

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Conduct Advisory Panel
<b>Date:</b>	23 June 2021
<b>Title:</b>	Amendment of the 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 Hampshire County Council Code of Conduct for Members, and Pre-Hearing and Hearing Procedure
<b>Report From:</b>	Head of Law and Governance and Monitoring Officer

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### 1. Executive Summary

1.1. The purpose of this report is to seek the Conduct Advisory Panel's approval to a Pre-Hearing and Hearing Procedure in respect of the determination of allegations of breach of the Code of Conduct for Members, and consequential amendment to 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 Hampshire County Council Code of Conduct for Members ('the Arrangements').

### 2. Contextual information

2.1. Part 7 of the Localism Act 2011 ('the Act'), Sections 26-37 introduced revised arrangements in respect of the Code of Conduct for Members. Under the provisions of Section 28 of the Act, the County Council is required to have arrangements in place for the Assessment, Investigation and Determination of allegations of breach of the Code of Conduct for Members. This function is delegated by the County Council to the Conduct Advisory Panel. By virtue of Part 1, Chapter 9, Paragraph 1.3.3 of the Constitution, this function is delegated to the Conduct Advisory Panel.

2.2. In pursuance to this delegation, the Conduct Advisory Panel has approved the Arrangements. The Arrangements were last updated by the Conduct Advisory Panel at its meeting on 24 October 2019. A copy of the Arrangements

2.3. While within the Arrangements there is provision for the overall Assessment, Investigation and Determination of allegations of breach of the Code of Conduct for Members, there is no specific provision in the event an allegation

of breach of the Code of Conduct for Members proceeds to a Hearing, how such Hearing should be conducted. It is therefore suggested that a formal Hearing Procedure (including a Pre-Hearing Procedure) might be helpful.

- 2.4. Attached at **Appendix 1** is a suggested revised form of the Arrangements reflecting the above, together with at **Appendix 2** a suggested Pre-Hearing and Hearing Procedure.

### **3. Recommendations**

3.1. It is recommended that the Conduct Advisory Panel approve:

- a) the revised Arrangements as contained at Appendix 1 of this report;
- b) the Pre-Hearing and Hearing Procedure contained at Appendix 2 of this report.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

**This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because of the requirements of the Localism Act 2011, and for the good governance of the County Council.**

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
Decision of the Conduct Advisory Panel	24 October 2019
Decision of the Conduct Advisory Panel	15 June 2012
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>
Localism Act	2011

**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:**

No equality impacts have been identified.

### **2. Impact on Crime and Disorder:**

Not applicable.

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

Not applicable.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Not applicable.