

## SUMMONS

To the Members of the County Council

**You are hereby summoned to attend the County Council to be held at The Castle, Winchester at 10.15 am on Thursday, 24th November, 2022 to consider and resolve upon the business set out in the Agenda below.**

**Please note that at 10.00am Members are invited to some time for reflection and prayer prior to the start of the County Council Meeting at 10.15am.**

Enquiries to: Debbie Vaughan, Deputy Head of Governance:  
[members.services@hants.gov.uk](mailto:members.services@hants.gov.uk)

This agenda can be provided on request in large print or Braille or on disk. This meeting will 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. Filming or recording is only permitted in the meeting room whilst the meeting is taking place so must stop when the meeting is either adjourned or closed. Filming is not permitted elsewhere in the building at any time. 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 (Pages 5 - 12)**

To confirm the Minutes of the meeting held on 29 September 2022.

4. **DEPUTATIONS**

To receive any deputations notified under Standing Order 12.

5. **CHAIRMAN'S ANNOUNCEMENTS**

To receive such announcements as the Chairman may wish to make to the Council.

6. **LEADER'S REPORT**

To receive such reports as the Leader of the Council may wish to bring before the Council.

7. **QUESTIONS UNDER STANDING ORDER 16.1.1**

To deal with questions pursuant to Standing Order 16.1.1. Where a member has submitted more than one question, their second and subsequent questions will not be answered until all members' first questions have been dealt with.

**Part I: Matters for Decision**

8. **CONSTITUTIONAL MATTERS** (Pages 13 - 40)

To consider a report of the Chief Executive regarding a number of constitutional matters.

9. **APPOINTMENTS** (Pages 41 - 42)

To consider a report of the Chief Executive to make any Member appointments or alterations as required to the membership of committees and standing panels of the County Council, to statutory joint committees, to other proportional bodies the County Council is represented on, or to any other bodies which are not subject to proportionality rules.

10. **APPOINTMENT OF MONITORING OFFICER AND APPOINTMENT OF DATA PROTECTION OFFICER** (Pages 43 - 44)

To consider a report of the Chief Executive regarding the appointment to the statutory roles of Monitoring Officer and the Data Protection Officer with effect from 1 January 2023.

11. **AMENDMENTS TO THE MEMBERS' ALLOWANCES SCHEME 2022/23** (Pages 45 - 106)

To consider a report and the recommendations of the Employment in Hampshire County Council Committee regarding amendments to the Members' Allowances Scheme.

12. **UPDATE TO THE LOCAL PROTOCOL FOR REGULATORY COMMITTEE** (Pages 107 - 150)

To consider a report of the Regulatory Committee recommending a Local Protocol for dealing with planning matters.

**Part II: Matters for Information**

13. **HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY**

a) H&IOWFRA Questions

To deal with any questions which have been submitted pursuant to Standing Order 16.3 concerning the discharge of the Hampshire and Isle of Wight Fire and Rescue Authority's functions.

b) H&IOWFRA Report

There is no report of the Authority on this occasion.

14. **CONSTITUTIONAL ARRANGEMENTS - APPOINTMENTS TO THE HEALTH AND WELLBEING BOARD FOR HAMPSHIRE** (Pages 151 - 152)

To receive a report from the Chairman of the Health and Wellbeing Board for Hampshire notifying the Council of appointments made to the Board under delegated authority.

15. **EXECUTIVE AND COMMITTEE REPORTS**

To receive for information the reports of the following:

a) The Leader/Cabinet (Pages 153 - 154)

To receive a report of the Leader/Cabinet.

b) Executive Lead Member for Children's Services (Pages 155 - 156)

To receive a report of the Executive Lead Member for Children's Services.

c) Executive Member for Climate Change and Sustainability (Pages 157 - 158)

To receive a report of the Executive Member for Climate Change and Sustainability.

**Carolyn Williamson FCPFA  
Chief Executive  
The Castle  
Winchester**

**Wednesday, 16 November 2022**

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# Agenda Item 3

AT A MEETING of the County Council of HAMPSHIRE COUNTY COUNCIL held  
at the castle, Winchester on Thursday, 29th September, 2022

Chairman:

\* Councillor Marge Harvey

Vice-Chairman

\* Councillor Patricia Stallard

- |                                   |   |
|-----------------------------------|---|
| * Councillor Nick Adams-King      | * Councillor Gavin James                |
| * Councillor Prad Bains           | * Councillor Andrew Joy                 |
| * Councillor Lulu Bowerman        | Councillor Mark Kemp-Gee                |
| * Councillor Jackie Branson       | * Councillor Melville Kendal            |
| * Councillor Ann Briggs           | * Councillor Rupert Kyrle               |
| Councillor Steven Broomfield      | * Councillor Peter Latham               |
| * Councillor Pamela Bryant        | * Councillor Hugh Lumby                 |
| * Councillor Graham Burgess       | * Councillor Keith Mans                 |
| * Councillor Fran Carpenter       | * Councillor Alexis McEvoy              |
| * Councillor Roz Chadd            | * Councillor Lesley Meenaghan           |
| * Councillor Peter Chegwyn        | * Councillor Derek Mellor               |
| * Councillor Adrian Collett       | * Councillor Rob Mocatta                |
| Councillor Mark Cooper            | * Councillor Arun Mummalaneni           |
| * Councillor Rod Cooper           | * Councillor Kirsty North               |
| * Councillor Tonia Craig          | * Councillor Phil North                 |
| * Councillor Alex Crawford        | * Councillor Russell Oppenheimer        |
| Councillor Debbie Curnow-Ford     | * Councillor Sarah Pankhurst            |
| * Councillor Tim Davies           | * Councillor Tanya Park                 |
| * Councillor Christopher Donnelly | * Councillor Stephen Parker             |
| * Councillor Alan Dowden          | * Councillor Louise Parker-Jones        |
| * Councillor David Drew           | * Councillor Neville Penman             |
| * Councillor Barry Dunning        | * Councillor Stephen Philpott           |
| * Councillor Liz Fairhurst        | Councillor Jackie Porter                |
| Councillor Michael Ford           | * Councillor Roger Price                |
| * Councillor Steve Forster        | * Councillor Lance Quantrill            |
| * Councillor Jonathan Glen        | * Councillor Stephen Reid               |
| Councillor Tim Groves             | * Councillor Elaine Still               |
| * Councillor David Harrison       | * Councillor Kim Taylor                 |
| * Councillor Pal Hayre            | * Councillor Tom Thacker                |
| * Councillor Juliet Henderson     | * Councillor Michael Thierry            |
| * Councillor Edward Heron         | Councillor Martin Tod                   |
| * Councillor Dominic Hiscock      | * Councillor Andy Tree                  |
| * Councillor Keith House          | * Councillor Jacky Tustain              |
| * Councillor Zoe Huggins          | * Councillor Rhydian Vaughan MBE        |
| * Councillor Gary Hughes          | * Councillor Malcolm Wade               |
| * Councillor Rob Humby            | * Councillor Jan Warwick                |
| * Councillor Wayne Irish          | * Councillor Bill Withers Lt Col (Retd) |
| * Councillor Adam Jackman         | * Councillor Seán Woodward              |

\*Present

Honorary Aldermen Chris Carter, Peter Edgar and Michael Woodhall were also present.

95. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Steven Broomfield, Mark Cooper, Debbie Curnow-Ford, Mike Ford, Tim Groves, Mark Kemp-Gee, Jackie Porter and Martin Tod, and from Honorary Aldermen Keith Chapman, Criss Connor, Phrynne Dickens, Robin McIntosh and Roy Perry.

96. **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 5 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.

97. **MINUTES**

The Minutes of the meeting of the County Council held on 14 July 2022 were confirmed as a correct record subject to an amendment to Minute 86 that should reference the Assembly of European "Regions". The Chairman signed the Minutes.

98. **DEPUTATIONS**

The Council received a deputation from George Baker representing the Disability Union regarding home to school transport.

It was noted that the deputation listed at 4b) on the agenda had been deferred.

99. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman opened her announcements by paying tribute to Her Majesty Queen Elizabeth II on behalf of the County Council. At the invitation of the Chairman, Councillor Rob Humby – Leader of the County Council, Honorary Alderman Michael Woodhall and Councillors Andrew Joy, Roz Chadd, Gary Hughes and Adrian Collett also paid tribute. The Council observed a 2 minute silence as a mark of respect.

The Chairman had pleasure in announcing a number of awards and accolades the County Council had received:

- All five of the County Council's Country Parks – Lepe, River Hamble, Royal Victoria, Queen Elizabeth and Staunton has again been awarded

the internationally recognised Green Flag for 2022

- For the ninth successive year Sir Harold Hillier Gardens has been awarded Gold in Britain and Bloom South and South East Awards in the Heritage, Gardens and Parks category.
- A second Green Apple Award for the Micheldever Highways Materials Recycling facility for promoting and pioneering the use of plastic traffic bollards made from a carbon-friendly bio-polymer derivate of sugar cane.

The Chairman also had pleasure in notifying the Council of some Royal Visits she had attended, firstly from HRH The Princess Royal for Centenary Youth Week at Royal Lympington Yacht Club on 26 July followed by two visits from HRH The Countess of Wessex to Treloar's on 27 September, and Queen Alexandra's Army Nursing Corps on 28 September.

It was with much sadness that the Chairman notified the Council of the passing of two former County Councillors – Mike Russell and Honorary Alderman Susan Glasspool. Mike Russell represented the Gosport (Leesland) Division from 1985 to 1993 and Susan Glasspool represented the Itchen Valley Division from 1996 until her retirement in 2005. The Chairman invited Councillors Peter Chegwyn and Jonathan Glen to pay tribute. The Council observed a 1 minute silence as a mark of respect.

## 100. **LEADER'S REPORT**

The Leader joined the Chairman in welcoming Members back to the Council Chamber following an extensive programme of works including appropriate and modern technology in an updated environment for Council Meetings, for formal meetings of the Coroner's Court and increased use by others generating additional income for the Council. The Leader extended his thanks to all involved for their hard work and successful delivery of the programme.

The Leader also placed on record his sincere thanks to all of Hampshire's emergency services in keeping the public safe during the summer heatwaves, which underlined the importance of tackling climate change. To this end, the Cabinet received a report in July evidencing positive progress in reducing the County Council's carbon emissions during the first year of its Climate Change Programme.

Turning to the cost of living crisis, the Leader welcomed additional national funding to support families, older people and businesses, however much more help was required for the autumn and winter months. The County Council was working alongside its partners to explore how it could continue to support residents, whilst pressing the Government to make additional hardship funding available to local authorities to enable the provision of help to those struggling with their household budgets in the colder months.

The Leader was pleased to report that the County Council, alongside district and borough councils and community partners had welcomed over 1,000 families into Hampshire through the Home for Ukraine scheme. He extended thanks to

all Hampshire residents who had opened their homes to those fleeing the conflict and hoped Hampshire hosts would continue to make their homes available to new Ukrainian residents in the coming months. Anyone considering hosting a Ukrainian family can register their interest on the Government's website. Whilst the Local Government Association has called on the Government for increased payments to hosts, the County Council will be making additional payments of £200 per month for five months to help with energy costs over the winter period.

The details of Wave 1 devolution deals were published in August which included deals for York and North Yorkshire and for Derbyshire, Derby, Nottingham and Nottinghamshire. Both of these deals had a good amount of common ground with the Pan-Hampshire prospectus and their progress would be watched closely. With the new Prime Minister and Cabinet appointments in place, re-engagement with Government on devolution would commence and a report would be considered by Cabinet in October.

In concluding his report, the Leader referred to the County Council's Economic Strategy published in June and Hampshire businesses will be among the core partners delivering the Strategy. The Leader was therefore pleased to have met many businesses and business leaders at the Farnborough Air Show and other events during the summer and was looking forward to meeting more people from Hampshire's business community in the coming months.

**101. QUESTIONS UNDER STANDING ORDER 16.1.1**

Executive Members responded to questions submitted in accordance with Standing Order 16.1.1 as published with the exception of Questions 1 and 6 on the list which would be supplied in accordance with Standing Order 16.1.1.

**102. CONSTITUTIONAL MATTER - HEALTH AND WELLBEING BOARD**

The Council considered the report of the Chief Executive seeking approval of changes to the Terms of Reference of the Health and Wellbeing Board for Hampshire.

In presenting the report, the Leader confirmed that some of the changes set out in the report were as a consequence of the implementation of provisions in the Health and Care Act 2022.

**RESOLVED:**

That the County Council approves:

- a) that Membership of the Health and Wellbeing Board as set out at Part 1, Chapter 10 of the Constitution be revised by removal of the existing Paragraph 2.5 and replacement with the following wording:

*'At least one representative of each Integrated Care Board which commission health services for the Population of Hampshire, as nominated by the relevant Integrated Care Board.'*



- b) that Part 1, Chapter 10, Paragraphs 9.8 and 9.9 of the Constitution be updated to replace references to Clinical Commissioning Groups ('CCG's) with Integrated Care Boards (ICBs)
- c) that membership of the Health and Wellbeing Board additionally include a nominated representative of the Hampshire Constabulary;
- d) that delegated authority be given to the Monitoring Officer to amend the Constitution to give effect to the recommendations at a), b), and c) of this report.

**103. APPOINTMENTS**

The Council considered the report of the Chief Executive as presented by the Leader of the Council.

RESOLVED:

That the County Council approve the appointments set out in the report.

**104. CONSTITUTIONAL CHANGES - CHANGES TO EXECUTIVE FUNCTIONS AND SELECT COMMITTEE FUNCTIONS**

The Council considered the report of the Chief Executive, as presented by the Leader, notifying changes to some Executive Functions to provide more detail in the Constitution.

The Leader had also determined that the title of the portfolio of the Executive Member for Recreation, Heritage and Rural Affairs be changed to Executive Member for Countryside, Culture and Communities. As a consequence of this change, approval was sought that the Culture and Communities Select Committee be renamed to the Countryside, Culture and Communities Select Committee.

RESOLVED:

That the County Council:

- a) Notes the revisions to the Executive portfolios of Leader and Executive Member for Policy, Resources and Economic Development, and the Executive Member for Commercial Strategy, Estates and Property.
- b) Agrees that the Culture and Communities Select Committee be renamed the Countryside, Culture and Communities Select Committee.
- c) Delegate authority to the Monitoring Officer to amend the Constitution to give effect to the recommendation at b) of this report.

**105. 2021/22 - END OF YEAR FINANCIAL REPORT**

The Council considered the report of Cabinet setting out the end of year financial year position for the County Council for 2021/22, following consideration by the Cabinet on 19th July 2022.

