

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

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

<b>Links to previous Member decisions:</b>	
<u>Title</u> N/A	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u> Local Government Act 1972	<u>Date</u>

**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.