

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

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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:	
Title N/A	Date
Direct links to specific legislation or Government Directives	
Title Local Government Act 1972	Date

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.