In introducing the report, the Leader drew Members' attention to the recommendation to approve the County Council's treasury management activities and prudential indicators as set out in Appendix 1 of the Cabinet report. The Leader handed over to Councillor Steve Forster, Executive Member for Commercial Strategy, Estates and Property.

In expanding on the details of the report, Councillor Forster drew Members attention to continued strong financial stewardship and the early achievement of SP23 savings by departments. The County Council's work with the NHS had led to them funding in the region of £15m for the hospital discharge programme in this financial year, and the announcement by the Government of £500m nationally to continue funding this programme over the winter months was welcomed. The County Council's scale, capacity and its reserves had enabled it to cope with the Covid bill of circa £72m, and thanks were extended to officers for their diligence and hard work during the pandemic.

The Executive Member reported that prudent budgeting had enabled the release of circa £14m at year end to fund some important one-off initiatives and add to the Budget Bridging Reserve (BBR). Total reserves had been increased which would see the County Council through to 2025/26 and underpinned continued strong financial management and flexibility in regard to service delivery.

During the course of debate, Members welcomed the savings position reported above and added their thanks to officers for their responsiveness to queries. Concerns about inflation and the impact this might have on the County Council's reserves was expressed, which was mitigated by the robust financial management referred to by the Executive Member.

**RESOLVED:**

That the County Council approves the report on the County Council's treasury management activities and prudential indicators set out in Appendix 2 of the Cabinet report.

## **106. DEVELOPING A MEDIUM TERM FINANCIAL STRATEGY**

The Council considered the report of Cabinet summarising the key points considered by the Cabinet at its meeting on 19 July 2022 for the development of the County Council's Medium Term Financial strategy to 2025/26.

In introducing the report the Leader took the opportunity to highlight that despite the challenges the County Council have faced, and would continue to face, both this and the previous report underlined the strong financial management exhibited across the County Council. The Leader reassured Members that he was engaging with Hampshire's MP's, the Government, the Department for Levelling Up, Housing and Communities and Treasury officials to ensure the

County Council's forecast position is fully understood and what the consequences will be if they are not addressed in time. The Leader handed over to Councillor Steve Forster, the Executive Member for Commercial Strategy, Estates and Property.

In expanding on the details of the report and looking ahead to 2025/26, Councillor Forster drew Members attention to the severe financial position the County Council faced. Inflationary pressures in the current financial year were challenging however, due to its prudent financial management the County Council was able to take a longer-term view; supported by its level of reserves. Options to close the funding gap that had been identified were being investigated. Further pressures were on the horizon in the form of the proposed Local Government pay award, however the County Council welcomed the proposed award being targeted at lower paid employees at a time when household budgets were under strain. The Executive Member commented that the financial position was the result of a Local Government funding system that is no longer fit for purpose, particularly in the face of ever-growing social care costs which may have been exacerbated by the Covid pandemic. The County Council is stepping up its lobbying and will engage with Government to push for fundamental changes to secure its future financial sustainability. The Executive Member commended the report and its recommendations.

During the course of debate measures in the report such as commercialisation and embracing prudential borrowing where it makes sense and is safe to do so were supported, however some concern was expressed that these measures hadn't been taken sooner. Some concern was also expressed about inflation and the impact on services for the most vulnerable residents and on staff and contractors pay.

In reply to the debate the Leader highlighted again that the County Council was in the strong position it was in now due to prudent financial management, building up its reserves and the careful use of them.

**RESOLVED:**

That the County Council approves:

- a) An inflation underwrite of up to £15m for the current capital programme and that approval of allocations from this sum are delegated to the Director of Corporate Operations in consultation with the Chief Executive and the Leader of the Council.
- b) That capital guidelines for 2023/24 and 2024/25 be increased by £6.75m and £6.8m respectively to meet the unavoidable capital priorities outlined in Section I of the Cabinet report, to be funded from prudential borrowing, the revenue consequences of which will be factored into the budget setting process for 2023/24.

**107. HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY**

- a) H&IOWFRA Questions

No questions had been received in accordance with Standing Order 16.3.

b) H&IOWFRA Report

The Council received and noted the report as presented by Councillor Rhydian Vaughan in his capacity as Chairman of the Hampshire and Isle of Wight Fire and Rescue Authority.

108. **CONSTITUTIONAL ARRANGEMENTS - APPOINTMENTS TO THE HEALTH AND WELLBEING BOARD**

The Council received and noted the report of the Health and Wellbeing Board for Hampshire reporting changes to the membership of the Board taken under delegated authority by the Head of Law and Governance and Monitoring Officer, in consultation with the Chairman of the Health and Wellbeing Board.

109. **EXECUTIVE AND COMMITTEE REPORTS**

The Council received the following reports:

- a) Executive Member for Adult Services and Public Health
- New Burdens Funding from the Department for Levelling Up, Housing and Communities
  - Substance Misuse Contract additional spend and Inpatient Detoxification Unit

110. **EXECUTIVE MEMBER FOR COUNTRYSIDE, CULTURE AND COMMUNITIES**

- Hampshire County Farms Annual Report 2021/22

The Chairman thanked Members and Honorary Aldermen for their attendance and closed the meeting at 12.33pm.

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Chairman,

COUNCIL MEETING, 24 NOVEMBER 2022

REPORT OF THE  
**Chief Executive**  
PART I

## **CONSTITUTIONAL MATTERS**

### **1. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

- 1.1. On 8 November 2022, the Employment in Hampshire County Council Committee (EHCC Committee) approved a report from the Chief Executive regarding an Organisational Restructure. The new Organisational Structure will come into effect on 1 January 2023. Separately from approval of the new Organisational Structure, the Leader has also revised the Executive Portfolios of Cabinet Members set out at Part 2, Chapter 3 of the Constitution. The revised Executive Portfolios will also be effective from 1 January 2023.
- 1.2. Part I, Chapter 17, Paragraph 1.3 of the Constitution requires that changes to the Constitution consequential upon the allocation of responsibility for Executive Functions as determined by the Leader, be reported for information to full Council. Details of revised Executive functions as allocated by the Leader are contained at **Appendix 1**.

### **2. RESPONSIBILITY FOR SELECT COMMITTEE FUNCTIONS**

- 2.1. Consequential upon the revised allocation of Executive functions, it is considered appropriate that responsibilities for Scrutiny functions set out at Part 2 Chapter 5 of the Constitution are also revised to reflect the changes. Going forward, it is considered that there should continue to be five Scrutiny Select (Overview and Scrutiny) Committees - Hampshire 2050, Corporate Services and Resources; Children and Young People; Health and Adult Social Care; Universal Services-Transport, Land Management and Environment; Universal Services-Countryside, Culture and Communities. Details of the proposed revised allocation of Scrutiny functions are contained at **Appendix 2**.

### **3. DEPUTATIONS TO THE PENSION FUND PANEL AND BOARD**

- 3.1. At its meeting of 18 October 2022, Cabinet considered a report proposing amendments to the rules regarding deputations to the Pension Fund Panel and Board and its sub-committees.
- 3.2. Deputations to the Pension Fund Panel and Board are governed by Standing Order 12 in the County Council's Constitution. Amongst other things, this

requires that deputations shall consist of not more than four people who are local government electors for the administrative area of Hampshire County. This rule precludes deputations being received from otherwise eligible Pension Scheme members who live outside of Hampshire, including those resident in Portsmouth and Southampton, Scheme members who work for other employers in the Hampshire Scheme but do not live in the County Council area and retired or deferred Scheme members who may no longer live in Hampshire.

3.3. This matter was considered by the Pension Fund Panel and Board at its meeting of 28 July 2022 and it was recommended by the Panel and Board that Cabinet recommend the County Council's Constitution be updated to allow Hampshire Pension Fund Scheme members who are local government electors in the County Council's area to make deputations to the Pension Fund Panel and Board and its sub-committees.

3.4. The full report to Cabinet can be found at the following link and is appended to this report at **Appendix 3**:

- [Cabinet 18th October, 2022](#)

#### 4. DIGITAL VOTING

4.1. Currently, save in cases where a recorded vote is required either by law or when requested by a Member in accordance with the Constitution, recommendations and other questions which the County Council needs to determine at full Council meetings are determined by the voices of those present at the meeting.

4.2. As Members will be aware, the technology now exists for digital voting at County Council meetings. Going forward, all matters on which a recorded vote is required will be determined by way of digital voting. It is however considered, in the interests of efficiency at County Council meetings, that where it is anticipated by the Chairman that Members will be in agreement on a recommendation or other question, then the current procedure will continue and voting will be by a show of hands. In other cases where the Chairman considers the outcome of voting on a recommendation or other question is uncertain, or in any other case where the Chairman considers this appropriate, it is considered that digital voting should apply. This will be kept under review. In the meantime, it will be necessary to amend the Constitution to make provision for digital voting.

### RECOMMENDATIONS

That the County Council:

- a) Notes the revised Executive portfolios as referred to in this report and attached at **Appendix 1**, to be effective from 1 January 2023.

- b) Agrees the revised Select Committee responsibilities as referred to in this report and attached at **Appendix 2**, to be effective from 1 January 2023.
- c) Approves the changes to the County Council's Standing Orders and to the Terms of Reference of the Pension Fund Panel and Board, set out at Appendices 1 and 2 respectively of the Cabinet report attached at **Appendix 3**.
- d) Agrees that Standing Order 22 be amended to include provision for digital voting.
- e) Authorises the Monitoring Officer to make necessary updates to the County Council's Constitution to give effect to the recommendations at a), b), c) and d) of this report.

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# Part 2: Chapter 3

## Executive Functions

### 1. Responsibility for Executive Functions

- 1.1 The following table sets out the allocation of responsibilities within the Executive. The portfolios are expressed in broad terms and may be varied, as provided for in the Executive Procedure Rules set out in Part 3 Chapter 2 of this Constitution.
- 1.2 The principles of responsibility are as follows:
- 1.2.1 unless a function, power or responsibility is specifically reserved to the County Council or a Committee of the County Council, the Executive is authorised to exercise the function or power.
- 1.2.2 the Executive collectively will be responsible for those decisions falling appropriately to it.
- 1.2.3 all decisions will be recorded.
- 1.2.4 if a decision is made by an individual Member of the Executive, this will be stated openly and clearly.
- 1.2.5 the Executive or individual Members of the Executive will normally be making Key Decisions, as defined at Part 3, Chapter 2, Paragraph 3 of this Constitution, or decisions which are significant (even though they may not be Key Decisions).

Responsible Person	Functions
Leader and Executive Member for Hampshire 2050 and Corporate Services	<p>Leader of the County Council and Chairing and managing the Executive and its work.</p> <p>Overall strategy (including Serving Hampshire - Strategic Plan), policy and co-ordination 'across the board', promoting the Hampshire rural estate, and the direction and utilisation of strategic resources and strategic asset management. Partnerships with a focus on rural initiatives, to the benefit of Hampshire, climate change, rural and environmental policy.</p> <p>Primary directorate links – Hampshire 2050, Corporate Operations, and People and Organisation.</p>

	<p>Service area responsibilities – Health and Safety; Emergency Planning functions pursuant to the Civil Contingencies Act 2004 and services within the above Directorate remit areas; except where any area has been specifically allocated within the remit of another Executive Member.</p> <p>Functional areas – policy; strategic overview; overall performance; budget strategy; IT services; Commercial Strategy, including procurement policies and outcomes; development of income generation policies across the board;</p> <p>Strategic Land Programme (including County Farms); Land Disposals (£1Million plus); Land Acquisitions (£500k plus) and acquisitions requiring corporate funding; Leases overall rental commitment (£1Million plus); Strategic Asset Management.</p> <p>Economic Strategy &amp; Recovery Plan; Economic Development Programme and Projects including Tourism, Marketing and Inward Investment. Partnerships with the focus on rural initiatives; Responsibility for building relationships with businesses in Hampshire.</p> <p>Local Transport Plan; Environment Strategy; Transport for the South East/Solent Transport; Minerals and Waste Local Plan; Strategic Transport projects; Strategic Environment Projects; Bus Service Improvement Plan.</p> <p>Developing links with other agencies and other local authorities regarding the development of rural activity. Overall responsibility for the County Council’s relationships with Parish, Town and District and Borough Councils.</p> <p>Climate Change Action Plan; Annual State of the Environment Report; Climate Change Expert Forum; Rural Communities Strategy.</p> <p>Cultural Trust, including arts and museums; Rural Broadband; Monitoring and developing the sustainability of the natural environment and heritage of rural Hampshire; Archaeology.</p> <p>Parish and Town Council Investment Fund and the Rural Affairs Development Fund.</p>
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	<p>Skills and participation (excluding Children’s Services statutory functions). Corporate oversight of the County Council’s Grant Management System; and Members’ Devolved Budgets.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with minority parties.</p> <p>This Executive Member is also the Chairman of BLAPP.</p>
<p>Deputy Leader and Executive Member for Hampshire 2050 and Corporate Services</p>	<p>To act in place of the Leader if for any reason the Leader is unable to act, or the office of Leader is vacant.</p> <p>To support the Leader and Executive Member for Corporate Services and Hampshire 2050 because of the breadth of the portfolio, by providing additional capacity at Executive level.</p> <p>Overall strategy (including Serving Hampshire - Strategic Plan), policy and co-ordination ‘across the board’, promoting the Hampshire rural estate, and the direction and utilisation of strategic resources and strategic asset management. Partnerships with a focus on rural initiatives, to the benefit of Hampshire, climate change, rural and environmental policy.</p> <p>Primary directorate links – Hampshire 2050, Corporate Operations, and People and Organisation.</p> <p>Service area responsibilities – Health and Safety; Emergency Planning functions pursuant to the Civil Contingencies Act 2004 and services within the above Directorate remit areas; except where any area has been specifically allocated within the remit of another Executive Member.</p> <p>Functional areas – policy; strategic overview; overall performance; budget strategy; IT services; Commercial Strategy, including procurement policies and outcomes; development of income generation policies across the board.</p> <p>Strategic Land Programme (including County Farms); Land Disposals (£1Million plus); Land Acquisitions (£500k plus) and acquisitions requiring corporate funding; Leases overall rental commitment (£1Million plus); Strategic Asset Management.</p>

