

NOTICE OF MEETING

Meeting	Independent Remuneration Panel
Date and Time	Wednesday, 29th September, 2021 at 2.00 pm
Place	Portal Room, Castle Hill, Winchester
Enquiries to	members.services@hants.gov.uk

Carolyn Williamson FCPFA
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Filming Protocol available on the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF PREVIOUS MEETING

To confirm the minutes of the previous meeting held on 24 September 2019.

4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

6. COUNTY COUNCILLOR AND RELEVANT CO-OPTED MEMBER COMMENTS

To receive any comments from County Councillors or relevant Co-opted Members.

7. AMENDMENTS TO THE MEMBERS' ALLOWANCES SCHEME FOR 2021/22 (Pages 5 - 10)

To consider amendments to the current Members' Allowances Scheme in regard to a Special Responsibility Allowance for the role of Assistant to the Executive – Adult Services and Public Health, Assistant to the Executive – Children's Services and for the Chairman of the River Hamble Harbour Board – Culture, Communities and Business Services.

8. MEMBERS' ALLOWANCES SCHEME 2022/23, 2023/24, 2024/25 AND 2025/26

To consider and make recommendations in respect of a Members' Allowances Scheme in accordance with Regulation 21 of the Local Authorities (Members Allowances) (England) Regulations 2003 to take effect from 1 April 2022.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact members.services@hants.gov.uk for assistance.

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

AT A MEETING of the Independent Remuneration Panel of
HAMPSHIRE COUNTY COUNCIL
held at The Castle, Winchester on Tuesday, 24th September, 2019

Present:

Julia Abbott, David Heck, Richard Kinch and Martin James (Chairman).

8. **APOLOGIES FOR ABSENCE**

No apologies were received; all Members were present.

9. **DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

10. **DEPUTATIONS**

There were no deputations on this occasion.

11. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements on this occasion.

12. **MEMBERS ALLOWANCES SCHEME – ASSISTANT TO THE EXECUTIVE**

The Independent Remuneration Panel (IRP) considered a report of the Monitoring Officer regarding the position of Assistant to the Executive (Item 5 in the Minute Book), seeking a recommendation of a Special Responsibility Allowance (SRA) for the position.

In presenting the report the County Council's Head of Law and Governance confirmed the essence of the position of Assistant to the Executive, attached as Appendix 1 to these Minutes, is to help support and co-ordinate political engagement, and to provide political advice and support for the developing work of the County Council in respect to a specific remit appointed to by the Leader.

The IRP noted that the remit of this position might be time limited for specific issues or could, in the fullness of time, develop further, for example into an Executive position.

The IRP noted that the County Council continues to operate in a challenging environment and business agility is a key driver. This position provides valuable additional capacity to the Executive to help meet those challenges through the provision of support and advice in relation to the political impacts and service delivery developments linked to the County Council's extensive transformation programme.

The IRP further noted the announcement of the Leader at the County Council meeting on 18 July 2019 of a new position: Assistant to the Executive – Environment. Following the County Council's decision to declare a Climate Change Emergency, the Leader confirmed at an Extraordinary Meeting of the County Council on 23 September 2019 that the remit of this Assistant to the Executive would specifically be climate change and therefore confirmed the new position to be Assistant to the Executive – Climate Change. To support the IRPs deliberations, the Director of Economy, Transport and Environment (ETE) was invited to attend the meeting and expand on the specific remit of this position, which is attached as Appendix 2 to these Minutes, and to provide information about the success of the previous Assistant to the Executive positions that were attached to the ETE portfolio.

During the course of their deliberations, the IRP considered that the information set out in the report's appendix provided a good base and that they were content that the information supplied by the Director of ETE provided sufficient detail as to the specific remit of the Assistant to the Executive – Climate Change for an SRA to be applied to the appointment. Furthermore, the IRP considered that each future appointment to the position of Assistant to the Executive should be supported by a statement about the specific remit of such position for consideration by the IRP for recommendation as to whether an SRA, in accordance with a) below should apply to the position.

RESOLVED:

That it be a recommendation to the Employment in Hampshire County Council Committee

- a) that the IRP supported the proposal of a generic position of Assistant to the Executive and, subject to b) below, that an SRA of 25 per cent of an Executive Member position be applied to the Assistant to the Executive position
- b) that any future appointments to the position of Assistant to the Executive be based on the generic role and supported by a statement setting out the specific remit of the position for consideration by the IRP
- c) that the SRA at a) above be applied to the new position of Assistant to the Executive – Climate Change and backdated to the date of appointment

(18 July 2019) and reviewed by the IRP in 12 months' time

- d) that the list of approved duties for the purpose of the payment of travelling and other relevant expenses in the Members' Allowances Scheme be amended to include provision of the position of Assistant to the Executive.



