

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Conduct Advisory Panel
<b>Date:</b>	20 October 2014
<b>Title:</b>	Arrangements for the Granting of Dispensations – Convening of Sub-Committees
<b>Reference:</b>	6194
<b>Report From:</b>	Corporate Services – Director of Policy and Governance

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#### 1. Executive Summary

1.1. The County Council delegated the function of granting dispensations under Section 33 of the Localism Act to the Conduct Advisory Panel on 17 May 2012. This Report proposes the establishment of Sub-Committees to deal with routine applications for dispensations to promote a more efficient use of time and resources for both Members and Officers.

#### 2. Contextual information

2.1. Part 7 of the Localism Act, Sections 26-37 introduced revised arrangements in respect of the Members' Code of Conduct, and the Registration and Disclosure of Members' Interests.

2.2. Section 31(4) of the Localism Act provides that where a Member or Co-opted Member of the County Council has a Disclosable Pecuniary Interest ('DPI') in a matter under consideration such Member may not:

2.2.1 Participate, or participate further, in any discussion of the matter at the meeting, or

2.2.2 Participate in any vote, or further vote, taken on the matter at the meeting.

2.3. Section 33 of the Localism Act provides that the County Council may grant a dispensation from either or both of the restrictions set out in the Localism Act referred to at Paragraph 2.2 of this report. This function was delegated to the Conduct Advisory Panel by the County Council at its meeting on 17 May 2012.

2.4. The Conduct Advisory Panel may grant a dispensation under Section 33 of the Localism Act if, having regard to all the circumstances, it considers that:

- 2.4.1 it is necessary in terms of the number of members affected, for the business to be conducted.
- 2.4.2 it is necessary because without it the political proportionality of the decision making body would be affected.
- 2.4.3 it is necessary because without it each of the County Council's Executive Members would be prohibited from participating in Executive business.
- 2.4.4 granting dispensation is in the interests of the persons living in the Authority's area or
- 2.4.5 it considers that it is appropriate to grant a dispensation.

A dispensation granted under this Section must specify the period for which it has effect, not exceeding four years.

- 2.5 Applications for dispensation vary from applications affecting all Members of the County Council, to application affecting one member with a relatively minor 'technical DPI'. It is therefore suggested that it is not a proportionate use of Members time to require the full Conduct Advisory Panel to consider the more minor and routine applications which might be granted instead by a sub-committee.
- 2.6 Bearing in mind the political make up of the County Council, and the fact the Conduct Advisory Panel has members from four political groups, it is considered sensible in the interests of good governance and to ensure representation from all political groups, for the Conduct Advisory Panel to agree, subject to proportionality requirements, a procedure to be followed regarding the appointment of any sub-committee required to be formed in accordance with the proposed arrangements.
- 2.7 The suggested way forward is that delegated authority be given to the Monitoring Officer in consultation with the Chairman of the Conduct Advisory Panel to establish a protocol in this regard, and that thereafter where a sub-committee of the Conduct Advisory Panel is required to be convened to deal with a dispensation that delegated authority is given to the Monitoring Officer in consultation with the Chairman of the Conduct Advisory Panel to convene any sub-committee. This could be done on a rotational basis subject to proportionality requirements and individual Panel Member's availability and subject to the proviso that the Chairman of the Conduct Advisory Panel would usually chair each Sub-Committee to ensure a consistent approach for dispensations. Significant applications e.g. those affecting all Members could still be dealt with by the full Panel. Members' views are sought on this proposal and any principles which might apply.

### **3. Recommendations**

- 3.1. It is recommended that delegated authority is given by the Conduct Advisory Panel to the Monitoring Officer in consultation with the Chairman of the Conduct Advisory Panel to establish a protocol for the formation of sub-

committees of Members of the Conduct Advisory Panel to deal with routine applications for dispensations under Section 33 of the Localism Act 2011.

- 3.2. That where any sub-committee is so required that delegated authority be given to the Monitoring Officer to convene, in consultation with the Chairman of the Conduct Advisory Panel, such sub-committee in accordance with the agreed protocol.

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

**This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposals need agreement for governance arrangements in regard to the formation of sub-committees of the Conduct Advisory Panel.**

**Other Significant Links****Links to previous Member decisions:**

<u>Title</u>	<u>Reference</u>	<u>Date</u>
Localism Act 2011 – Interim Standards Arrangements	252 (X)	17/05/2012

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<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	

## 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:

See guidance at <http://intranet.hants.gov.uk/equality/equality-assessments.htm>

*Inset in full your **Equality Statement** which will either state*

- (a) why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- (b) will give details of the identified impacts and potential mitigating actions*

### 2. Impact on Crime and Disorder:

2.1.

### 3. Climate Change:

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

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