	<p>Economic Strategy &amp; Recovery Plan; Economic Development Programme and Projects including Tourism, Marketing and Inward Investment. Partnerships with the focus on rural initiatives; Responsibility for building relationships with businesses in Hampshire.</p> <p>Local Transport Plan; Environment Strategy; Transport for the South East/Solent Transport; Minerals and Waste Local Plan; Strategic Transport projects; Strategic Environment Projects; Bus Service Improvement Plan.</p> <p>Developing links with other agencies and other local authorities regarding the development of rural activity. Overall responsibility for the County Council's relationships with Parish, Town and District and Borough Councils.</p> <p>Climate Change Action Plan; Annual State of the Environment Report; Climate Change Expert Forum; Rural Communities Strategy.</p> <p>Cultural Trust, including arts and museums; Rural Broadband; Monitoring and developing the sustainability of the natural environment and heritage of rural Hampshire; Archaeology.</p> <p>Parish and Town Council Investment Fund and the Rural Affairs Development Fund.</p> <p>Skills and participation (excluding Children's Services statutory functions).</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with minority parties.</p>
<p>Executive Lead Member for Children's Services</p>	<p>Lead Member for Children's Services pursuant to Section 19 of the Children Act 2004 and the Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services (2013).</p> <p>Overall direction, strategy, budget, resources and policy for all Children's matters, i.e. Education, Children and Families pursuant to the requirements of the Children Act 2004. Approval of the Children and Young People's Plan.</p>

	<p>Primary directorate link – Children’s Services Directorate and Hampshire 2050 Directorate.</p> <p>Service area responsibilities – all services within the Children’s Services Directorate, and in relation to Strategic School Planning.</p> <p>Functional areas – statutory Social Services functions of the County Council relating to children, and all education functions exercisable by the County Council as Local Education Authority.</p> <p>Functions related to the Supporting Families Programme.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties.</p>
<p>Executive Member for Education</p>	<p>To support the Executive Lead Member for Children’s Services because of the breadth of the portfolio, by providing additional capacity at Executive level to drive improvements in school standards and educational attainment and liaising with schools, academies, colleges and other representatives of the education sector.</p> <p>Primary directorate link – Children’s Services Directorate.</p> <p>Service area responsibilities – education and schools.</p> <p>Functional areas – working with the Executive Lead Member for Children’s Services to develop policy and strategy in relation to school improvements and educational standards; where agreed with the Executive Lead Member for Children’s Services determining infrastructure and school organisation matters, in accordance with policies and strategies agreed by the Executive Lead Member for Children’s Services, the Children and Young People’s Plan, and where relevant the Children’s Services Capital Programme.</p> <p>Determining appeals in respect of exceptions to school transport policies, other than appeals relating to the safety of walking routes.</p>

	<p>Responsibility for Libraries, HC3S and County Supplies.</p>
<p>Executive Lead Member for Adult Social Care and Public Health</p>	<p>Overall direction, strategy, budget, resources and policy for all Adult Social Care and Public Health matters.</p> <p>Primary directorate links – Adults’ Health and Care and Children’s Services Directorates</p> <p>Service area responsibilities – all services within the remit of the above department including all duties relating to adult social care including safeguarding, including under (inter alia), the Care Act 2014, the Mental Capacity Act 2005 and the Mental Health Act 1983.</p> <p>All services within the remit of the County Council’s public health responsibilities pursuant to the National Health Service Act 2006.</p> <p>All duties relating to the County Council’s responsibilities to improve public health.</p> <p>Functional areas – services for population health and wellbeing (Public Health functions), older people’s services, HCC Care services and all ancillary services, Development of the County Council’s strategy and policy in relation to public health.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties.</p>
<p>Executive Member for Younger Adult’s and Health and Wellbeing</p>	<p>To support the Executive Lead Member for Adults Social Care and Health because of the breadth of the portfolio, by providing additional capacity at Executive level in the functional areas specified below.</p> <p>Primary directorate links – Adults’ Health and Care and Children’s Services Directorates.</p> <p>Functional areas; Younger adult’s service including learning disability, physical disability and mental health services and the County Council’s relationship with the Voluntary, Community and</p>

	<p>Social Enterprise sector (VCSE) and directorate grants.</p> <p>N.B This Executive Member is also Chairman of the Health and Wellbeing Board and has a lead role in the development of the relationship with the Integrated Care Partnership and Hampshire Place Assembly.</p>
<p>Executive Lead Member for Universal Services</p>	<p>Overall direction, strategy, budget, resources and policy for Universal Services</p> <p>Primary directorate links – Universal Services Directorate.</p> <p>Service Area Responsibilities -Transport and Environment Services (including the Capital Programme), but excluding regulatory matters within the remit of the Regulatory Committee.</p> <p>Functional areas – Highway maintenance and Management Plan; Highway Asset Management Plan; County Planning Services; Waste and Recycling Infrastructure, Joint Municipal Waste Strategy; Main Service Contracts and Contract Management/Performance, Highway Safety and Casualty Reduction Policy.</p> <p>Operation Resilience Annual Programme; Structures Annual Programme; Road Safety Projects and Programme; Road Safety Education; Local Road Safety Partnerships; Street Lighting; Parish Lengthsman Scheme; Parish and District Highways Liaison; Traffic Management Projects and Programmes; On Street Parking and Parking Agencies; Active Travel projects; Local Highways and Transport Improvements; Local Subsidised Bus Contracts; Community Transport Schemes and contracts; Local Passenger Transport Infrastructure; Community Transport Local Projects.</p> <p>Flood Risk Management Strategy; Local Environment Projects; Local Flood Protection/Mitigation Schemes; Flood and Water Management Act Responsibilities; Environmental Campaigns and Ambassador Role Local Environmental Partnerships (incl. Fly-Tipping Partnership); Waste Minimisation Programme; Community Waste Minimisation and Recycling Programme and Projects; Local Air Quality</p>

	<p>Improvement Programme and Projects.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with minority parties.</p> <p>This Executive Member is also the County Council's Executive appointment to Solent Transport.</p> <p>NB: This Executive Member is also the County Council's Executive appointment to Project Integra Strategic Board Joint Committee.</p>
<p>Executive Member for Countryside and Regulatory Services</p>	<p>To support the Executive Lead Member for Universal Services because of the breadth of the portfolio, by providing additional capacity at Executive level.</p> <p>Primary directorate links – Universal Services.</p> <p>Service area responsibilities – Property Services, including non-strategic asset management within the remit of the above Directorate; the operational framework for the County Farm Estate; Countryside Services including Rights of Way, Country Parks. archives and outdoor activities.</p> <p>Functional areas – Property Services and Facilities Management (excluding Strategic Land Programme), Land Disposals less than £1Million; Acquisitions less than £500k not requiring corporate funding; Leases overall rental commitment less than £1Million.</p> <p>Energy related matters.</p> <p>Archives and records, country parks, countryside sites and nature reserves, regulatory services, including registration, coroners' services, trading standards, asbestos and scientific services; countryside estate; Local Nature Partnership; Bio-diversity/Ecology; Local Nature Recovery Strategy; Protected Landscapes Outside National Parks (incl. AONB Management Plans); Historic Landscape/Gardens</p>
<p>Executive Member for Performance, Human Resources, Inclusion and Diversity</p>	<p>Overall strategy for Performance, Human Resources and Partnership matters.</p> <p>Primary directorate links – People and Organisation Directorate.</p>



	<p>Service area responsibilities – human resources services within the remit of People and Organisation; including strategic workforce development and corporate performance and otherwise where relevant to the role; the Corporate Apprenticeship Programme.</p> <p>Personnel policy formulation and skills development in relation to the County Council’s directly employed workforce (excluding schools), and review of corporate performance through the Annual Performance Report.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with minority parties.</p> <p>N.B. this Executive Member is also Chairman of EHCC.</p>
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# Part 2: Chapter 5

## Scrutiny

### Select (Overview and Scrutiny) Committees

#### 1. Responsibilities for Scrutiny Functions

- 1.1. The following table sets out the allocation of responsibilities within the Select (Overview and Scrutiny) Committees.

Committee	Scope
Hampshire 2050, Corporate Services and Resources	<p>Coordinating Scrutiny:</p> <p>To ensure resources of all scrutiny functions are being effectively targeted.</p> <p>To ensure the outputs and outcomes of Scrutiny are having impact and being evaluated.</p> <p>To create an annual work programme.</p> <p>To identify where each thematic review on the work programme should be considered.</p> <p>To provide an annual report to the County Council outlining the effectiveness, outcomes and learning of the scrutiny function (i.e. Select (Overview and Scrutiny) Committees and overall work programme).</p> <p>To monitor the operation of the provisions relating to call-in and urgency submitting a report to Cabinet if necessary.</p> <p>Scrutinising Corporate functions:</p> <p>Reviewing how policies, services and decisions ensure effective use and</p>

	<p>management of all resources; how effectively is cross-cutting/corporate policy developed, implemented and performance evaluated and improved.</p> <p>Economic development; strategic transport; strategic spatial planning; Minerals and waste Policy; Superfast Broadband; Devolution.</p> <p>Skills; Partnership Working (internal and external).</p> <p>Rural strategy, rural estate and strategic land; strategic capital planning (all Directorates); strategic asset management.</p> <p>Climate Change and Environmental Strategy; Flood and coastal erosion risk management; sustainable development.</p> <p>Cultural Strategy, Cultural Trust, including arts and museums</p> <p>Developing sustainable communities; supporting diversity and inclusion; community engagement and consultation.</p> <p>Efficiency; Human Resources; Skills; Procurement; Relevant Financial Management (e.g. budget setting and monitoring final accounts, capital programme, capital receipts); information management (including records management); communications; use of IT; Health and Safety; corporate policy and performance; crime prevention; crime and disorder; Emergency Planning.</p> <p>Reviewing and scrutinising decisions made, or other actions taken, in connection with the discharge of crime and disorder functions by the authorities responsible for crime and disorder strategies in relation to the County Council's area, and making reports or recommendations with respect to the discharge of those functions.</p> <p>Makings reports or recommendations to the County Council with regard to any matter which is a local crime and disorder matter in relation to a member of the County Council</p>
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	<p>(i.e. a matter concerning crime and disorder which affects all or part of the electoral Division for which the Member is elected or any person who lives or works in that area).</p> <p>Directorates covered;</p> <ul style="list-style-type: none"> <li>- Hampshire 2050</li> <li>- Corporate Operations</li> <li>- People and Organisation</li> <li>- County Council as a corporate entity.</li> <li>- Any other relevant functions in other Directorates</li> </ul>
<p>Children and Young People</p>	<p>Reviewing how the needs and interests of children and young people are met by all Directorates, policies, services and decisions; and how performance is evaluated and improved.</p> <p>To create an annual work programme.</p> <p>To identify where each thematic review on the work programme should be considered.</p> <p>Universal, targeted and specialist services for children and young people: prevention and management of risk; social care; children’s and young people’s wellbeing; education – supporting and enabling learning for all children and young people; internal and external partnership working re Children and Young People; supporting parents and families; relevant financial management.</p> <p>HC3S, County Supplies and <u>Libraries</u>.</p> <p>Directorates covered:</p> <ul style="list-style-type: none"> <li>- Children’s Services</li> <li>- Any other Directorate doing work with or impacting on children or young people.</li> </ul>

<p>Health and Adult Social Care</p>	<p>Reviewing how policies, services and decisions support safe, well, independent and continuously developing people (adults and older persons) and Public Health; how they are implemented and how performance is evaluated and improved.</p> <p>To create an annual work programme.</p> <p>To identify where each thematic review on the work programme should be considered.</p> <p>Focus on how the County Council is contributing to delivering the Wellbeing agenda for adults; adult social care; promoting independence and quality of life for older people; healthy and safe families; Public Health: the integration of Health and Care services and relevant financial management.</p> <p>Scrutiny of the provision and operation of health services in Hampshire.</p> <p>Directorates covered:</p> <ul style="list-style-type: none"> <li>- Adults' Health and Care</li> <li>- Any other relevant functions in other Directorates</li> </ul>
<p>Universal Services - Transport and Environment</p>	<p>Reviewing how policies, services and decisions support a positive and sustainable environment, accessibility to services for all and effective management of natural resources; how they are implemented and how performance is evaluated and improved.</p> <p>To create an annual work programme.</p> <p>To identify where each thematic review on the work programme should be considered.</p> <p>Lead for budget for Universal Services</p> <p>Passenger transport; operational highways traffic management and transport policy and road safety; road infrastructure.</p> <p>Waste management and recycling.</p>

	<p>Access; protection of the environment.</p> <p>Directorates covered:</p> <ul style="list-style-type: none"> <li>- Universal Services</li> <li>- Any other relevant functions in other Directorates.</li> </ul>
<p>Universal Services- Countryside and Regulatory Services</p>	<p>Reviewing how policies, services and decisions support rural Hampshire; how they are implemented and how performance is evaluated and improved.</p> <p>To create an annual work programme.</p> <p>To identify where each thematic review on the work programme should be considered.</p> <p>Country Parks; archives; outdoor activities; County Farms; countryside and rights of way; Regulatory Services, relevant financial management.</p> <p>Property Services, operational assets and operational estate management.</p> <p>Directorates covered:</p> <ul style="list-style-type: none"> <li>- Universal Services</li> <li>- Any other relevant functions in other Directorates.</li> </ul>

**Specific Functions**

**1.2. Policy development and review**

Select (Overview and Scrutiny) Committees may:

- 1.2.1. assist the County Council and the Executive, at their request, to develop the budget and policy framework by in-depth analysis of policy issues
- 1.2.2. conduct research in the analysis of policy issues and possible options

1.2.3. question members of the Executive or Senior Officers, about their views on issues and proposals affecting their remit

1.2.4. liaise with external organisations as appropriate

### 1.3. **Scrutiny**

Select (Overview and Scrutiny) Committees may:

1.3.1. review and scrutinise Executive decisions

1.3.2. review and scrutinise the County Council's service delivery and performance, performance concerning its policy objectives, performance targets and particular service areas

1.3.3. question members of the Executive or Senior Officers about their decisions and performance; whether compared to service plans and targets, or related to particular decisions, initiatives or projects

1.3.4. make recommendations to the Executive or County Council arising from the scrutiny process

1.3.5. review and scrutinise the performance of other public bodies in the area; invite reports from them by asking them to address the relevant Select Committee

1.3.6. question and gather evidence from people and organisations that can inform the scrutiny process.

### 1.4. **Health Scrutiny Functions of the Health and Adult Social Care Select (Overview and Scrutiny) Committee**

The Health and Adult Social Care Select (Overview and Scrutiny) Committee will have the following additional roles and functions in relation to health matters:

1.4.1. To review and scrutinise any matter relating to the planning, provision and operation of the health service in Hampshire.

1.4.2. To make reports and recommendations to relevant NHS bodies and to relevant health service providers (as defined in the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013) on any matter that it has reviewed or scrutinised.

