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NOTICE OF MEETING

Meeting	Conduct Advisory Panel
Date and Time	Friday, 20th November, 2020 at 2.00 pm
Place	Virtual Teams Meeting - Microsoft Teams
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting is being held remotely and will be recorded and broadcast live via 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 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 AN ELECTED MEMBER OF THE COUNTY COUNCIL - SECTION 85 LOCAL GOVERNMENT ACT 1972 (Pages 7 - 10)

To consider a report of the Head of Law & Governance & Monitoring Officer seeking approval of absence of an elected Member.

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 observe the public sessions of the meeting via the webcast.

Public Document Pack Agenda Item 3

AT A MEETING of the Conduct Advisory Panel of HAMPSHIRE COUNTY COUNCIL held at The Castle, Winchester on Thursday, 24th October, 2019

Chairman:

* Councillor Mark Kemp-Gee

* Councillor Keith Evans	Councillor Gavin James
* Councillor Adam Carew	Councillor Peter Latham
* Councillor Peter Chegwyn	Councillor Tom Thacker
* Councillor Andrew Gibson	* Councillor Rhydian Vaughan MBE
* Councillor Keith House	* Councillor Patricia Stallard

*Present

19. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Peter Latham. Councillor Patricia Stallard was in attendance as the Conservative Substitute Member.

20. 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.

No declarations were made.

21. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 19 July 2018 were confirmed as a correct record and signed by the Chairman.

22. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements on this occasion.

23. **DEPUTATIONS**

There were no deputations on this occasion.

24. **LOCAL GOVERNMENT ETHICAL STANDARDS AND MEMBERS' CODE OF CONDUCT**

The Panel considered a report of the Head of Law and Governance and Monitoring Officer (Item 6 in the Minute Book) regarding the recommendations and best practice proposed by the Committee on Standards in Public Life (CSPL) as a result of its review into Local Government Ethical Standards.

The Head of Law and Governance took Members through the report and explained the purpose for bringing this to the Panel's attention. It was heard that proposed changes to the Members' Code of Conduct would be considered in due course after publication of an updated Code of Conduct by the Local Government Association, recommended by the CSPL. In the meantime, some of the best practice points could be considered by the Panel as they affected The Arrangements for the Assessment, Investigation and Determination of Allegations of Breach of the Code of Conduct for Members, which the Panel had delegated authority to approve.

The Head of Law and Governance took Members through the proposed changes to The Arrangements as highlighted in Appendix C to the report. These included provision for delegation to the Deputy Monitoring Officer if a conflict of interest arose for the Monitoring Officer in relation to a complaint, and to allow for the publication of a decision notice after a hearing panel. Members noted that the hearing panel would determine the arrangements for such notice. Section three of the Arrangements was also highlighted which set out the initial validation of a complaint, and Members were taken through the process for this.

The Panel queried the number of complaints brought against Members and it was noted that these were infrequent, as were hearing panel meetings. The role of an Independent Person in the Member complaint process was also explained, as well as their recruitment to the role. The Panel were appreciative of the report being brought to their awareness at this point in time, and were content with the recommendations proposed.

RESOLVED:

The Conduct Advisory Panel:

- Agreed that, once the updated model Local Government Code of Conduct has been published, the County Council's Code of Conduct for Members should be reviewed to take account of the new model provisions and to adopt best practice points 1 and 2 of the Committee on Standards in Public Life's review of Local Government Ethical Standards;
- Agreed that thereafter the revised Code of Conduct be presented to the Conduct Advisory Panel for approval and recommendation to the County Council;

- Approved the proposed amendments to paragraphs 2.6, 10.2 and 12.2 and 12.2.1 of the County Council's Arrangements for 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 as set out in Appendix C; and
- Requested that the Head of Law and Governance and Monitoring Officer bring best practice point 14 of the Committee on Standards in Public Life's report to the attention of the Audit Committee at the time the Committee next considers the County Council's Annual Governance Statement.

Chairman,

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Committee/Panel:	Conduct Advisory Panel
Date:	20 November 2020
Title:	Approval of absence of an elected Member of the County Council – Section 85 Local Government Act 1972
Report From:	Head of Law & Governance & Monitoring Officer

Contact name: Barbara Beardwell

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Purpose of this Report

1. The purpose of this report is for the Conduct Advisory Panel to consider a grant of 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 pursuant to Section 85 of the Local Government Act 1972 for a period of six months from the 20 November 2020 for Councillor Dibbs for health reasons.

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.
5. As Members of the Conduct Advisory Panel are aware, as a result of the Covid-19 epidemic, the County Council at its meeting on 29 May 2020

granted a general dispensation pursuant to Section 85 of the Act, expiring on 31 December 2020, for any Member of the County Council who is unable to attend a Meeting of the County Council, its Committees, Outside Bodies or Joint Committees to which any such Member of the County Council has been appointed, as a result of illness, social distancing, self-isolation or shielding as a consequence of the Covid-19 epidemic. The purpose of the general dispensation was to prevent a Member of the County Council through no fault of his/her own exceeding the six month time limit as set down in the Act due to the Covid-19 epidemic.

6. The provision in the relevant Regulations regarding the ability for Local Authorities to conduct their meetings remotely currently expires on 7 May 2021. Should the provision not be extended then a further report will be brought to the County Council or the Conduct Advisory Panel as appropriate. At the time of grant of the general dispensation it was unclear as to how and when remote meetings might be introduced, and whether any further general dispensation under Section 85 of the Act might be required, should the epidemic continue past the date of expiry of the general dispensation. At present this is not necessary as it has proved possible to hold remote meetings across the County Council's business. Cllr Dibbs is however unable to attend County Council meetings for health reasons not associated with the Covid-19 epidemic, and for this reason a dispensation for Cllr Dibbs is required.
7. It is therefore requested that the Conduct Advisory Panel grant Cllr Dibbs a leave of absence for six months from 20 November 2020.

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.