

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,