1.4.3. To act as consultee to relevant NHS bodies or relevant health service providers on issues of:



- a) Substantial developments of the health service in Hampshire; and
  - b) Any proposals to make any substantial variation to the provision of such services.
- 1.4.4. Subject to the approval of the County Council to report contested proposals for major health service changes to the Secretary of State;
- 1.4.5. To scrutinise the social care services provided or commissioned by relevant NHS bodies or relevant health service providers exercising local authority functions under Section 75 of the National Health Service Act 2006;
- 1.4.6. To review or scrutinise health services commissioned or delivered in Hampshire within the framework set out below:
- a) Arrangements made by relevant NHS bodies or relevant health service providers to secure hospital and community health services to the inhabitants of Hampshire;
  - b) The provision of such services to those inhabitants;
  - c) The provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
  - d) The public health arrangements in Hampshire; e.g. arrangements by the County Council for public health promotion and health improvement (including addressing health inequalities) in Hampshire.
  - e) The planning of health services in Hampshire, including plans setting out a strategy for improving both the health of the local population and the provision of health care to that population; and
  - f) The arrangements made by relevant NHS bodies and relevant health service providers for consulting and involving patients and the public.

### 1.5. **Delegation of Health Scrutiny Functions**

- 1.5.1. The County Council may delegate health scrutiny powers to a joint Scrutiny Committee and appoint Members to that Committee when there is an intention by a relevant NHS body or relevant health service provider to consult on a substantial variation or development to health services that extend beyond

Hampshire.

1.5.2. The Chief Executive, in consultation with the Chairman of the County Council and the Chairman of the Health and Adult Social Care Select (Overview and Scrutiny) Committee, may agree to the formation of such a committee, its membership and terms of reference, if there is insufficient time for that decision to be taken by the County Council, subject to the details being submitted for approval to the next meeting of the County Council.

1.5.3. Any joint committee so convened should work to a specific proposal and with clear terms of reference, which would be restricted to consideration of and agreeing a response to the proposal on which the committee had been consulted.

### 1.6. **Petitions**

Select (Overview and Scrutiny) Committees must, when required to do so by a petition organiser, review the adequacy of the steps taken or proposed to be taken in response to a petition.

### 1.7. **Finance**

Select (Overview and Scrutiny) Committees may exercise overall responsibility for any money made available to them.

### 1.8. **Annual Reports**

1.8.1. The Hampshire 2050, Corporate Services and Resources (Overview and Scrutiny) Committee will submit to the County Council as soon as reasonably practicable in each financial year an account of the activities and outcomes of the scrutiny function for the last year and a tentative list of intended scrutiny inquiries for the following year.

1.8.2. The Health and Adult Social Care Select (Overview and Scrutiny) Committee will submit to the County Council as soon as reasonably practicable in each financial year an account of the activities and outcomes of the health scrutiny function for the last year and a tentative list of intended health scrutiny inquiries for the follow year.

### 1.9. **Proceedings of Select (Overview and Scrutiny) Committees**

Select (Overview and Scrutiny) Committees will conduct their proceedings in line with the Overview and Scrutiny Procedure, set out in Part 3, Chapter 3 of this Constitution.

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Committee/Panel:</b>	Cabinet
<b>Date:</b>	18 October 2022
<b>Title:</b>	Deputations to the Pension Fund Panel and Board
<b>Report From:</b>	Chief Executive

**Contact name:** Paul Hodgson

**Tel:** 0370 7793213

**Email:** Paul.hodgson@hants.gov.uk

#### **Purpose of this Report**

1. The purpose of this report is to outline proposed amendments to the rules regarding deputations to the Pension Fund Panel and Board and its sub-committees.
2. The report asks Cabinet to recommend Constitutional changes to the County Council, in order to enable the Pension Fund Panel and Board to receive deputations from pension scheme members who are not electors in the Hampshire County Council area.

#### **Recommendation(s)**

Cabinet is asked to:

3. Recommend the changes to the County Council's Standing Orders and Terms of Reference of the Pension Fund Panel and Board, set out at Appendices 1 and 2 respectively, for approval by the County Council.

#### **Executive Summary**

4. This report seeks Cabinet's recommendation to the County Council of proposed changes to the Constitution in order to allow deputations to be received at the Pension Fund Panel and Board and its sub-committees from Hampshire Pension Fund scheme members who are not local government electors in the County Council's area.
5. At its meeting on 28 July 2022, the Pension Fund Panel and Board considered a report in respect of deputations. For the reasons set out below,

The Pension Fund Panel and Board resolved to recommend the proposed changes to Standing Orders and the Pension Fund Panel and Board's Terms of Reference as set out at Appendices 1 and 2 respectively to Cabinet.

### **Contextual information**

6. Deputations to the Pension Fund Panel and Board are governed by Standing Order 12 in the County Council's Constitution. Amongst other things, this requires that deputations shall consist of not more than four people who are local government electors for the administrative area of Hampshire County Council (see Standing Order 12.2.2).
7. Standing Order 12 precludes deputations being received at Pension Fund Panel and Board meetings from Hampshire Local Government Pension Scheme members (active, deferred and retired) who live outside of the Hampshire County Council area (including in Portsmouth and Southampton). It therefore excludes deferred or retired members who may have moved away from Hampshire, as well as active members who work for other employers in the Hampshire scheme, but who do not live in the Hampshire County Council area.
8. To ensure fairness and appropriate opportunities for engagement by those with a legitimate interest in the Hampshire Local Government Pension Scheme, it is considered that members of the scheme who live outside of Hampshire should be allowed to make deputations to the Panel and Board, or its sub committees. In order to enable this, the County Council's Standing Orders and the Pension Fund Panel and Board's Terms of Reference need to be amended.
9. Proposed amendments to the County Council's Standing Orders are set out at Appendix 1. Proposed amendments to the Pension Fund Panel and Board's Terms of Reference are set out at Appendix 2.
10. As these are proposed changes to the County Council's Constitution then they will need to be agreed by the County Council. Cabinet is asked to recommend the proposed changes to the County Council.

### **Finance**

11. There are no financial implications associated with the proposals contained in this report.

### **Consultation and Equalities**

12. Consultation in respect of the proposals contained in this report is not required.
13. Equality objectives are not considered to be adversely affected by the proposals in this report. The proposals do allow for greater participation and inclusion of all Hampshire Local Government Pension Scheme Members by enabling deputations to be received where they currently cannot be received.

### **Climate Change Impact Assessment**

14. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does
15. The carbon mitigation tool and climate change adaptation tools were not applicable on this occasion because the proposals and decision in this report are administrative in nature.

### **Conclusions**

16. Based on the recommendation from the Pension Fund Panel and Board and for the reasons set out in this paper Cabinet are asked to recommend the changes to Standing Orders and the Pension Fund Panel and Board's Terms of Reference to the County Council for agreement.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

**This proposal does not link to the Strategic Plan but, nevertheless, requires a decision to ensure that the County Council's Constitutional arrangements allow for proper engagement**

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<a href="#">2022-07-28 PFPB - Deputations Report FINAL.pdf (hants.gov.uk)</a>	<u>Date</u> 28 July 2022
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>

**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:**

Equality objectives are not considered to be adversely affected by the proposals in this report. The proposals do allow for greater participation and inclusion of all Hampshire Local Government Pension Scheme Members by enabling deputations to be received where they currently cannot be received.

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COUNCIL MEETING, 24 NOVEMBER 2022

REPORT OF THE  
**Chief Executive**  
PART I

## **1. APPOINTMENTS**

The following appointments are proposed by the Leader of the Council:

- a) That Councillor Rob Humby replace Councillor Steve Forster on the Buildings, Land and Procurement Panel with effect from 1 January 2023 and that Councillor Humby becomes the Chairman of the Panel.
- b) That Councillor Roz Chadd replace Councillor Stephen Reid on the Buildings, Land and Procurement Panel with effect from 1 January 2023.
- c) That Councillor Melville Kendal replace Councillor Lesley Meenaghan on the Children and Young People Select Committee.
- d) That Councillor Lesley Meenaghan replace Councillor Stephen Philpott on the Regulatory Committee.
- e) That Councillor Stephen Reid replace Councillor Lesley Meenaghan on the Countryside, Culture and Communities Select Committee.
- f) That Hannah Cheek be appointed as the Parent Governor representative for Secondary Schools on the Children and Young People Select Committee.

## **RECOMMENDATIONS**

That the County Council approve the appointments set out above.

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COUNTY COUNCIL, 24 NOVEMBER 2022

REPORT OF THE  
Chief Executive

PART I

## APPOINTMENT OF MONITORING OFFICER AND DATA PROTECTION OFFICER

1. **Local Government and Housing Act 1989 – Appointment of Monitoring Officer**
  - 1.1 Together with all other relevant Authorities, by virtue of the requirements of Section 5 of the Local Government and Housing Act 1989 (the 1989 Act), the County Council is required to designate one of its Officers as Monitoring Officer, to carry out the statutory functions of the Monitoring Officer set out at Sections 5 (2) and 5 (A) of the 1989 Act, concerning statutory reports to the County Council, or where appropriate the Executive, regarding matters of unlawfulness or maladministration.
  - 1.2 In addition, by virtue of the operation of a number of other statutory requirements and the County Council's Constitution, a number of other functions of the County Council are the responsibility of the Monitoring Officer, as set out at Part I, Chapter 13, Paragraph 1.4, Part I Chapter 16, Contract Standing Orders and Financial Regulations.
  - 1.3 On 8 November 2022, the Employment in Hampshire County Council Committee (EHCC Committee) approved a report from the Chief Executive regarding an Organisational Restructure. Consequential upon approval of this report, it is proposed that responsibility for oversight of the County Council's Corporate Complaints Procedure (including Data Protection and Freedom of Information matters), (presently the responsibility of the Monitoring Officer), should instead fall within the responsibilities of the Director of People and Organisation (presently the Director of HR, OD, Communications and Engagement). The Organisational Restructure will come into effect on 1 January 2023.
  - 1.4 Currently the Monitoring Officer is the Head of Law and Governance, who has held this designation since 2009. The Head of Law and Governance has indicated her intention to retire from the County Council at the end of March 2023. In the circumstances and to ensure a smooth transition to the new Organisational Structure, it is considered sensible that the re-designation of the position of Monitoring Officer take effect from the implementation of the new Organisational Structure on 1 January 2023.
  - 1.5 Under the Operating Model of the new Organisational Structure, David Kelly, currently Head of Legal Services, will be appointed to the post of Assistant Director Legal Services, reporting to the Director of People and Organisation.

- 1.6 Mr Kelly has been the Deputy Monitoring Officer of the County Council since 2009, working closely with the Monitoring Officer, and as such has significant experience of the requirements and responsibilities of the position. It is proposed that Mr Kelly be designated by the County Council as the County Council's Monitoring Officer.
2. **General Data Protection Regulation - Appointment of Data Protection Officer**
- 2.1. In addition, together with all public authorities, the County Council is required to designate one of its Officers to carry out the statutory duties of the Data Protection Officer pursuant to Article 37-39 of the General Data Protection Regulation (GDPR).
- 2.2. The duties of the Data Protection Officer including assisting the County Council in monitoring internal compliance, the provision of advice on Data Protection activities and acting as a contact with the Information Commissioner's Office (ICO).
- 2.3. GDPR states that the designated person should be a senior post within the authority, reporting to Chief Officer level, be independent from the business, with expert knowledge of the subject area, and have adequate resources to meet their GDPR obligations.
- 2.4. Currently the County Council's Data Protection Officer is the Head of Law and Governance. Under the Operating Model of the new organisational structure, responsibility for Governance will also fall within the responsibilities of the Director of People and Organisation, who as indicated above will have responsibility for supervision of the County Council's Corporate Complaints Procedure (including Data Protection and Freedom of Information matters). It is proposed that the Deputy Director of People and Organisation (Steph Randall) be designated by the County Council as the County Council's Data Protection Officer, with effect from implementation of the new Organisational Structure on 1 January 2023.

## **RECOMMENDATIONS**

That the County Council:

- a) Approves appointment of David Kelly as the County Council's Monitoring Officer with effect from 1 January 2023.
- b) Approves appointment of Steph Randall as the County Council's Data Protection Officer with effect from 1 January 2023.
- c) Authorises the Monitoring Officer to make the necessary amendments to the County Council's Constitution consequential upon these appointments.

COUNCIL MEETING, 24 NOVEMBER 2022

REPORT OF THE  
**Employment in Hampshire County Council Committee**  
PART I

**1. AMENDMENT TO THE MEMBERS' ALLOWANCES SCHEME 2022/23**

- 1.1. The legislative framework governing the payment of Members' Allowances is set out in the Local Authorities (Members Allowances) (England) Regulations 2003 (as amended) ('the Members' Allowances Regulations').
- 1.2. Under the provisions of the Members' Allowances Regulations the County Council is required to make a Scheme ('Members' Allowances Scheme') for the payment of Members' Allowances each year. A Members' Allowances Scheme needs to make provision for Basic Allowances, Special Responsibility Allowances ('SRA's'), Dependents' Carers' Allowances, Travelling and Subsistence Allowances and Co-optees Allowances.
- 1.3. 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.
- 1.4. By virtue of the Members' Allowances Regulations, before the County Council can make or amend a Members' Allowances Scheme, it is required to have regard to recommendations made in relation to it by an Independent Remuneration Panel ('IRP'). In this regard the IRP met on 6 October 2022.
- 1.5. The Employment in Hampshire County Council ('EHCC') Committee met on 8 November 2022 to consider the recommendations of the IRP, and to make recommendations to the County Council in respect of amendment (if appropriate) to the Members' Allowances Scheme for 2022/23. A copy of the Report considered by the EHCC Committee is attached as **Appendix 1** to this Report. Minutes of the IRP Meeting and the report they considered are attached as Annex 1 and 2 to the EHCC Report.

**2. Amendment to Members' Allowances Scheme 2022/23**

Recommendations of the Independent Remuneration Panel in relation to amendment of the Members' Allowances Scheme for 2022/23 are set out below, together with the EHCC Committee's views and conclusions on them.

## **2.1. Special Responsibility Allowance – Deputy Leader**

### **Recommendation of the IRP**

An SRA for the Deputy Leader equivalent to 70% of the Leader's SRA be added to the Members' Allowances Scheme, to be backdated to the 2022 County Council AGM (19 May 2022). That this be subject to review in 12 months' time.

### **Consideration of IRP Recommendation**

The EHCC Committee was in support of the recommendation of the IRP.

