

NOTICE OF MEETING

Meeting	Conduct Advisory Panel
Date and Time	Friday 26 July 2024 at 3.00 pm
Place	Chute Room - HCC
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 Personal interest in a matter being considered at the meeting should consider whether such interest should be declared, and having regard to Part 5, Paragraph 4 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 - 4)

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 5 - 8)

To consider a report from the Assistant Director - Legal Services and Monitoring Officer, which asks the Conduct Advisory Panel to consider granting a period of absence for an elected Member of the County Council pursuant to Section 85 of the Local Government Act 1972.

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 Tuesday, 30th January, 2024

Chairman:

* Councillor Mark Kemp-Gee

* Councillor Tom Thacker
Councillor Tim Davies
Councillor David Drew
Councillor Keith House
* Councillor Gavin James
* Councillor Peter Latham
* Councillor Kim Taylor
* Councillor Andy Tree

* Councillor Rhydian Vaughan MBE
Councillor Jackie Branson
Councillor Peter Chegwyn
* Councillor Adrian Collett
Councillor Alex Crawford
Councillor Louise Parker-Jones
Councillor Michael Thierry
Councillor Jacky Tustain

*Present

44. APOLOGIES FOR ABSENCE

Apologies were noted from Councillor Keith House (Councillor Adrian Collett was in attendance in his place) and Councillor David Drew.

45. DECLARATIONS OF INTEREST

No declarations of interest were made.

46. MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on 13 September 2022 were confirmed as a correct record and signed by the Chairman.

47. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements on this occasion.

48. DEPUTATIONS

There were no deputations on this occasion.

49. PROPOSED AMENDMENT TO THE COUNTY COUNCIL'S ARRANGEMENTS FOR DEALING WITH COMPLAINTS AGAINST MEMBERS

The Panel considered the report of the Director of People and Organisation regarding a proposed amendment to the County Council's arrangements for dealing with complaints against Members. It was noted that the proposed amendment had been brought forward in response to a Notice of Motion at County Council on 18 May 2023.

The Notice of Motion requested, amongst other things, that the arrangements for dealing with complaints against Members include reference to the Council's ability to invite a Member to resign as part of an action of censure determined by the Council in accordance with those arrangements when a Member is found to have expressed racist and or unlawfully discriminatory beliefs publicly. However, the representative of the Monitoring Officer highlighted that the update being proposed used different wording due to consideration of the legal position around inviting a Member to resign. The proposed amendment instead used the wording "the Hearing Panel may additionally decide that the circumstances of the misconduct are such that it is the view of the Hearing Panel that the Subject Member ought to consider resigning from office."

Members debated the issues raised by the proposed amendment. A Member of the Panel suggested that those subject to such a complaint should be entitled to independent specialist legal advice. It was discussed that the Subject Member would be entitled to their own legal advice but this would be at their own expense. A Member of the Panel also suggested that a Member subject to such a complaint should have a right of appeal regarding the outcome. It was discussed that this was not part of the process and not part of the amendment being discussed at this meeting and therefore would need to be raised as a separate issue for consideration. It was noted that the outcome of a Hearing Panel was the view of a body of peers not a legal outcome.

RESOLVED:

That the Conduct Advisory Panel note the County Council's request that it consider amending the County Council's Arrangements for dealing with complaints against Members to include reference to the Council's ability to invite a Member to resign as part of an action of censure determined by the Council in accordance with those arrangements when a Member is found to have expressed racist and or unlawfully discriminatory beliefs publicly.

That the Conduct Advisory Panel approve the revised wording of section 12 of the County Council's *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* set out in Annex 2.

Chairman,

HAMPSHIRE COUNTY COUNCIL

Decision Report

Panel:	Conduct Advisory Panel
Date:	26 July 2024
Title:	Approval of absence of elected Members of the County Council – Section 85 Local Government Act 1972
Report From:	Assistant Director-Legal Services and Monitoring Officer

Contact name: David Kelly

Email: David.Kelly@hants.gov.uk

Purpose of this Report

1. The purpose of this report is for the Conduct Advisory Panel to consider granting a period of absence for an elected Member 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 14 December 2024 for Councillor Humby for caring responsibilities.

Contextual information

3. 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.
4. 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 Humby

5. Councillor Humby has recently had increased caring responsibilities for his elderly aunt who resides with him and his wife. Coupled with that he also now has significant additional caring responsibilities for his elderly father and mother, he lives closest to them with his siblings being some distance away. The caring needs of all three relatives require Councillor Humby to be available for urgent response to support them on a daily basis which significantly affects his ability to attend meetings without risk of impact on his vulnerable relatives. He is in the process of putting in place appropriate care arrangement through private provision although it takes time to secure the appropriate care and for that to bed in.
6. 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 he attended the Leader and Executive Member for Hampshire 2050 and Corporate Services Decision Day on 14 March 2024. His six-month non-attendance limit as set out in the Act will therefore expire on 14 September 2024.
7. It is requested that the Conduct Advisory Panel grant Councillor Humby a leave of absence until 14 December 2024.

Climate Change Impact Assessment

8. 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.
9. 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.