

HAMPSHIRE COUNTY COUNCIL**Decision Report**

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| Decision Maker: | Cabinet |
| Date of Decision: | 25 July 2011 |
| Decision Maker: | County Council |
| Date of Decision: | 15 September 2011 |
| Title: | Partnership for Urban South Hampshire Governance Arrangements |
| Reference: | 3134 |
| Report From: | Report of the Director of Economy, Transport and Environment and the Chief Executive |

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1. Executive Summary

- 1.1 The purpose of this paper is for Cabinet to consider and recommend to the County Council approval to revise the constitutional arrangements relating to the Partnership for Urban South Hampshire (PUSH) to reflect changes in the Membership following the departure of the New Forest District Council and the addition of the Isle of Wight Council. These changes have already been considered by the PUSH Joint Committee and have been approved. Each of the constituent local authorities is now being asked to consider a report recommending that they support the changes.
- 1.2 This paper seeks to summarise the proposed changes to the existing Joint Agreement, including the removal of the County Council and Unitary Councils power of 'veto', Membership alterations and the inclusion of the financial contributions of each Member of PUSH.

2. Contextual information

- 2.1 PUSH came together initially in 2003/04 with a common purpose of regenerating the sub-regional economy, addressing regional and sub-regional economic disparities, tackling pockets of deprivation and social

exclusion and securing the long-term prosperity and quality of life of the residents of the area through ensuring South Hampshire had a strong and prosperous economy. With the advent of the South East Plan, PUSH's role embraced the sub-regional input to the Regional Spatial Strategy, and championed the cause of local determination of the future development of the area. The County Council has been a member of the partnership from the start, and helped to ensure that PUSH embraced equality of membership and opportunity for the four districts whose areas were only partly within the South Hampshire sub-region (East Hampshire, Winchester, Test Valley and New Forest) as well as the two cities and the four core districts wholly within the PUSH area (Havant, Fareham, Gosport and Eastleigh).

- 2.2 The current partnership arrangements commenced in November 2007 with the confirmation of the Joint Committee as the decision making body. The PUSH Joint Agreement introducing this and other constitutional arrangements was completed on 15 August 2008 after it had been signed by all participating authorities.
- 2.3 The County Council remains a full member of PUSH following the withdrawal of its notice of intention to leave PUSH before the effective departure date. Following the changes in the Membership arising from the departure of the New Forest District Council and the addition of the Isle of Wight Council, the constitutional arrangements need to be updated. The County Council is also aware that there are further changes to the PUSH voting system proposed, and that these were tabled verbally at the Joint Committee earlier in the year.
- 2.4 The Joint Agreement will also need to be changed again next year to reflect undated financial considerations, including a recalibration of the population base following the census, and potentially to pick up consequential amendments resulting from changes arising as a result of the Localism Bill.

3. Changes to the Constitutional Arrangements

- 3.1 The key revisions to the joint constitutional arrangements for the County Council concern:
 - (i) representation;
 - (ii) the removal of the power of veto; and
 - (iii) the apportionment of the financial contributions of the parties.
- 3.2 The issue of the removal of the County Council and Unitary Councils' veto' is likely to be a concern to many Members of the County Council. The veto provision was originally included in the Joint Agreement to protect the rights of the upper tier authorities in relation to strategic planning and related responsibilities, which did not enjoy the same constitutional protection afforded to the local planning authority role in the provisions of the Joint

Agreement. The veto also reflected the relatively, significant financial contributions made to PUSH by the County Council and the Unitary Councils. It is suggested that the proposal to remove the veto is not been fully considered in either of these aspects, and was accepted, as a proposition put to the Joint Committee without prior warning, with no written report, and without the benefit at the time of legal advice on the implications of making such a change to the Joint Agreement.

- 3.3 With the new LEP arrangement taking formal shape, and the emerging picture on reforms to the planning system, infrastructure funding, and a general re-shaping of the public sector landscape, it seems to be premature to fix on this change to the constitutions framework of PUSH now, particularly given the acknowledged need for a further set of changes next year.
- 3.4 It is suggested that it would seem more expedient to consider all these potential changes at the same time, after a proper review, with the immediate changes to the Joint Agreement confined to the Membership alterations and the immediate consequential changes.
- 3.5 The Membership alterations and consequential changes referred in this Report do not carry any significant risk to the County Council.

4. Conclusion

- 4.1 The Joint Agreement needs to be updated to reflect the changes in the Membership following the departure of new Forest District Council and the addition of the Isle of Wight Council. Until the new agreement has been approved by all member bodies, the existing Joint Agreement remains in force. For the reasons set out in the report, changes to the voting system should more properly be deferred and considered in the round as part of the further review of the agreement, likely to be instituted in 2012.

5. Recommendation(s)

5.1 It is recommended that Cabinet:

- 5.1.1 supports and approves the following proposed amendments to the Joint Agreement made between the County Council, Southampton and Portsmouth City Councils, East Hampshire, Eastleigh, Fareham, Gosport, Havant, Isle of Wight, Test Valley and Winchester District/Borough Councils (together referred to as "the PUSH Authorities") to reflect the alterations in Membership and immediate consequential changes:-
 - (a) the inclusion of a clause relating to the funding of Capital Schemes, in that such schemes shall be managed and handled separately from the running costs and revenue expenditure of the Joint Committee;

- (b) the financial contributions of the parties shall, unless or until varied by the Joint Committee, be apportioned based on the proportions set out in the Joint Agreement;
 - (c) in the event of an authority being appointed as Lead Authority by PUSH, the Lead Authority shall provide its own legal and financial advisor; and
 - (d) each party shall be liable for and indemnify the other parties against any reasonable expense, liability, loss, claim or proceeding whatsoever arising in respect of personal injury to or death of any person, any damage to property real or personal, and/or as a direct result of wilful default or fraud of the indemnifying party in respect of its role in the activities of the joint Committee and/or under the Agreement and/or where acting as lead Authority
- 5.1.2 to not support and agree the proposed changes in respect of the removal of the County Council and Unitary Councils power of 'veto'.
- 5.1.3 authorises the Leader to finalise the detail of the joint constitutional arrangements, in consultation with the Director of Economy, Transport and Environment and the Chief Executive, on the basis set out in the Report.
- 5.1.4 **County Council is recommended :-**
- (i) to support and approve the proposed amendments to the Joint Agreement as referred to in paragraph 5.1.1 above;
 - (ii) to not support the proposed changes referred to in paragraph 5.1.2 above; and
 - (iii) that authority is given to the Chief Executive, in consultation with the Leader and Director of Economy, Transport and Environment, to finalise the detail of the joint constitutional arrangements, on the basis set out in the Report.

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

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| Hampshire safer and more secure for all: | yes |
| Corporate Improvement plan link number (if appropriate): | |
| Maximising well-being: | yes |
| Corporate Improvement plan link number (if appropriate): | |
| Enhancing our quality of place: | yes |
| Corporate Improvement plan link number (if appropriate): | |

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| Section 100 D - Local Government Act 1972 - background documents | |
| <p>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.)</p> | |
| <u>Document</u> | <u>Location</u> |
| None | |

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1 No impact has been identified, since this report is a revision of the constitutional arrangements.

2. Impact on Crime and Disorder:

- 2.1 The County Council has a legal obligation under Section 17 of the Crime and Disorder Act 1998 to consider the impact of all the decisions it makes on the prevention of crime. The proposals in this report have no proven impact on the prevention of crime.

3. Climate Change:

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

No impact has been identified, since this report is a revision of the constitutional arrangements.

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

The constitutional revisions to the Joint Agreement do not cover these issues.