## **2.2. Special Responsibility Allowance – Opposition Group Leaders**

### **Recommendation of the IRP**

The SRA for Opposition Group Leaders should amount to 55% of the SRA for the Leader of the Council, divided proportionally between all Opposition Groups (consisting of two Members or more) according to the number of seats held by that Group on the County Council. That this be backdated to the 2022 County Council AGM (19 May 2022), but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of the County Council's decision being subject to repayment. That the SRA for Opposition Group Leaders be subject to review in 12 months' time.

### **Consideration of IRP Recommendation**

The EHCC Committee was in support of the recommendation of the IRP.

## **2.3. Special Responsibility Allowance – Opposition Group Spokesperson**

### **Recommendation of the IRP**

That an SRA for Opposition Group Spokespersons should be paid to Opposition Group Spokespersons on each of the County Council's ordinary Select Committees and the Health and Adult Social Care Committee and the Regulatory Committee. The overall SRA payable should amount to 55% of the SRA for the Chairman of an ordinary Select Committee, divided proportionally between all Opposition Groups represented on each respective Committee (following agreement of the proportionality table and appointments by the County Council). The SRA to be divided according to the number of seats on the County Council held by each Opposition Group represented on each respective Committee as referred to above. That this be backdated to the 2022 County Council AGM (19 May 2022), but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of the County Council's decision being subject to repayment. That the Opposition Group Spokespersons SRA be subject to review in 12 months.

## **Consideration of IRP Recommendation**

The EHCC Committee was broadly in support of the recommendation of the IRP but felt that a calculation method resulting in Spokespersons from each particular Political Group receiving the same SRA would be preferable. It was delegated to the Chief Executive, in consultation with the Chairman of EHCC Committee to devise a modified calculation method that could achieve this. Consequently a three stage calculation is recommended to the County Council (current figures included by way of illustration):

- a. Number of Committees for which an Opposition Spokespersons role applies (currently 6) x 55% of an ordinary Select Committee Chairman SRA (currently £12,604) = Opposition Spokesperson Fund (currently £41,594)
- b. Sum of number of appointed Opposition Spokespersons for each Group x number of Members in that Group (currently: (6x17) + (5x3) + (4x3) = 129)
- c. For each Group: Fund (£41,594) divided by total from part b (129) x number of Members in Group (17, 3 or 3) = SRA per Opposition Spokesperson in that Group
  - o £41,594 / 129 x 17 = £5,482 (Liberal Democrat)
  - o £41,594 / 129 x 3 = £968 (Labour)
  - o £41,594 / 129 x 3 = £968 (Independent)

That this be backdated to the 2022 County Council AGM (19 May 2022), but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of the County Council's decision being subject to repayment. That the Opposition Group Spokespersons SRA be subject to review in 12 months.

### **2.4. Special Responsibility Allowances – Assistants to the Executive – Adult Services and Public Health and Children's Services and Chairman of the River Hamble Harbour Board**

#### **Recommendation of the IRP**

The SRA for the roles of Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services and for the role of Chairman of the River Hamble Harbour Board continue at the previously agreed rates.

#### **Consideration of IRP Recommendation**

The EHCC Committee was in support of the recommendation of the IRP.

## 2.5. Adjustment of Basic Allowances and SRAs – 2022/23

As Members of the County Council will be aware, the County Council agreed at its meeting on 17 February 2022 that Basic Allowances and SRAs should be adjusted for the years 2022/23, 2023/24, 2024/25 and 2025/26 by reference to the Pay Award for staff (if any) for Senior Managers at Grade H. Unusually, for 2022/23 the Pay Award for staff below Grade H is a flat rate award of £1,925. If the flat rate Pay Award is applied to Grade H, this equates to an increase of 3.69%. Members of the EHCC Committee considered that for the year 2022/23, that this was the appropriate adjustment of Basic Allowances and SRAs, rather than the flat rate award.

### RECOMMENDATIONS

That the County Council, taking into account the recommendations of the IRP, approves:

- a) An SRA for the Deputy Leader equivalent to 70% of the Leader's SRA be added to the Members' Allowances Scheme, to be backdated to the 2022 County Council AGM (19 May 2022). That this be subject to review in 12 months' time.
- b) That the SRA for Opposition Group Leaders should amount to 55% of the SRA for the Leader of the Council, divided proportionally between all Opposition Groups (consisting of two Members or more) according to the number of seats held by that Group on the County Council. That this be backdated to the 2022 County Council AGM (19 May 2022), but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of the County council's decision being subject to repayment. That the SRA for Opposition Group Leaders be subject to review in 12 months' time.
- c) That the SRA for Opposition Group Spokespersons should be paid to Opposition Group Spokespersons on each of the County Council's ordinary Select Committees and the Health and Adult Social Care Committee and the Regulatory Committee. This should be calculated using a three-stage method (current figures included by way of illustration):
  - a. Number of Committees for which an Opposition Spokespersons role applies (currently 6) x 55% of an ordinary Select Committee Chairman SRA (currently £12,604) = Opposition Spokesperson Fund (currently £41,594)
  - b. Sum of number of appointed Opposition Spokespersons for each Political Group x number of Members in that Group (currently: (6x17) + (5x3) + (4x3) = 129)
  - c. For each Group: Fund (£41,594) divided by total from part b (129) x number of Members in Group (17, 3 or 3) = SRA per Opposition Spokesperson in that Group



- $£41,594 / 129 \times 17 = £5,482$  (Liberal Democrat)
- $£41,594 / 129 \times 3 = £968$  (Labour)
- $£41,594 / 129 \times 3 = £968$  (Independent)

That this be backdated to the 2022 County Council AGM (19 May 2022), but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of the County Council's decision being subject to repayment. That the Opposition Group Spokespersons SRA be subject to review in 12 months.

- d) That the SRA for the roles of Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services and for the role of Chairman of the River Hamble Harbour Board continue at the previously agreed rates.
- e) That Members' Basic Allowances and Special Responsibilities be increased by 3.56% for the year 2022/23, backdated to the beginning of the present financial year.

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## HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Employment in Hampshire County Council Committee
<b>Date:</b>	8 November 2022
<b>Title:</b>	Amendments to the Members' Allowances Scheme 2022/23
<b>Report From:</b>	Chief Executive

**Contact name:** Barbara Beardwell – Head of Law & Governance & Monitoring Officer

Debbie Vaughan – Head of Democratic & Member Services

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### Purpose of this Report

1. The purpose of this report is for the EHCC Committee to consider a number of recommendations of the Independent Remuneration Panel (IRP) regarding amendment to the Members' Allowances Scheme 2022/23, and the adjustment of Members' Basic Allowances and SRAs for the year 2022/23.

### Recommendations

That the EHCC Committee:

2. Thank the IRP for their work in considering this matter, and their recommendations as referred to in this report.
3. Recommend to the County Council that approval be given to amendment of the Members' Allowances Scheme for 2022/23, if appropriate, which takes into account the recommendations of the IRP and the views of the EHCC Committee.
4. Recommend to the County Council that Members' Basic Allowances and SRAs be adjusted for the year 2022/23 by 3.56%.

### Executive Summary

5. 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').
6. Under the provisions of the Members' Allowances Regulations, the County Council is required each year to make a Members' Allowances Scheme.

The Members' Allowances Scheme needs to make provision for payment of Basic Allowances, Special Responsibility Allowances ("SRAs") Dependents' Carers' Allowances, Travelling and Subsistence Allowances, and Co-optees Allowances. 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.

7. By virtue of the Members' Allowances Regulations, before the County Council can make or amend a Members' Allowances Scheme, it is required to have regard to recommendations made in relation to it by an Independent Remuneration Panel ("IRP"). In this regard the IRP met on 6 October 2022. Minutes of the IRP meeting, including the recommendations of the IRP are attached as Appendix 1 to this report. The report to the IRP meeting is attached at Appendix 2. Also attached to this report are documents (referred to in the IRP report as Appendix 1, Appendix 2a, Appendix 2b, 2c, 3a, 3b and 3c) considered at the IRP meeting. Lastly, attached at Appendix 2d is an assessment based on the present political makeup of the County Council of the impact of the IRP's recommendations regarding changes to the calculation of SRAs for Opposition Group Leaders and Opposition Group Spokespersons.

### **Contextual Information**

#### **Amendment to Members' Allowances Scheme 2022/23**

#### **Recommendations of the Independent Remuneration Panel**

8. An SRA for the Deputy Leader equivalent to 70% of the Leader's SRA be added to the Members' Allowances Scheme, to be backdated to the 2022 County Council AGM (19 May 2022). That this be subject to review in 12 months' time.
9. The SRA for Opposition Group Leaders should amount to 55% of the SRA for the Leader of the Council, divided proportionally between all Opposition Groups (consisting of two Members or more) according to the number of seats held by that Group on the County Council. That this be backdated to the 2022 County Council AGM (19 May 2022), but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of the County Council's decision being subject to repayment. That the SRA for Opposition Group Leaders be subject to review in 12 months' time.
10. That an SRA for Opposition Group Spokespersons should be paid to Opposition Group Spokespersons on each of the County Council's ordinary Select Committees and the Health and Adult Social Care Committee and the Regulatory Committee. The overall SRA payable should amount to 55% of the SRA for the Chairman of an ordinary Select

Committee, divided proportionally between all Opposition Groups represented on each respective Committee (following agreement of the proportionality table and appointments by the County Council). The SRA to be divided according to the number of seats on the County Council held by each Opposition Group represented on each respective Committee as referred to above. That this be backdated to the 2022 County Council AGM (19 May 2022), but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of the County Council's decision being subject to repayment. That the Opposition Group Spokespersons SRA be subject to review in 12 months.

11. The SRA for the roles of Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services and for the role of Chairman of the River Hamble Harbour Board continue at the previously agreed rates.

**Amendment to Members Allowances Scheme 2022/23 -  
Consideration of IRP Recommendations**

**SRA - Deputy Leader of the County Council**

12. With regard to an SRA for the role of Deputy Leader, the Panel heard from the Monitoring Officer who confirmed that this was a statutory position to which one of the Executive Members must be appointed and who is automatically required to act in place of the Leader in the Leader's absence. The Panel also heard from the Chief Executive, who illustrated the Deputy Leader role and in particular the need to be up to speed on all topics in order to be able to represent the Leader through her own knowledge of the multi-faceted ways in which Leader and Deputy Leader work together, as well as through comparison with her own experience of being a Deputy Chief Executive. She noted that the role of Deputy Leader added vital capacity and support to the Leader in their role in charge of a large and complex organisation. The Leader of the Council also addressed the Panel, explaining that he had previously been Deputy Leader for three years, highlighting the importance of a seamless partnership between Deputy Leader and Leader.
13. The Panel recognised that the scale of the County Council brought significant pressures on the leadership and noted that although the Deputy Leader did not hold any specific additional decision-making responsibility, the role should be particularly recognised in terms of Executive responsibility and representing the County Council within the administrative area of the County Council and the wider community, and consequent reputational significance. It was noted that many other Authorities do pay a Deputy Leader SRA.
14. The IRP were in agreement that an SRA should be payable for the role of Deputy Leader of the County Council, equivalent to 70% of the Leader of the Council's SRA, and that this should be backdated to the May 2022 AGM (19 May 2022). The IRP were also in agreement that the SRA for this role should be reviewed in 12 months' time.

Full details of the role are contained at **Appendix 1** to this report.

**SRA - Opposition Group Leader**

15. For the information of EHCC, the present formula for calculation of an SRA for the role of Opposition Group Leader was determined by the County Council in February 2012 following reference to the IRP. By virtue of application of the present formula, an SRA is payable according to a formula (currently £6474 plus £360 x number of Members in relevant Political Group (including the Leader of the relevant Political Group)) to an Opposition Group Leader in cases where a Political Group comprises four or more Members, and thus the actual amount payable varies according to numbers of Members of a Political Group. Representations were received from the Leaders of all Opposition Groups represented on the County Council. These are attached as Appendices 2a, 2b and 2c.
16. With regards to the review of the SRA for Opposition Group Leaders and Opposition Spokespersons, the Panel noted that these were longstanding areas of discussion and expressed their ambition of a solution that was inclusive, future proofed and evidence based. Considering the Group Leader SRA first, the Panel heard from the Liberal Democrat Deputy Leader and the Leaders of the Labour and Independent Groups. It was established that there was no formal Leader of the Opposition role – each Group was a separate opposition to the Administration. The Councillors highlighted a number of key elements of their respective roles and it was noted in particular that the Group Leader role was similar across the board in terms of needing to understand all areas of the Council and represent their Group. Furthermore, the differing sizes of the Group brought both challenges and advantages and could not be easily related to workload. A fundamental unfairness in having an arbitrary Group size as the cut off point for a Group Leader SRA was therefore identified.
17. Noting the content of the report and the representations received, the Panel expressed their view that an alternative calculation for an Opposition Group Leader SRA should be implemented that did not rely on a minimum Group size (it was accepted that a Group was two or more Members).
18. The IRP were in agreement that the SRA payable for the role of Opposition Group Leader on the County Council should be 55% of the SRA for the Leader of the Council, divided proportionally between all Opposition Groups (consisting of two Members or more) according to the number of seats held by that Group on the County Council. The IRP were of the view that any new / revised SRAs should be backdated to the May 2022 County Council AGM, but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of any decision of the County Council to amend the present SRA for Opposition Group Leader being subject to repayment. The IRP were also of the view that the SRA for Opposition Group Leader be subject to review in 12 months.

## SRA - Opposition Group Spokesperson

19. For the information of EHCC, the present formula for calculation of an SRA for the role of Opposition Group Spokesperson was determined by the County Council in February 2014 following reference to the IRP. By virtue of application of the present formula, an SRA is payable according to a formula (20% of the SRA for an Executive Member (currently £3,781.20) plus £110 x number of Members in the relevant Political Group (including the relevant Political Group Leader)) to an Opposition Group Spokesperson in cases where a Political Group comprises eight or more Members, and thus the actual amount payable varies according to numbers of Members of a Political Group.
20. With regard to the SRA for Opposition Group Spokespersons, the Panel noted that the current threshold for receipt of an SRA was based on a Group size of eight Members or more. Comparison with other Authorities had revealed that many did not pay an SRA for this role, but it was confirmed that it was permissible to do so in accordance with the legislation. The Panel received representations from the Leaders of each of the Opposition Groups who highlighted that in a similar way to the Group Leaders, the Opposition Spokespersons all carried out a similar function regardless of their Group size and therefore a similar unfairness in the Group size criteria existed. These are contained at Appendices 2a, 2b and 2c, as referred to above.
21. The Panel were keen to introduce a solution that would remove the need for a minimum Group size, however recognised that small Groups did not always qualify for a seat on all of the six Committees for which an Opposition Spokespersons allowance was payable, due to the application of proportionality rules. Having considered a number of alternatives, it was proposed that to resolve this, and to mirror the solution recommended for Opposition Group Leaders a formula could be applied for future calculation of an Opposition Group Spokesperson SRA.
22. The IRP accordingly were of the view that an SRA for Opposition Group Spokespersons should be paid to Opposition Group Spokespersons on each of the County Council's ordinary Select Committees and the Health and Adult Social Care Committee and the Regulatory Committee. The overall SRA payable should amount to 55% of the SRA for the Chairman of an ordinary Select Committee, divided proportionally between all Opposition Groups represented on each respective Committee (following agreement of the proportionality table and appointments by the County Council). The SRA to be divided according to the number of seats on the County Council held by each Opposition Group represented on each respective Committee as referred to above. The IRP were of the view that any new / revised SRAs should be backdated to the May 2022 County Council AGM, but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of any decision of the County Council to amend the present SRA for Opposition Group Spokesperson being

subject to repayment. The IRP were also of the view that the SRA for Opposition Group Spokesperson be subject to review in 12 months.