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HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Independent Remuneration Panel
Date:	29 September 2021
Title:	Amendments to the Members' Allowances Scheme 2021/22
Report From:	Head of Legal and Governance and Monitoring Officer

Contact name: Barbara Beardwell

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Purpose of this Report

1. The purpose of this report is to provide information to the County Council's Independent Remuneration Panel (IRP) in order to enable the IRP to make its recommendation as to a Special Responsibility Allowance (SRA) for the following roles:
 - Assistant to the Executive – Adult Services and Public Health
 - Assistant to the Executive – Children's Services
 - Chairman of the River Hamble Harbour Board

Recommendations

2. That the IRP consider whether an SRA should attach to the posts listed in paragraph 1 above and be backdated to the date of appointment.
3. That the IRP consider whether the list of approved duties for the purposes of the payment of travelling and other relevant expenses should be amended accordingly to include provision for this role.

Contextual Information

4. The legislative framework governing the payment of Members' Allowances is set out in the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Members' Allowances Regulations).

5. Under the provisions of the Members' Allowances Regulations, the County Council is required to make a Members' Allowances Scheme for the payment each year of Members' Allowances. Provision in respect of the current Members' Allowances for 2021/22 were determined by the County Council at its meeting on 22 February 2018. Once a Members' Allowances Scheme is made for any year it may be amended during the year in question in accordance with the Members' Allowances Regulations. It is also possible under the Members' Allowances Regulations for any amendment to the Members' Allowances Scheme to be backdated to the beginning of the financial year in which any such amendment is made.
6. The essence of the Assistant to the Executive role is to help support and co-ordinate political engagement and to provide political advice and support for the developing work of the County Council. Details of specific roles of Assistant to the Executive – Adult Services and Public Health, and Assistant to the Executive – Children's Services are set out in Appendix 1 and 2 to this report.
7. The essence of the role of Chairman of the River Hamble Harbour Board is to manage the River Hamble Harbour Authority on behalf of Hampshire County Council as a committee of the Cabinet, established further to S.101(1) and S.102(1) of the local Government Act 1972, to which political proportionality applies. Details of the role is set out in Appendix 3 to this report.

Conclusions

8. The recommendation of the IRP will be considered by the County Council's Employment in Hampshire Committee (EHCC) prior to a recommendation to the County Council.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

This proposal does not link to the Strategic Plan but, nevertheless, requires a recommendation consequence of the requirements of the Members' Allowances Regulations.

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Members' Allowances Scheme - Assistant to the Executive	24/09/2019
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Local Authorities (Members' Allowances) (England) Regulations	2003

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	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

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 by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The recommendations in this report relate to the allowances paid for specific roles of individual elected Members and as such there is no impact on groups with protected characteristics.

Assistant to the Executive – Adult Services and Public Health

Primary departmental Links: Principal link to Adults' Health and Care with engagement across all departments of the County Council, as required. Additionally, links to partner organisations, as well as service user representative groups are key to this role, as determined by the Executive Member for Adult Services and Public Health.

Key outcomes:

The essence of the role is to help co-ordinate political engagement and to provide political advice and support to the County Council in its work to fulfil adult social care and public health statutory responsibilities as set out in the following primary pieces of legislation:

- The Care Act 2014
- The Mental Capacity Act 2005
- The Mental Health Act 1983
- The National Health Service Act 2006
- The Health and Social Care Act 2012.

The need for robust and effective political engagement is critical as the Department seeks to manage ongoing demand and cost pressures, embrace the potential offered by new technology, and respond and recover from the Covid-19 pandemic. Navigating these challenges and opportunities within an increasingly complex partnership landscape is central to ensuring the County Council continues to deliver positive outcomes for Hampshire's adult population, including some of our most vulnerable residents. This post will provide capacity to support political engagement on these areas within the County Council, across Sectors (particularly the NHS and Voluntary and Community Sector) and with Hampshire's communities.

Key Functional Areas:

- To support the Executive Member in the discharge of their statutory role for all areas relating to social care for adults including: older people, people with physical disability, people with learning disability, people with mental health support needs, carers and ancillary services – as well as a broad duty relating to safeguarding adults.
- To support the Executive Member in carrying out their public health remit, including: work to improve the health and wellbeing of everyone in Hampshire, commissioned services that support residents from birth to adulthood, public health leadership to NHS commissioners and work to protect residents from infections, outbreaks and other hazards, such as chemicals.
- To support the development of, and maintain political links with, key partner organisations such as other local authorities across Hampshire and the Isle of

Wight, NHS organisations, health and care providers and Voluntary and Community Sector bodies.

