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NOTICE OF MEETING

Meeting	Conduct Advisory Panel
Date and Time	Thursday, 19th July, 2018 at 10.30 am
Place	Chute Room, Elizabeth II Court South, The Castle
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
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. The meeting may also be recorded and broadcast by the press and members of the public – please see the Filming Protocol available on the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any 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 - 4)

To confirm the minutes of the previous meeting held on 1 December 2017.

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. CONSTITUTIONAL MATTER - DELEGATION OF APPROVAL OF ABSENCE OF AN ELECTED MEMBER OF THE COUNCIL (Pages 5 - 8)

To consider a report of the Monitoring Officer regarding the delegation of approval of absence of an Elected Member of the Council.

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 Friday, 1st December, 2017

Chairman:

* Councillor Mark Kemp-Gee

* Councillor Keith Evans
* Councillor Adam Carew
Councillor Peter Chegwyn
* Councillor Andrew Gibson
* Councillor Keith House

* Councillor Gavin James
Councillor Peter Latham
* Councillor Tom Thacker
* Councillor Rhydian Vaughan

*Present

7. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Latham.

8. **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.

9. **MINUTES OF THE PREVIOUS MEETING**

The Minutes of the meeting held on 23 June 2017 were confirmed as a correct record and signed by the Chairman.

10. **CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's Announcements.

11. **DEPUTATIONS**

There were no deputations on this occasion.

12. **AMENDMENT OF THE LOCALISM ACT 2011 REQUIRING A CHANGE TO THE ARRANGEMENTS FOR THE ASSESSMENT, INVESTIGATION AND DETERMINATION OF COMPLAINTS OF BREACH OF THE CODE OF CONDUCT FOR MEMBERS OF THE COUNTY COUNCIL**

The Panel considered the report of the Director of Transformation and Governance (Item 6 in the Minute Book) seeking approval for a change to the County Council's arrangements for the assessment, investigation and determination of complaints of breach of the Code of Conduct for Members and Co-opted Members of the County Council (the Arrangements) in consequence of an amendment to the Localism Act 2011, requiring that specific provision is made concerning the handling of complaints against the Police and Crime Commissioner for Hampshire in his capacity as a Co-opted Member of the Hampshire Health and Wellbeing Board.

The Head of Law and Governance took Members through the report and highlighted the amendments to the Arrangements as set out in Appendix 1 of the report. Members noted the complaint process, and it was explained that such complaints would be referred to the Police and Crime Panel for consideration first, before the County Council determined whether the Code of Conduct for Members had been breached. The Head of Law and Governance reported that the process would be conducted in a timely manner, and Members were content with the recommendation.

RESOLVED:

That the Conduct Advisory Panel approve the revised arrangements in respect of the assessment, investigation and determination of complaints of breach of the Code of Conduct for Members contained at Appendix 1 to this report.

Chairman,

HAMPSHIRE COUNTY COUNCIL

Report

Committee/Panel:	Conduct Advisory Panel
Date:	19 July 2018
Title:	Constitutional Matter – Delegation of approval of absence of an elected Member of the Council
Report From:	Monitoring Officer

Contact name: Barbara Beardwell

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Email: barbara.beardwell@hants.gov.uk

1. Recommendation(s)

1.1. That the Conduct Advisory Panel recommend to full Council that responsibility for approval of absence of an elected Member of the County Council pursuant to Section 85 of the Local Government Act 1972 be delegated to the Conduct Advisory Panel.

2. Summary

2.1. The purpose of this paper is for Members of the Conduct Advisory Panel to consider whether it would be appropriate that the function of approval of absence pursuant to Section 85 of the Local Government Act 1972 ('The 1972 Act') should be delegated to the Conduct Advisory Panel.

2.2. By virtue of Section 85 of the 1972 Act, if an elected Member of the County Council, for six months, fails to attend any meeting of the County Council, its Committees, Sub-Committees, Joint Committee or Outside Body to which such Member has been appointed by the County Council, such Member ceases to be a Member unless within that period his absence is due to some reason approved by the County Council. Approval needs to be done before the expiry of the six month period.

2.3. Similarly, an Executive Member who fails for six months to attend any meeting of the Executive or discharge any individual Executive Function such Member ceases to be a Member of the County Council unless the absence is approved by the County Council before the expiry of the six month period.

2.4. Historically, the function of approval of absence pursuant to Section 85 of the 1972 Act has been exercised by the full Council. There is however no reason why the function might not be delegated to a Committee of the County Council.

- 2.5. Bearing in mind the timescale between full Council meetings, and also the fact that from time to time Council meetings may be cancelled / rescheduled for good business reasons, an unintended consequence might be that a Member absent through extended illness or some other good reason may through no fault of his own run into difficulty in consequence of the strict time limits of the 1972 Act.
- 2.6. It is therefore considered appropriate that there should be a mechanism in place to deal with such unforeseen eventualities, and that the Conduct Advisory Panel is an appropriate Committee of the County Council to exercise the function of approval of absence in such circumstances.
- 2.7. Delegation of the function of approval of absence to the Conduct Advisory Panel does not prevent the full Council from exercising the function itself, and it is anticipated that the Conduct Advisory Panel would only be asked to consider exceptional cases where there might otherwise be a difficulty in bringing the matter before full Council within the required six month period.

3. Future direction

- 3.1. Subject to approval by the Conduct Advisory Panel, a report relating to this matter will be considered by the full Council on its meeting on 20 September 2018.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision for the good governance of the County Council.

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
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	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. 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 under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

1.2. Equalities Impact Assessment:

It is considered that this report will have no adverse impact or cause no disadvantage to groups with protected characteristics.

2. Impact on Crime and Disorder:

2.1. This report raises no issues related to crime and disorder.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption? n/a.
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? n/a.