23. Attached at Appendix 2d is an assessment based on the present political makeup of the County Council of the impact of the IRP's recommendations regarding changes to the calculation of SRAs for Opposition Group Leaders and Opposition Group Spokespersons.

**SRA – Assistant to the Executive – Adult Services and Public Health and Children's Services**

**SRA – Chairman of the River Hamble Harbour Board**

24. By way of background for the information of EHCC, the present SRAs for these roles was determined by the County Council at its meeting in February 2022, following the recommendations of the IRP and EHCC. The present SRAs for the two roles of Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services are calculated at 25% of the SRA for an Executive Member. The present SRA for the role of Chairman of the River Hamble Harbour Board is calculated at 25% of the SRA of a Chairman of a Select Committee. The IRP when making its recommendations on these three roles at its meeting in September 2021, had recommended that all three SRAs be reviewed in 12 months' time as the roles developed. In agreeing the SRAs at the County Council meeting in February 2022, the County Council had accepted the IRP's recommendations that the roles should be reviewed.

25. The IRP reviewed the SRAs for the roles of Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services and Chairman of the River Hamble Harbour Board. The Panel acknowledged the supporting evidence relating to each of these roles attached to the report and agreed that they were in line with the size, scale and range of responsibilities of the County Council as originally envisaged. The IRP were therefore in agreement that the SRA for the roles of Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services and Chairman of the River Hamble Harbour Board continue at the previously agreed rates.

Attached as Appendices 3a, 3b and 3c are details of the roles as considered by the IRP.

**Adjustment of Basic Allowances and SRAs 2022/23**

26. As Members of EHCC will be aware, the County Council agreed at its meeting on 17 February 2022 that Basic Allowances and SRAs should be adjusted for the years 2022/23, 2023/24, 2024/25 and 2025/26 by reference to the Pay Award for staff (if any) for Senior Managers at Grade H. Unusually, for 2022/23 the Pay Award for staff below Grade H is a flat rate award of £1,925. If the flat rate Pay Award is applied to Grade H, this



equates to an increase of 3.56%, and it is therefore considered that this is the appropriate adjustment of Basic Allowances and SRAs for the year 2022/23.

**Next Steps**

27. Amendment of the Members' Allowances Scheme for 2022/23, if appropriate, recommended by the EHCC Committee will be considered by the County Council at its meeting on 24 November 2022.

## **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:**

(a) No equality impacts have been identified arising from this Report

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Strategic Plan**

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

**Other Significant Links**

**Links to previous Member decisions:**

<u>Title</u>	<u>Date</u>
Amendments to the Members' Allowances Scheme 2013/14 and Members' Allowances Scheme 2014/15, 2015/16, 2016/17 and 2017/18 – County Council	20 February 2014
Amendments to the Members' Allowances Scheme 2013/14 and Members' Allowances Scheme 2014/15, 2015/16, 2016/17 and 2017/18 – County Council	22 February 2018
Amendment to the Members' Allowances Scheme 2021/22, and Members' Allowances Scheme for 2022/23, 2023/24, 2024/25 And 2025/26	17 February 2022

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<u>Date</u>
Local Government and Housing Act	1989
The 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	

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AT A MEETING of the Independent Remuneration Panel of HAMPSHIRE COUNTY COUNCIL held at the Castle, Winchester on Thursday, 6th October, 2022

**In attendance:**

Julia Abbott, David Heck, Pinky Kwok and Rosemary Lynch

Also present with the agreement of the Chairman: Councillors Crawford, Collett, Humby and Tree,

**9. APOLOGIES FOR ABSENCE**

Apologies were received from Martin James.

**10. 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.

**11. MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 29 September 2021 were agreed as a correct record and signed by the Chairman.

**12. DEPUTATIONS**

There were no deputations on this occasion.

**13. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman noted that despite being unable to attend the meeting, Martin James had contributed his thoughts on the items for consideration and that these would be taken into account.

#### 14. **AMENDMENTS TO THE MEMBERS' ALLOWANCES SCHEME 2022/23**

The IRP considered the report of the Monitoring Officer regarding Special Responsibility Allowances (SRAs) for a number of different roles and the recommendation of potential subsequent updates to the Members' Allowances Scheme.

The Panel acknowledged the information that had been provided to them in respect of all of the SRAs in the report and noted that they had also taken the opportunity of conducting benchmarking comparisons with other Councils to use as a point of reference.

##### **Deputy Leader SRA**

With regard to an SRA for the role of Deputy Leader, the Panel heard from the Monitoring Officer who confirmed that this was a statutory position to which one of the Executive Members must be appointed and who is automatically required to act in place of the Leader in the Leader's absence. The Panel also heard from the Chief Executive, who illustrated the Deputy Leader role and in particular the need to be up to speed on all topics in order to be able to represent the Leader through her own knowledge of the multi-faceted ways in which Leader and Deputy Leader work together, as well as through comparison with her own experience of being a Deputy Chief Executive. She noted that the role of Deputy Leader added vital capacity and support to the Leader in their role in charge of a large and complex organisation. The Leader of the Council also addressed the Panel, explaining that he had previously been Deputy Leader for three years, highlighting the importance of a seamless partnership between Deputy Leader and Leader.

The Panel recognised that the scale of the County Council brought significant pressures on the leadership and noted that although the Deputy Leader did not hold any specific additional decision making responsibility, the role should be particularly recognised in terms of Executive responsibility and representing the County Council within the administrative area of the County Council and the wider community, and consequent reputational significance. It was noted that many other Authorities do pay a Deputy Leader SRA. It was proposed and agreed to recommend to the County Council that:

**An SRA for the Deputy Leader equivalent to 70% of the Leader's SRA be added to the Members' Allowances Scheme, to be backdated to the 2022 County Council AGM. That this be subject to review in 12 months.**

##### **Opposition Group Leader SRA**

With regards to the review of the SRA for Opposition Group Leaders and Opposition Spokespersons, the Panel noted that these were longstanding areas of discussion and expressed their ambition of a solution that was inclusive, future proofed and evidence based. Considering the Group Leader SRA first, the Panel heard from the Liberal Democrat Deputy Leader and the Leaders of the Labour and Independent Groups. It was established that there was no formal Leader of the Opposition role – each Group was a separate opposition to the Administration. The Councillors highlighted a number of key elements of their

respective roles and it was noted in particular that the Group Leader role was similar across the board in terms of needing to understand all areas of the Council and represent their Group. Furthermore, the differing sizes of the Group brought both challenges and advantages and could not be easily related to workload as a larger Group resulted in more Members to manage, but also more capacity to draw upon. A fundamental unfairness in having an arbitrary Group size as the cut off point for a Group Leader SRA was therefore identified.

Noting the content of the report and the representations received, the Panel expressed their view that an alternative calculation for an Opposition Group Leader SRA should be implemented that did not rely on a minimum Group size (it was accepted that a Group was two or more Members). It was proposed and agreed to recommend to the County Council that:

**The SRA for Opposition Group Leaders should amount to 55% of the SRA for the Leader of the Council, divided proportionally between all Opposition Groups (consisting of two Members or more) according to the number of seats held by that Group on the County Council. That this be backdated to the 2022 County Council AGM, but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of the County Council's decision being subject to repayment. That the SRA for Opposition Group Leaders be subject to review in 12 months.**

#### **Opposition Group Spokesperson SRA**

With regard to the SRA for Opposition Group Spokespersons, the Panel noted that the current threshold for receipt of an SRA was based on a Group size of eight Members or more. Comparison with other Authorities had revealed that many did not pay an SRA for this role, but it was confirmed that it was permissible to do so in accordance with the legislation. The Panel received representations from each of the Opposition Groups who highlighted that in a similar way to the Group Leaders, the Opposition Spokespersons all carried out a similar function regardless of their Group size and therefore a similar unfairness in the Group size criteria existed.

The Panel were keen to introduce a solution that would remove the need for a minimum Group size, however recognised that small Groups did not always qualify for a seat on all of the six Committees for which an Opposition Spokespersons allowance was payable, due to the application of proportionality rules. Having considered a number of alternatives, it was proposed that to resolve this, and to mirror the solution recommended for Group Leaders it be recommended to the County Council that:

**That an SRA for Opposition Group Spokespersons should be paid to Opposition Group Spokespersons on each of the County Council's ordinary Select Committees and the Health and Adult Social Care Committee and the Regulatory Committee. The overall SRA payable should amount to 55% of the SRA for the Chairman of an ordinary Select Committee, divided proportionally between all Opposition Groups represented on each respective Committee (following agreement of the proportionality table and appointments by the County Council). The SRA to be divided according to the number of seats on the County Council held by**

**each Opposition Group represented on each respective Committee as referred to above. That this be backdated to the 2022 County Council AGM, but any detrimental impact should not result in any SRA already paid in 2022/23 by the time of the County Council's decision being subject to repayment. That the Opposition Group Spokespersons SRA be subject to review in 12 months.**

**Assistant to the Executive/River Hamble Harbour Board Chairman SRA**

The Panel reviewed the SRAs for the roles of Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services and Chairman of the River Hamble Harbour Board. It was noted that there was an error in paragraph 8 of the report as although the agreed SRA for the first two roles was equivalent to 25% of the SRA for an Executive Member, the agreed SRA for the Chairman of the River Hamble Harbour Board was equivalent to 25% of the SRA for a Select Committee Chairman. The Panel acknowledged the supporting evidence relating to each of these roles attached to the report and agreed that they were in line with the size, scale and range of responsibilities of the County Council as originally envisaged. It was therefore proposed and agreed to recommend to the County Council that:

**The SRA for the roles of Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services and Chairman of the River Hamble Harbour Board continue at the previously agreed rates.**

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Chairman,



## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	Independent Remuneration Panel
<b>Date:</b>	6 October 2022
<b>Title:</b>	Amendments to the Members' Allowances Scheme 2022/23
<b>Report From:</b>	Head of Legal and Governance and Monitoring Officer

**Contact name:** Barbara Beardwell

**Tel:** 0370 779 3751

**Email:** barbara.beardwell@hants.gov.uk

#### **Purpose of this Report**

1. The purpose of this report is to provide information to the County Council's Independent Remuneration Panel (IRP) to enable the IRP to make its recommendations on the following:
  - a) Special Responsibility Allowance (SRA) for the role of Deputy Leader of Hampshire County Council
  - b) Review of the SRA for Opposition Group Leaders and Opposition Spokespersons
  - c) Review of the SRA for the roles of:
    - 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 role listed in paragraph 1a) above and be backdated to the date of appointment, and 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 of these roles.
3. That the IRP consider whether the current SRAs for the roles listed in 1b) and c) above should be amended.

**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. Information about the role and responsibilities of Deputy Leader of Hampshire County Council is provided at Appendix 1 to this report.
7. Statements about the roles of Opposition Group Special Responsibility Allowances have been submitted by the Leaders of the Labour Group, the Independent Group and the Liberal Democrat Group and can be found at Appendices 2a, 2b and 2c and to this report.
8. At its meeting on 29 September 2021 the Panel considered an SRA for the positions referred to in paragraph 1c) and recommended an SRA of £4,645 per annum being 25% of the SRA for an Executive Member that was applicable at the time. The Panel further recommended that the SRAs be reviewed in 12 months' time. Information about the work carried out in the last 12 months' is provided at Appendices 3a, 3b and 3c to this report.

**Conclusions**

9. The recommendations of the IRP will be considered by the County Council's Employment in Hampshire County Council 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 in consequence of the requirements of the Members' Allowances Regulations.

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
<a href="#">Amendments to the Members' Allowances Scheme 2021/22</a>	29/09/2021
<a href="#">Members' Allowances Scheme - Assistant to the Executive: Adult Services and Public Health</a>	29/09/2021
<a href="#">Members' Allowances Scheme - Assistant to the Executive: Children's Services</a>	29/09/2021
<a href="#">Members' Allowances Scheme - Chairman of the River Hamble Harbour Board</a>	29/09/2021
<a href="#">Members' Allowances Scheme - Assistant to the Executive</a>	24/09/2019
<b>Direct links to specific legislation or Government Directives</b>	
<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.

## Deputy Leader of the County Council

**Primary Departmental Links:** Links and engagement across all departments of the County Council as required. Additionally, links to partner organisations, business groups and public authorities in Hampshire and the wider South-East area, and at Westminster.

### Statutory framework:

By virtue of the provisions of the Local Government Act 2000, the Leader of the Council must appoint one Member of the Executive as Deputy Leader. If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in his / her place. This means that in such an event all the Statutory and Constitutional powers of the Leader are vested in the Deputy Leader, including all action to decide, discharge, or implement any Executive Functions of the Leader, plus the power to depute another Executive Member to discharge such responsibilities. In addition, where the Leader is unable to act owing to a conflict of interest, the Deputy Leader is authorised to act, or depute another Executive Member to act. The role, functions and requirements of Deputy Leader are in addition to the individual Executive Member responsibilities held by the Deputy Leader as a Member of Cabinet.

### Key outcomes:

The essence of the role is to help and support the Leader, working closely with the Leader to lead and co-ordinate political engagement and to provide political advice and support to the County Council in fulfilment of its extensive statutory responsibilities.

The need for robust, resilient and effective political capacity is critical as the County Council seeks to manage ongoing demand and cost pressures and play its part in the wider South-East and national political arena, and private business sector.

### Key Functional Areas:

- To directly support, and where appropriate, act on behalf of the Leader on all aspects of the County Council's work, and wider political, community and business network and economy.
- To support the development of and maintain political links with key partner organisations such as district and borough councils within Hampshire and neighbouring councils and unitary authorities, Hampshire and Isle of Wight Fire and Rescue Authority ('HIOWFRA') and the Police.

