

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Conduct Advisory Panel
<b>Date:</b>	2 October 2013
<b>Title:</b>	Disclosable Pecuniary Interests – Dispensation for Officer Members of the Health & Wellbeing Board for Hampshire
<b>Reference:</b>	5221
<b>Report From:</b>	Corporate Services - Director of Policy and Governance

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#### 1. Executive Summary

1.1. The Health and Wellbeing Board for Hampshire was established by the County Council on 18 July 2013 by virtue of the Health and Social Care Act 2012. The purpose of this report is to seek a dispensation for all Officer members of the Health and Wellbeing Board for Hampshire from the restrictions imposed by Section 31(4) of the Localism Act 2011 ('the Localism Act'), enabling them to fully participate and vote in the business of the Health and Wellbeing Board.

#### 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, inter alia 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 The Health and Wellbeing Board for Hampshire has within its membership Officers of the County Council who are, uniquely for a County Council Committee, full voting members of the Board.
- 2.6 As full voting members of the Board these Officers have become Co-opted Members of the County Council for the purposes of section 27 (4) of the Localism Act.
- 2.7 As Co-opted Members of the County Council these Officers are bound by Hampshire County Council's Code of Conduct for Members and in particular by the provisions of the Code relating to DPI's.
- 2.8 Any employment carried on for profit or gain is a specified DPI for the purposes of Chapter 7 of Part 1 of the Localism Act.
- 2.9 It is undoubtedly the case that the Officer members of the Health and Wellbeing Board for Hampshire are employed by the County Council for profit or gain which means that in the absence of a dispensation they would not be able to participate in any business of the Board that relates to Hampshire County Council. As a committee of the County Council it is inevitable that a significant proportion of the work of the Board will directly affect the County Council. For these Officers to be excluded from participating in this business would defeat the object of their appointment to the Board by the County Council.

### **3. Recommendation**

It is recommended that the Conduct Advisory Panel, grants the following dispensation under Section 33(2) (e) of the Localism Act:

- 3.1. A dispensation expiring on 1 May 2017 to all Officer members of the Health and Wellbeing Board for Hampshire from the provisions of Section 31(4)(a) and (b) of the Localism Act 2011 enabling them to fully participate and vote in any business of the Health and Wellbeing Board for Hampshire when they would otherwise be prevented from doing so by virtue of a Disclosable Pecuniary Interest deriving from their employment by the County Council.

**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>Reference</u>	<u>Date</u>
None		
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>	<u>Date</u>	
Localism Act	2011	
Relevant Authorities (Disclosable Pecuniary Interests) Regulations	2012	

**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. Equalities Impact Assessment:**

Not Applicable.

**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.