

HAMPSHIRE COUNTY COUNCIL

Decision Report

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

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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.