- To attend with the Leader, deputising for the Leader as required at meetings with other Hampshire district/borough council and unitary authority leaders on the proposed formation of a 'County Deal' for the wider Hampshire area. In addition, promoting the County Deal project with Central Government.
- To attend meetings of other strategic organisations/forums the County Council is represented on with, or on behalf of the Leader, deputising for the Leader as required:
  - County Councils Network (CCN)
  - Enterprise M3 LEP Board
  - Hampshire & Isle of Wight Local Government Association~
  - Local Government Association (LGA) General Assembly
  - South-East 7 Board
  - South-East Councils
  - South-East Strategic Leaders
  - Southampton Port Consultative Committee
- To attend internal Cabinet and Council briefing meetings, to provide support to the Leader aiding the resilience of the County Council.
- To lead on political projects as directed by the Leader.
- Assist the Leader and wider Cabinet colleagues in making representations as appropriate on areas of regional and national policy development.
- Promoting the County Council's objectives policies and priorities, and associated partnerships as a key contribution to ensuring the welfare and improvement of outcomes residents and communities in Hampshire.

### **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 County Council has a gross revenue budget of some £2.4bn in 2022/23, which continues to come under increasing demand and cost pressures. The County Council has further savings targets of £80m by April 2023, which must be met on top of the £540m of savings already achieved since 2010. This role of Deputy Leader plays an important part in supporting the County Council's interface with its stakeholders and the public to ensure that decisions on what the County Council 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.

### **N.B. Context**

Hampshire County Council is the third largest Shire County in the country, serving 1.4 million residents.

## Minority Political Group Leaders' Allowances

### Submission for consideration by the Independent Remuneration Panel

Last September, when Members' Allowances were being considered, I wrote to the Chairman of the Independent Remuneration Panel (IRP) pointing out that the Labour and Independents Groups were acting as groups as far as Council arrangements were concerned (proportionality, briefings, seating, etc.) but were not being recognised as such for Group Leaders' Allowances because each has only 3 members.

I suggested that it was an anomaly that the IRP might wish to consider. However, the IRP did not consider that they had evidence to justify recommending a change.

I was therefore a little taken aback when I saw the IRP recommendation in the Agenda of the Council Meeting on 17 February 2022 - **that the present formula for calculation of an SRA (Special Responsibility Allowance) to the Leader of a Minority Political Group on the County Council when a Minority Political Group comprises four or more Members should remain.**

However, seeing it reported at the Council Meeting, I noted that the Opposition Leader formula used to determine whether a Special Responsibility Allowance (SRA) be paid was adopted some time ago, and I requested that this be reviewed. The then Cabinet Member responsible, Cllr Stephen Reid, invited me to write to him about it.

When writing, I told him that I did not have evidence other than to say I had been acting as an Opposition Leader (albeit of a Minority Political Group) for the previous 9 months (now 16 months), so it was a matter of applying the fairness that the County Council applies in all other aspects of representation (to have Minority Group Leaders' Allowances).

Cllr Reid then wrote to Head of Law and Governance Barbara Beardwell:

*"At the heart of Cllr Crawford's submission is the premise that four may not be the right threshold for invoking a Special Responsibility Allowance for minority group leaders. This is highlighted by the happenstance of us having two groups of three this year.*

*"Do we have a history of how four became the threshold and why, and whose recommendation it was? Also, do we know whether the IRP spent time on this subject or just included the status quo recommendation for completeness?"*

*"I don't think the politicians should overrule the IRP, but if you could identify the history of this, we could ask them to review the arguments that Cllr Crawford has outlined."*

Barbara Beardwell responded:

*“So far as the history of the Opposition Group Leader goes, the present criteria for eligibility and payment of a Minority Group Leaders allowance (that is it should attach where a political group comprised four or more Members) was agreed by the County Council at its meeting on 23 February 2012.*

*“By way of background the reason for consideration of this matter arose in 2011 following formulation of the then Community and Green Group which comprised two Members.*

*“The IRP in 2011 was asked to consider whether a Minority Group Leaders allowance should attach to the Leader of the newly formed Community and Green Group. The IRP’s recommendation was that a Minority Group Leaders allowance should only attach when a political group on the County Council comprised six or more Members, and that it should be calculated according the existing formula for calculation of the allowance for the Leader of the Liberal Democrat Group, which at the time was the only other minority political group on the County Council.*

*“Attached is a copy of the Minutes of the IRP meeting on 14 October 2011, where the matter was considered, including at Appendix 1(c) a copy of the submission from the then leader of the Community and Green Group. I have highlighted for ease of relevance the relevant sections.*

*“The County Council supported the 2011 recommendation of the IRP, save that it considered that a Group Leaders allowance should attach when a political group on the County Council comprised four Members (as opposed to six Members, as recommended by the IRP). Since this date the criteria for eligibility and payment of an Opposition Group Leaders allowance has been applied to in the case of all Opposition Groups on the County Council.”*

## **Conclusion**

In essence, I am making the same case as the then Leader of the Community and Green Group (Alan Weeks) in 2011 – Minority Opposition Group Leaders undertake the duties required of their role and, in line with the fairness that the County Council applies in all other aspects of representation, they should have Minority Group Leaders’ Allowances.

**Councillor Alex Crawford**  
**Leader – Labour Group**  
**23 September 2022**



## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Employment in Hampshire County Council
<b>Date:</b>	9 November 2011
<b>Title:</b>	Members' Allowances Scheme 2012/13
<b>Reference:</b>	3420
<b>Report From:</b>	Chief Executive

**Contact name:** Barbara Beardwell, Head of Governance and Monitoring Officer

**Tel:** 01962 845157

**Email:** barbara.beardwell@hants.gov.uk

#### 1. Executive Summary

- 1.1. 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").
- 1.2. Under the provisions of the Members Allowances Regulations, the County Council is required each year to make a Members' Allowances Scheme. The Members' Allowances Scheme needs to make provision for payment of Basic Allowances, Special Responsibility Allowances ("SRA's") Dependents' Carers' Allowances, Travelling and Subsistence Allowances, and Co-optees Allowances.
- 1.3. By virtue of the Members' Allowances Regulations, before the County Council can make or amend a Members' Allowances Scheme, it is required to have regard to recommendations made in relation to it by an Independent Remuneration Panel ("IRP"). In this regard the IRP met on 14 October 2011. Minutes of the IRP meeting, together with submissions made to the IRP and the recommendations of the IRP are attached at Appendix A, 1(a), 1(b) and 1 (c) to this Report.

## **2. Contextual information**

### **Recommendations of the Independent Remuneration Panel**

#### **Members Allowances Scheme 2012 – 2013**

##### **2.1 That Basic Allowances and SRA's be frozen at existing rates from 1 April 2012**

This recommendation is a repeat of the previous IRP recommendation on 10 December 2010 in respect of basic allowances and special responsibility allowances (SRA's) for the year 2011/2012. The County Council determined at its meeting on 24 February 2011, that basic allowances and SRA's for members should be frozen at existing rates from 1 April 2011, consistent with the pay freeze for staff and the recommendation of the IRP.

##### **2.2 That no change be made to current member mileage rates which are aligned to HMRC approved levels.**

Following the recommendation of the IRP in December 2010, the County Council determined at its meeting on 24 February 2011, that travel allowances for Members should be aligned to HMRC approved rates. The recommendation of the IRP is that this position should continue.

##### **2.3 That no SRA be granted to the Leader of Community and Green minority group on the County Council, and that an SRA should only be payable to the Leader of a minority group when it is comprised of six or more Members and then according to the current formula for calculation of an SRA for the Leader of the main Opposition Group.**

SRA's for Leaders of the Opposition Groups (at the time Liberal Democrat and Labour) were determined by the County Council at its meeting on 25 July 2002, calculated on the basis of a standard allowance of £5,000 per annum, plus £275 for each County Councillor on each appropriate group, plus inflation. At this time the Liberal Democrat Group comprised 19 Members and the Labour Group 9 Members. The IRP indicated that they supported the principle of an SRA for the Leaders of Opposition Groups within the County Council, but subject to the group comprising a minimum number of six or more members. The IRP also supported the existing method of calculation of the amount.

##### **2.4 That no change be made to the existing SRA's paid to the Chairmen of the Pension Fund Panel and Audit Committee, but that the SRA of the Chairman of the Audit Committee be reviewed in future years.**

SRA's in the sum of £5,793 are currently payable to the Chairman of the Pension Fund Panel and the Chairman of the Audit Committee. The SRA payable to the Chairman of the Pension Fund Panel was introduced by the

County Council in February 2010 following the recommendation of the previous IRP who agreed that this was an omission in the Members Scheme of Allowances. The previous IRP were of the view that the roles of the Chairman of the Pension Fund Panel and Chairman of Audit Committee were broadly comparable and concluded that the SRA's payable for each post should therefore equate with one another.

Evidence had however been put to the previous IRP that the work of the Pension Fund Panel was increasing, and the IRP therefore felt that it would be appropriate to review the SRA payable to the Chairman of the Pension Fund Panel in future years, dependent on the work of the Pension Fund Panel increasing as anticipated. The present IRP considered the matter at its meeting on 10 December 2010, but felt that they needed to obtain more detailed background information so as to enable them, if appropriate, to give an informed proposal on the issue the following year. The view of the IRP however when it met on 14 October 2011 was that whilst the volume of work of the Pension Fund Panel had increased in the last two years, there was no change in the responsibilities of the Chairman of the Pension Fund Panel, and that therefore there should be no change with regard to the SRA payable.

At its meeting on 10 December 2010 the IRP, also declared its intention to review the SRA payable to the Chairman of Audit Committee, against a background of increased governance requirements. The view of the IRP at its meeting on 14 October 2011 was that whilst there had been a change in the responsibilities of Audit Committee, for example heightened risk management, and implications to the County Council in consequence of the Bribery Act, the IRP felt that it did not yet have enough information as to the extent of changes in the responsibilities of Audit Committee. The view of the IRP therefore was that the question of any change to the amount of SRA payable to the Chairman of Audit Committee should be kept under review, and that they would look at this further in the coming year.

**2.5 That the Panel continue their review of the SRA's payable to the Chairman and Vice-Chairman of Committees.**

The IRP reported that they had observed the workings of several of the County Councils' Committees. The IRP agreed that there was a role and value in having a Vice-Chairman, but indicated that they had not yet formed an opinion as to whether in itself such role warranted an SRA. Because the work of the IRP in this regard was ongoing, the recommendation of the IRP was that there should be no changes in respect of SRA's payable to Chairman and Vice-Chairman of Committees at this time, but that it would be their intention of the IRP to form an opinion on levels of SRA's payable to Committee Chairmen and Vice Chairmen, the comparability of SRA's across the various County Council Committees, and the role of the Vice-Chairman once they had completed their work programme of observing all Committee meetings.

- 2.6 That travel allowances for attendance at political group meetings before full Council Meetings authorised by the relevant political group Leaders should be payable, but that the Chief Executive should authorise any additional political group meetings qualifying for payment of travel allowances before travel expenses could be claimed.**

The current rules for claiming travel allowances were introduced when the County Council operated a Committee system prior to the adoption of the Leader and Cabinet Model in 2001. Under these rules only travel allowances for attending political group meetings prior to full Council can be claimed. The previous Committee structure was used to brief elected Members, communicate and develop policy, and provide all party information. With the Leader and Cabinet model there is less opportunity for this to happen, and Group meetings are now used more extensively on policy development, communication and updates on business than hitherto. It therefore seems appropriate that such additional group meetings should attract normal travel allowances. The IRP were in agreement with this premise, subject to there being a proper audit of the reasons such the group meetings for reasons of good governance. The recommendation of the IRP therefore was that travel allowances for political group meetings before meetings of full Council should continue to be payable, together with travel allowances for other political group meetings, subject to the proviso that the purpose of any other group meetings should be approved by the Chief Executive before travel allowances might be claimed. If this is agreed the list of 'approved duties' for payment of travel allowances will need to be amended accordingly.

### **3. Information**

- 3.1 The Members' Allowances Scheme 2012/2013 will be considered by the County Council at its meeting on 23 February 2012.

### **4. Recommendation**

- 4.1 That the Employment in Hampshire County Council Committee recommend to the County Council that approval be given to a Members' Allowances Scheme 2012/2013, which takes into account the recommendations of the Independent Remuneration Panel, and the views set out in this report.

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

**This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision to comply with the provisions of statutory regulations.**

**Other Significant Links****Links to previous Member decisions:**

<u>Title</u>	<u>Reference</u>	<u>Date</u>
Members' Allowances Scheme 2011/2012	2557	25 January 2011
Members' Allowances Scheme 2010/2011	1225	28 January 2010

**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:

- 1.1. Equality objectives are not considered to be adversely affected by the proposals in this report.

### 2. Impact on Crime and Disorder:

- 2.1. No significant impact.

### 3. Climate Change:

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

No specific impact

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

No specific impact

AT A MEETING of the INDEPENDENT REMUNERATION PANEL of the County Council held at The Castle, Winchester on 14 October 2011.

**PRESENT:**

D. B. Heck (Chairman); J. Abbott; R. Farrall; R. Kinch

The following officers were in attendance:

Mrs. B Beardwell - Head of Governance  
Mrs. D. Vaughan - Head of Members' Services  
Mr. K. Ridout - Senior Business Manager, BAMS

**1 INTRODUCTION**

The Head of Governance welcomed the IRP Members to their annual meeting and explained the statutory framework of the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Members Allowances Regulations"), and the remit of the Independent Remuneration Panel within the Members' Allowances Regulations. The Panel were required to consider and make their recommendations in relation to the Members' Allowances Scheme for 2012/13, in accordance with Regulation 21 of the Members Allowances Regulations.

**2 CHAIRMAN'S COMMUNICATIONS**

The IRP would like to express their thanks to the Members it has had contact with to date for their time, assistance and openness when it has been attending Executive and committee meetings, and when it has met with them informally. This assistance, and the decision to allow IRP members to remain in attendance during exempt items (subject to confidentiality), has enabled the IRP to get a fuller understanding of Members roles, responsibilities, workloads and Terms of Reference.

The IRP would also like to record its thanks to the Business Advice and Members Support Team in general, and Kelvin Ridout in particular, for facilitating all arrangements and introductions necessary.

During the last year the IRP has completed the work it set out to undertake as part of the plan to review all aspects within its remit within a four year period in office.

It is also the IRPs intention during the ensuing year to seek appropriate advice on the statutory framework of the Members Pension Scheme and to ascertain whether in the light of recent legislation the terms for any future new entrants to the scheme should be amended.

