting of the Pension Fund Panel and Board on 25 March 2022. His six-month non-attendance limit as set out in the Act will therefore expire on 25 September 2022 and although his recovery is underway, he will be unable to attend such a meeting before this time limit is exceeded.
8. It is requested that the Conduct Advisory Panel grant Councillor Dowden a leave of absence until 25 November 2022. Should it appear likely that on expiry of this dispensation, Councillor Dowden will remain unable to attend a meeting of the County Council, its Committees, Outside Bodies or Joint Committees to which he is appointed, an extension to the dispensation may be considered and, if appropriate, a further report will be presented to the County Council meeting on 24 November 2022.

Councillor Kirsty North

9. Councillor Kirsty North will shortly begin a period of maternity leave and it is anticipated that she will be unable to attend a meeting of the County Council, its Committees, Outside Bodies or Joint Committees to which she is appointed during this time. Councillor North is also a member of the County Council's Executive (the Executive Member for Performance, Human Resources and Inclusion & Diversity) and it is anticipated that she will also be unable to attend a meeting of the Executive during this time. The Leader has

agreed alternative arrangements for the discharge of her Executive responsibilities whilst she is unavailable.

10. It is requested that the Conduct Advisory Panel grant Councillor Kirsty North a leave of absence, until 31 March 2023, with respect to both her attendance at a meeting of the County Council, its Committees, Outside Bodies or Joint Committees to which she is appointed and to her attendance at a meeting of the Executive. Should it appear likely that on expiry of this dispensation Councillor North will remain unable to attend either of the above, an extension to the dispensation may be considered either by the Conduct Advisory Panel, or by the County Council.

Climate Change Impact Assessment

11. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
12. The carbon mitigation tool and climate change adaptation tools were not applicable because this decision relates to the application of a governance process as set out in legislation.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision in order to comply with legislative processes.

Other Significant Links

| Links to previous Member decisions: | |
|--|-------------|
| <u>Title</u> | <u>Date</u> |
| N/A | |
| Direct links to specific legislation or Government Directives | |
| <u>Title</u> | <u>Date</u> |
| Local Government Act 1972 | |

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

| <u>Document</u> | <u>Location</u> |
|-----------------|-----------------|
| None | |

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

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

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

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

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

2. Equalities Impact Assessment:

No equality impacts have been identified.

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