

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,