- Assist in maintaining and developing partnership arrangements, engagement and communication with key local community and service-user led organisations. This includes ensuring positive engagement and support for key agendas, including co-production and user engagement and *Making Safeguarding Personal*.
- Participate in the Hampshire Safeguarding Adults Board, working with partners to safeguard adults, and deputise for the Executive Member as appropriate – recognising the role does not have an Executive function.
- Assist the Executive Member, Leader and wider Cabinet colleagues in making representations as appropriate on areas of regional and national policy development including, for example, anticipated health and care reforms.
- Assist the Executive Member as required to communicate the County Council's position with regards to health and social care matters, as agreed through established corporate communication processes and channels.
- Support the Executive Member in areas of policy development as instructed. This may include, but not be limited to:
 - Learning and applying lessons from Covid-19.
 - Further development of the County Council's strategic partnership arrangements with Health.
 - Safeguarding Adults.
 - Strengthening the voice of service users, their families, carers and wider communities in the co-design and development of health and care services.

Contrary to the Executive Member for Adult Services and Public Health, the Assistant to the Executive is not a statutory role and the post does not carry Executive decision-making powers. However, importantly, it does provide political support and advice to the Executive Member for Adult Services and Public Health and, as required, to the Leader and other Executive Members.

Scale of financial gearing/ impact of work undertaken:

The role encompasses a broad range of statutory services spanning both Adult Social Care services and Public Health functions. This includes circa 3,500 directly employed staff and many tens of thousands more staff operating across some 1,000+ partner and provider services.

The Department has a gross revenue budget of some £520m in 2021/22, which continues to come under increasing demand and cost pressures. The Department faces a further £40.6m shortfall by 2022-23 which must be met on top of the £99.034m required savings between 2017-2021. This role will play an important part in supporting the County Council's interface with its stakeholders and the public to ensure that decisions on what the Department can and cannot provide in the future are informed by the views of residents and service users. This applies equally to engagement on new ways of working, as the County Council seeks to maximise the positive innovations galvanised by the pandemic.

Assistant to the Executive – Children’s Services

Primary Departmental Links: Principal link to Children’s Services with engagement across all departments of the County Council as required. Additionally, links to partner organisations, *service users and other key forums as determined by the Executive Lead Member for Children’s Services.*

Key outcomes:

The essence of the role is to help support and co-ordinate political engagement and to provide political advice and support for the developing work of the County Council in respect of children and young people *against the backdrop of the Council’s statutory responsibilities as set out in the following primary pieces of legislation:*

- *Children Act 2004*
- *Children and Families Act 2014*
- *Education Act 2002 and 2011*

The need for robust and effective political engagement is critical as the Department seeks to manage ongoing demand and cost pressures, embrace the potential offered by new technology, and respond and recover from the Covid-19 pandemic. Ensuring high quality services to safeguard children and young people, ensuring the right support and challenge to schools and colleges and securing the right level of provision for vulnerable children is essential for the County’s future. All of these outcomes require a wide engagement across a range of stakeholders to ensure a common endeavour.

Key Functional Areas:

- To directly support and advise the Leader, Deputy Leader and Executive Lead Member for Children on all aspects of the council’s work with vulnerable children.
- To support the development of and maintain political links with key partner organisations such as schools, police, NHS and district councils.
- To attend the Children and Young People’s Select Committee, the Children and Families Advisory Panel, The Education Advisory Panel and the Corporate Parenting Board and supports and deputises as appropriate for the Executive Lead Member – *recognising that the role does not have an Executive function.*
- To assist in the establishment and maintenance of relationships with service users, in particular children and young people, through the Corporate Parenting Board and the Youth Council.

- To actively represent Hampshire County Council, including deputising for Executive Members, *as appropriate*, on key forums associated with children and young people and schools, such as Schools Forum and the Local Safeguarding Partnership Board.
- *Assist the Executive Member, Leader and wider Cabinet colleagues in making representations as appropriate on areas of regional and national policy development.*
- *Assist the Executive Member as required to communicate the County Council's position with regards to children and young people related matters, as agreed through established corporate communication processes and channels.*
- *Support the Executive Lead Member in areas of policy development as instructed. This may include, but not be limited to:*
 - *learning and applying lessons from Covid-19*
 - *safeguarding children and young people*
 - *strengthening the voice of service users, their families, carers and wider communities in the developing work of services for children, young people and families*
- Promotes Hampshire County Council's objectives policies and priorities, and associated partnerships as a key contribution to promoting the welfare and improving outcomes for children across the county.

Contrary to the Executive Member Lead Member for Children's Services, the Assistant to the Executive – Children's Services is not a statutory role and post does not carry Executive decision-making powers. However, importantly, it does provide political support and advice to the Executive Lead Member for Children's Services directly in her role, and as required to the Leader and other Executive Members.

Scale of financial gearing/impact of work undertaken:

The role encompasses a broad range of statutory services requiring engagement across a range of stakeholders.

