

# HAMPSHIRE COUNTY COUNCIL

## Report

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

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### 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**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>	
<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.