

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Executive Member for Culture, Recreation and Countryside
<b>Date:</b>	05 March 2015
<b>Title:</b>	Approval of the updated Memorandum of Agreement for the Basingstoke Canal Joint Management Committee
<b>Reference:</b>	6556
<b>Report From:</b>	Director of Culture, Communities and Business Services

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## **1. Executive Summary**

- 1.1. The purpose of this paper is to ratify the decision of the Basingstoke Canal Joint Management Committee [JMC] at their meeting of 27 February 2014 to agree an updated Memorandum of Agreement.
- 1.2. This report seeks to gain Hampshire County Council Executive approval and support for the changes agreed by the Basingstoke Canal JMC as the Basingstoke Canal JMC holds delegated executive powers in respect of the day to day management of the Canal.
- 1.3. The revised Memorandum of Agreement is contained in Appendix 1

## **2. Contextual information**

- 2.1. The Basingstoke Canal is jointly owned by Hampshire and Surrey County Councils (each within their jurisdiction), however, the Canal has been managed by a partnership body known as the Basingstoke Canal Authority (BCA) since 1990, which is hosted by Hampshire County Council. The BCA is supported by each of the County Councils and the six riparian District and Borough Councils along the Canal's length.
- 2.2. The Basingstoke Canal partnership and the work of the BCA is governed by a Joint Management Committee. The Committee has both terms of reference and a memorandum of agreement and consists of Members appointed by each of the partner authorities. However, the Committee holds executive powers of Surrey and Hampshire County Council only in respect of the day to day management of the Canal.
- 2.3. The Memorandum of Agreement was last previously reviewed in 2008, since when a number of changes to the way the Canal is run have taken place.

These changes include a significant alteration to staffing arrangements which has rendered the Agreement out of date.

- 2.4. A report recommending that the Agreement should be updated to reflect those new arrangements was approved by the Basingstoke Canal JMC in February 2014.

### **3. Finance**

- 3.1. An agreed funding formula is part of the Memorandum of Agreement but was not amended in the latest revision and remains a method of sharing the budget set by the JMC between its constituent partners.
- 3.2. The finances of the partnership remain unaltered in the revision of the MoA, and there are therefore no additional financial implications for Hampshire County Council.

### **4. Performance**

- 4.1. The BCA had a number of staffing changes in 2010/11 in order to operate more efficiently and at lower cost. Principle to this was the removal of the Canal Director position and its replacement with a Canal Manager and strategic officers embedded within the Countryside Service of each County Council. The references to the Canal Director throughout the 2008 Agreement required that it was updated to ensure the BCA was able to make appropriate day to day management decisions.
- 4.2. The strategic documents which guide the daily activities of the BCA were also out of date, and the opportunity was taken to revise these into a new suite of documents to help improve performance and reporting to the JMC. These are listed in the attached MoA

### **5. Consultation and Equalities**

- 5.1. There are considered to be no Equalities issues arising from the update of the Agreement.
- 5.2. The decision to update the Agreement was made by the appointed Members of each partner authority subject to a publically available report to the JMC..

### **6. Recommendation(s)**

- 6.1. That the Executive Member approves the decision of the Basingstoke Canal Joint Committee made at its meeting of 27 February 2014 to revise its Memorandum of Agreement.

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

Hampshire safer and more secure for all:	yes
Maximising well-being:	yes
Enhancing our quality of place:	yes

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
Basingstoke Canal Joint Management Committee	<u>5/14</u>	27 February 2014
<b>Direct links to specific legislation or Government Directives</b>		
Local Government Act 1972		1972

**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.)

DocumentLocation

## **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:**

The recommendation is a change in documentation only to ensure the Canal can continue to operate effectively providing a service to all visitors. There are considered to be no Equalities impacts.

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

The recommendation is a change in documentation only to ensure the Canal can continue to operate effectively providing a service to all visitors. There are considered to be no Crime and Disorder impacts.

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

- a) How does what is being proposed impact on our carbon footprint / energy consumption? N/A
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? The Basingstoke Canal suffers from low water levels in summer due to decreasing levels in the aquifer. The Operational Plan referred to in the MoA will suggest ways in which water can be managed more efficiently.