

AT A MEETING of the CONDUCT ADVISORY PANEL IN HAMPSHIRE COUNTY COUNCIL COMMITTEE held at The Castle, Winchester on 4 July 2012.

PRESENT:

Chairman:
p Councillor Mark Kemp-Gee

Councillors:

p Peter Chegwyn	a Pamela Mutton
p Keith Evans	p Jenny Radley
a Jane Frankum	p Tom Thacker
p Andrew Gibson	p Seán D. T. Woodward
p Keith House	

7. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Jane Frankum and Pamela Mutton .

8. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a personal or prejudicial interest in any matter considered at the meeting declared that interest at the time of the relevant debate and, having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, considered whether to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with paragraph 12 of the Code.

9. MINUTES

The Minutes of the meeting held on 15 June 2012 were confirmed as a correct record and signed by the Chairman.

There were no matters arising.

10. CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that Item 5 on the Agenda was being considered as a matter of urgency under Section 100B (4) of the Local Government Act 1972 in order to allow the County Council to meet its statutory obligations.

The Chairman confirmed he was in receipt of a copy of a letter sent to all Local Authority Leaders from Bob Neill MP on 28 June 2012 concerning the new standards and conduct arrangements that came

into force on 1 July 2012. One particular element of the letter regarding the role and arrangements for the recruitment of at least one Independent Person did not appear to wholly accord with the provisions set out in Regulations made under the Localism Act 2011. The Head of Governance and Monitoring Officer confirmed that the arrangements the County Council were putting in place for independent persons were in line with the provisions of the relevant Regulations.

11. **LOCALISM ACT 2011 – DRAFT CODE OF CONDUCT FOR MEMBERS OF THE COUNTY COUNCIL AND RELATED MATTERS**

The Panel considered the report of the Chief Executive (Item 5 in the Minute Book) suggesting a revised Code of conduct for Members of the County Council and related matters in accordance with the requirements of the Localism Act 2011.

In presenting the report, the Head of Governance and Monitoring Officer confirmed that further work had been carried out on the draft Code of Conduct taking into account the initial views of the Panel at their first meeting held on 15 June 2012, which was to go above the minimum requirement of registering Disclosable Pecuniary Interests (DPIs) and to continue to register some personal interests. She confirmed that some Authority's had decided to prepare a Code that met minimum requirements of DPIs only. It was recognised that different Codes of Conduct could be confusing for 'double' and 'triple' hatted Members and that a uniformity across all Hampshire local authorities was desirable if possible. However, the very tight timescale within which the Regulations had come into force rendered this unlikely at this time.

In considering the revised draft Code of Conduct the Panel had a comprehensive discussion, particularly in regard to personal interests and gifts and hospitality, and whether or not to continue to register these. The Panel were mindful that the new arrangements had been introduced to make things simpler and less bureaucratic and that a new Code should be fit for purpose, transparent and something that all Members should have confidence in. On reflection the Panel concluded that the continuation of requiring registration of personal or non-pecuniary interests in the new Code of Conduct would be far from simple, could be open to misinterpretation and onerous. Members did however, in the interests of openness and transparency, wish to retain provision for the registration of gifts and hospitality. It was agreed that the new Code of Conduct would focus on DPIs for which the failure to register was now a criminal offence.

The Head of Governance and Monitoring Officer indicated that there was a lack of clarity in certain parts of the Regulations, in particular whether the fact that a Member received an allowance from the County Council or any other body to which a Member was appointed constituted a DPI.

The Head of Governance and Monitoring Officer drew Members attention to the letter from Bob Neill MP, referred to previously in these Minutes, indicating that guidance was to be published by the Department for Communities and Local Government (DCLG) on DPIs to assist local authorities. In the meantime, the Panel were of the view that since Members were elected democratically to office any allowance did not constitute a DPI, being no more than a reasonable compensation for time spent carrying out the duties of their office.

The Panel noted that a new form to register DPIs was being prepared and would be issued to all Members shortly. It was agreed that the requirement of an individual Member to notify changes to DPI's on their Register would be ongoing; that any Member declaring a DPI at a meeting would be required to leave the room for the duration of the discussion and voting on the relevant matter, and Standing Orders would be amended accordingly; that as details of DPIs would be registered, it was not necessary for Members to declare specific details of DPIs at a meeting; that membership of other authorities and representation on outside bodies would be listed on Members individual webpages, that Members could still declare non-pecuniary interests should they wish to do so, and that the receipt of gifts or acceptance of hospitality in excess of £100 would be registered.

RESOLVED:

That the Conduct Advisory Panel agreed the revised draft Code of Conduct subject to further revisions to incorporate their views as summarised above, for recommendation to the County Council at its meeting on 19 July 2012.

12. **FUTURE DIRECTION AND TIMELINE FOR INVESTIGATION AND DETERMINATION OF COMPLAINTS UNDER THE NEW CODE OF CONDUCT**

The Chairman outlined the future direction and timeline for the investigation and determination of complaints under the new Code of Conduct for Members and proposed that a meeting of the Panel be convened in early September to receive the views of Members on this matter.

RESOLVED:

That a meeting of the Panel in early September 2012 be convened.