The Department has a gross revenue budget of some £241m in 2021/22, which continues to come under increasing demand and cost pressures. The Department faces a further savings targets of £21m by 2022/23, which must be met on top of the £68m savings already between 2017/2021. This role will play an important part in supporting the County Council's interface with its stakeholders and the public to ensure that decisions on what the Department can and cannot provide in the future are informed by the views of residents and service users. This applies equally to engagement on new ways of working, as the County Council seeks to maximise the positive innovations arising from the pandemic.

Chairman of the River Hamble Harbour Board – Culture, Communities and Business Services

Primary departmental Links: Chairmanship of the Governing Body of the Municipal River Hamble Harbour Authority which sits for administrative purposes within Culture, Communities and Business Services. A unique role with direct statutory accountability to the Secretary of State for Transport for Marine Safety Management and Marine pollution events. Engagement with departments across the County Council for matters affecting the River and the environment. Links to Fareham and Eastleigh Borough and Winchester City Council as well as other national authorities for developments as a statutory planning authority.

Key outcomes:

The essence of the role is to manage the River Hamble Harbour Authority on behalf of Hampshire County Council as a committee of the Cabinet, established further to S.101(1) and S.102(1) of the local Government Act 1972, to which political proportionality applies. The Chairman is a Member of the County Council appointed by the Council. The role is entitled: the 'Duty Holder' within the meaning of the Department for Transport's Port Marine Safety Code (The Code). The Duty Holder is accountable for the Harbour Authority's compliance with The Code. This means:

- Accountability for safe and efficient operations;
- Assigning clear executive and operational responsibilities to an appropriately trained, qualified and experienced person, answerable for their performance;
- Appointing a 'Designated Person' to provide independent assurance of the Marine Safety Management System's effective operation;
- Demonstrating and certifying ongoing compliance to The Code to The Regulator (the Maritime and Coastguard Agency (MCA)).

Responsibilities are set out in the following primary pieces of legislation:

- The Harbours, Docks, Piers and Clauses Act 1847
- The Southampton Harbour Act 1949
- The Harbours Act 1964
- The River Hamble Harbour Revision Order 1969 (S.I. 1970 No 249) as amended by the River Hamble Revision Order 1982 (S.I. 1982 No 1370) and by Section 67 of the Hampshire Act 1983 and
- The River Hamble Bye Laws 1983, confirmed by the Secretary of State for Transport on 2 May 1986
- The Habitats Regulations

The Harbour Board is the Harbour Authority's Executive body. It is made up of seven members. Two are members of the County Council - one each from Fareham and Eastleigh, three co-opted members representing recreational sailing, the marine industry and environmental management and the Marine Director of the River Hamble undertaking. The Board meets four times each year to consider and decide on planning matters. In doing so, the Board receives recommendations on decisions from the consultative, subordinate and larger Management Committee which has broader and deeper riparian representation and powers of scrutiny over Board decisions. The interdependence of these committees is centrally important in the smooth and efficient running of the undertaking.

Key Functional Areas:

- To discharge the River Hamble Harbour Authority's delegated responsibilities as a statutory Duty Holder for the benefit of all those who navigate within the River Hamble
- To ensure that an effective and efficient Marine Safety Management System is maintained and certify to that effect at three yearly intervals to the Regulator
- To ensure conformity with environmental legislation under the Habitats regulations. The River Hamble is listed as a Special Area of Conservation, in various areas as a Site of Special Scientific Interest and is subject to the RAMSAR convention. These instruments place upon the Council particular responsibilities for which the Board is accountable
- Maintaining an Oil Spill Protection Plan to the satisfaction of the Regulator (the MCA) which affords reasonable protection to the natural environment of the River in the event of a spillage within the wider Solent
- Acting as a statutory Planning Authority for proposed developments below Mean High Water Springs, liaising with other planning authorities as necessary
- Communicating strategic risk affecting Hampshire County Council via the appropriate channels

Scale of financial gearing/ impact of work undertaken:

The River Hamble Harbour Authority is self-funding from the collection of Harbour Dues payments collected from qualifying vessels under the Harbours Act of 1964. Its annual turnover is in the order of £1.2m. It employs 12 staff under the Direction of a professional Master Mariner. The Harbour Authority manages the River over 7 miles of waterways, from the Solent to Botley and Curbridge. It is the busiest recreational River in the Country. The Harbour Authority manages 650 moorings under a contractual arrangement with the Crown Estate. There are around 3200 vessels afloat on the River and a similar number ashore. It is also a significant contributor to the local economies in both Fareham and Eastleigh Boroughs.

This role plays an important part in creating a profitable, efficient and stable platform upon which local businesses and River Users can plan and operate safely. It is a rather unusual but significant unit in Hampshire County Council's wide portfolio.