The IRP would wish to reiterate that it encourages submissions for consideration from Members or Co-opted Members on any topics within its remit at any time of the year. It would be helpful if these could be received no later than three months prior to next year's annual IRP meeting. This would ensure sufficient time being available to address issues fully, and to seek appropriate advice when necessary.

### **3 COUNTY COUNCILLORS, CO-OPTED AND INDEPENDENT MEMBER COMMENTS**

The Panel was advised that County Councillors, Co-opted and Independent Members had been invited to either attend or make any comments to the IRP at this meeting. As a result there had been written communications from Mr. M. Ansar, a Parent Governor (Primary School) Co-opted Member of the County Council's Children and Young People Select Committee (Appendix 1(a) to the Minutes) and from Councillor J. Wall (Appendix 1(b) to the Minutes).

The Panel considered the views expressed by Mr. Ansar in his communication about the need for the Members' Allowances Scheme to properly recognise the work of non-elected Members to ensure representation from all backgrounds and socio economic circumstances. The Panel felt the existing SRA of £675 per annum paid to a Co-opted Member of the Children and Young People Select Committee was an appropriate amount. Also, they were reminded that Co-opted Members were able to claim the same travel mileage rate as County Councillors. The Panel went on to consider the suggestion from Councillor Wall that Members' Allowances be linked in some way to officers' salaries. Whilst noting his view, the Panel did not feel such a comparison was relevant or practical.

### **4 MEMBERS' ALLOWANCES SCHEME 2012/13**

The Panel considered the Members' Allowances Scheme for 2012/13 in accordance with Regulation 21 of the Members' Allowances Regulations .

The Panel had before them the current 2011/12 Members' Allowances Scheme. The Head of Governance introduced the item and highlighted those issues raised previously by the IRP when they last met formally on 10 December 2010. Among the issues was the Panel's intention to investigate and obtain more detailed background information to review the SRA paid to the Chairman of the Pension Fund Panel (£5,793 per annum). Whilst noting there had been an increase in the number of Pension Fund Panel meetings and training sessions since the allowance was set, the Panel could not find, nor had been offered, any evidence that indicated any substantive changes to the Chairman's responsibilities or role. Therefore the Panel indicated it would not be



their intention to recommend any increase in the SRA for Chairman of the Pension Fund Panel until such time in the future his/ her responsibilities increased. The IRP had also reviewed the SRA paid to the Chairman of the Audit Committee (£5,793 per annum). Whilst acknowledging from informal discussions with the Chairman that there had been some increase in the Committee's responsibilities, (i.e. for the oversight of HCC response to the Bribery Act) the IRP did not feel this merited any increase in the SRA paid to the Chairman of the Audit Committee at the present time. Notwithstanding this, the Panel wished to keep the matter under review over future years and to consider this item again at their IRP meeting in 2012.

The Panel reported that their overall investigation of the SRA's paid to Chairman and Vice-Chairmen of Committees was ongoing. Whilst recommending no changes at this time, it would be their intention to form an opinion on levels, comparables and Vice Chairman's roles once they had completed their work programme of observing all meetings.

The Panel confirmed that it had investigated the appropriateness of the existing 57.8p per mile motor vehicle mileage rate paid to Independent Appeal Panel Members (IAP Members), and had sought clarity on how the rate had been arrived at, and whether they were volunteers or not. It was apparent from the investigations undertaken that the IAP members discharged their demanding and complex roles well. However, it appears that there are National proposals to alter the periods of time within which appeals can be made. If adopted, these changes could have a significant effect by compacting the existing case load volumes into a shorter time frame. In the light of the above, the Panel had reached the conclusion that the mileage rate payable to Independent Appeal Panel Members should remain unchanged for the time being as it may be more appropriate in future to have a system of payment related to workload rather than distance travelled. However, since reaching that conclusion, the Panel had been advised by the Head of Governance that whilst the County Council pays a mileage allowance to IAP Members, as they are not Members of the County Council in the same way as elected Members, Co-opted Members or Independent Members of the Standards Committee are, payment of travelling allowances to them is outside the Members' Allowances Scheme, and thus, also outside the remit of the Independent Remuneration Panel.

The Head of Governance next reported that a new Community and Green Minority Group now formed part of the County Council. Therefore it was felt appropriate to draw this to the Panel's attention with regard to whether they felt a SRA should be payable to its Leader. The Head of Governance advised the IRP as to the background of the method of calculating the SRA's of minority Group Leaders. The Member affected, Councillor A. Weeks, was asked if he would wish to either attend the Independent Remuneration Panel meeting or to

communicate any views he may have to the Panel. Councillor Weeks sent a written communication (Appendix 1(c) to the Minutes). The communication made it clear that the issue of a SRA had not been one initiated by himself. The communication included his view that in addition to the SRA's for Leaders of the Majority and Main Opposition Groups and spokespersons, there should be a SRA for any other minority group leaders and spokespersons.

After careful consideration, the IRP proposed as a way forward that a SRA should be paid to a minority group leader but only where the minority group involved comprised of a specified minimum number of County Council Members.

The Panel felt that 6 Members was a reasonable minimum number for a minority group and as such would justify a SRA being paid to its Leader according to the current formula for the SRA for the Main Opposition Group. Accordingly, the Panel recommend no SRA for the Leader of the new Green and Community Panel on the Council (currently comprising of 2 Members).

The Panel next considered a proposal to allow Members to claim appropriate travelling allowance when they formally attend their Group Meetings. The Head of Governance introduced the item and reported that currently the Chief Executive is required to authorise attendance at Group Meetings of the different parties. This had been introduced as part of a local rule prior to the Leader and Cabinet Model currently operated by the County Council. It suggested that there should be no more than four such Group meetings a year. This was consistent with the fact that such meetings took place very broadly in advance of full County Council meetings. However, it was pointed out that Members at that time had much more extensive involvement through the Committee system. When the Leader and Cabinet Model was introduced in Hampshire no change was made to paying allowances from Group Meetings of the parties. The Leader and Cabinet Model could be argued as being not as inclusive as the previous Committee Model which has meant that Group Meetings are now used more extensively on policy development, communication and updates on business than hitherto. It was therefore recommended that these meetings should also attract the normal travelling allowances.

The Independent Remuneration Panel considered the matter at length. They agreed it was no longer appropriate to have the existing local rule with the Chief Executive himself being required to decide how many group meetings take place. They held the view instead that the relevant group leaders should be entitled to determine those group meetings which specifically preceded full County Council. Any group meetings in addition to this where members claimed should in their view still require the Chief Executive to agree. Whilst recognising the importance and merits of having efficient communications within the different parties and between individuals within the groups, the Panel

felt rather than necessarily calling a group meeting, the party leaders should first explore alternative methods of communicating any required information electronically. They noted that Members' training needs were already provided by way of the regular half-day Council Training Sessions.

The Panel then considered the Basic Allowances and Special Responsibility Allowances for 2012/13 and proposed that all such allowances be frozen at existing rates with no change either to current Member mileage rates. Accordingly, the Independent Remuneration Panel **RECOMMEND** the following for the Members' Allowances Scheme 2012/13:

- (a) That the Basic Allowances and SRAs be frozen at existing rates from 1 April 2012.
- (b) That no change be made to current member mileage rates which are aligned to HMRC approved levels.
- (c) That no SRA be granted to the Leader of the Community and Green Minority Group on the County Council and that a SRA should only be paid to the Leader of a Minority Group when it comprised of 6 or more Members and then according to the current SRA formula for the Main Opposition Group.
- (d) That no change be made to the existing SRA's paid to Chairmen of the Pension Fund Panel and Audit Committee, but that the SRA of the Chairman of the Audit Committee be reviewed in future years.
- (e) That the Panel continue their review of the SRA's paid to Chairman and Vice-Chairmen of Committees.
- (f) That travel allowances for attendance at political group meetings before full Council Meetings authorised by the relevant political group Leaders should be payable, but that the Chief Executive should authorise any additional political group meetings qualifying for payment of travel allowances before travel expenses could be claimed.

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**Note to the Independent Remuneration Panel on 14 October 2011**

**From Mohammed Ansar, Parent Governor (Primary School) Co-opted Member of Children and Young People Select Committee.**

It is important that a couple of points be raised for the attention of the Panel.

Committees and select committees often have sitting members who are not elected Councillors but are there to represent special groups (parents, faith groups). In reviewing member allowance schemes, there can sometimes be a tendency to consider matters purely from the perspective of the elected officials who are often employed and given allowances as part of their elected roles.

It's important to have broad allowance schemes which enable representation from all corners; this allows involvement from individuals of all backgrounds and socio-economic circumstances. At the present time, this must include being mindful of rising costs of travel, fuel prices, parking and other associated costs for attending meetings.

**Note to the Independent Remuneration Panel on 14 October 2011**

**From Councillor John Wall**

If suggestions are appropriate my view is that, if possible, Members Allowances should be linked to Officers Salaries.

**Note to the Independent Remuneration Panel on 14 October 2011**

**From Councillor Alan Weeks**

Firstly, I would like to make it clear that I have not initiated this.

However, as I have been asked for my views, I would have the following opinion.

Other than the major opposition group, I think that any other minority groups should be treated in a generic manner.

For instance, I have already found myself with extra workload and meetings as a minority group leader. This would be the case regardless of the political grouping involved. Additionally, with smaller groups the individual members must work harder to try to cover all aspects of Council business. We don't have members on every committee and a range of shadow spokespersons to look at all the detail.

I note that in addition to a Group Leaders SRA, the small Labour group that previously existed had SRAs for the spokesperson positions. This correctly reflected the need for each individual to work harder to scrutinise the decision making process.

I was told that decisions on the payment of SRAs are on an individual case by case basis and that the Members Allowance Scheme would need to be amended.

Having to amend the scheme each time there is a different minority group or groups and making the decision on an individual basis feels wrong to me. My opinion is that in addition to the SRAs for the Majority Group and Main Opposition Group, there should be a generic SRA for other minority group leaders and spokespersons. Why would a Labour member be more deserving of an SRA than an Independent, a Green or any other group that may be formed?

**OPPOSITION GROUP LEADER ALLOWANCE**

BACKGROUND: Currently, the Leader of the Liberal Democrat Group receives an allowance of £12,594 which almost doubles their basic allowance of £13,058.

The Leader of the Labour Group and Leader of the Independent Group receive no additional allowance.

There is no formal role of 'Leader of the Opposition' and therefore the Lib Dem Group Leader is equal in status to the Leader of the Independent Group and Leader of Labour Group, despite the disparity in allowance.

All group leaders attend opposition briefings equally. The Leader of the Liberal Democrat group is not required to work over-and-above the other group Leaders, for example did not introduce an alternative budget this year and had equal time along with the other opposition group Leader's to receive officer briefings and ultimately read a budget response.

OUR CONCLUSION: The current system where the Lib Dem Leader receives almost double their basic allowance whilst other group leaders receive no additional allowance cannot be reasonable or proportionate, when ensuring democratic duties are fairly discharged and members compensated appropriately.

RECOMMENDATION: We propose that a fair system to compensate all Group Leader's from discharging their duties would be to decrease the minimum threshold from 4 (which we understand it is currently) to 2 and review the actual amount paid in terms of actual workload it is compensating and not based on number of councillors in group.

**OPPOSITION SPOKESPERSON ALLOWANCE**

BACKGROUND: Currently, Lib Dem opposition spokespersons receive an allowance of £5652 each. Labour and Independent Group spokespersons receive no spokesperson allowance. This is despite them attending the same Select Committees/Groups and Decision Days and thus discharging the same level of responsibility and workload.

OUR CONCLUSION: The current system where the Lib Dem spokespersons receive an additional £5652 whilst other group spokespersons receive no additional allowance cannot be reasonable or proportionate, when ensuring democratic duties are fairly discharged and members compensated appropriately.

RECOMMENDATION: We propose that a fair system to compensate all Opposition Spokespeople from discharging their duties would be to decrease any minimum threshold of group members to review an allowance to two in a political group and base an allowance on the actual workload it is compensating for and not based on the number of councillors in the group.

## **ADDITIONAL NOTES**

- (1) The allowances given the cabinet members (Conservative Administration) are based on responsibility, not how many councillors belong to the group who supports the administration. However, the opposition group leader and spokesperson allowances are based on the number of councillors in each group. This is inconsistent, hence suggesting opposition allowances are based on the role they are compensating for.
- (2) We recognise that in a small group it is likely that the Leader of the Group is likely to also be a Spokesperson and thus would only claim one of the two allowances suggested above.
- (3) Mindful of the 'public purse', the Lib Dem Group Leader and Spokesperson allowances could be split 3-ways between the 3 current groups (or in any way recommended by the panel) to ensure fairness across groups and members but not increase the overall allowance budget.

**Councillor Andy Tree**  
**Leader – Independent Group**  
**22 September 2022**



## **OPPOSITION SPECIAL RESPONSIBILITY ALLOWANCES**

### **Introduction**

The arrangements for Opposition Special Responsibility Allowances (SRAs) have been the subject of considerable debate by the IRP in the past, including the threshold for Groups to attract SRAs, that the IRP last recommended as six.

The current scheme takes into account Group size in allocating SRAs for both Spokespeople and the Leaders of Opposition Groups. It was introduced by the IRP in this way to reflect that the degree of liaison work within Opposition Groups grows as the size of the Group grows and gives some sense of reflecting election results and how the electorate have voted.

The current arrangement has been applied with a range of different size Groups in the past, most significantly when the Council had two large Opposition Groups (Liberal Democrat and UKIP) as well as smaller Groups that did not meet the IRP's size threshold for payment of SRAs. Allowances therefore grow as Group size grows and fall as Group size falls.

### **Detail**

It is worth noting the rationale behind Opposition SRAs. These fulfil a variety of functions and are quite different from the SRAs paid to members of the majority Group running the Council.

Spokesperson SRAs assist staff in briefing one lead Councillor for each Group, where typically Groups have a number of Councillors serving on thematic bodies such as the County Council's Select Committees. The history of these broadly mirrors the old "committee" system that operated before the current "cabinet" system of governance around areas and budgets of Council activity. The lead Councillor is a key contact for members of staff, for liaison with all of that Group's members of the Select Committee and wider Group, other political groups, community and pressure groups and the media. The scope of the role has some relationship to the total membership of the political groups. It was this factor that influenced the IRP to consider Group size as a factor in the calculation of the SRA.

Group Leaders have a similar role across the Council as a whole, and again the IRP considered that the size of each Group should be taken into account when calculating the SRA, with a fixed sum for each Group Leader together with an additional amount for each councillor in the Group. Co-ordination within large Groups reduces duplication of contributions to debates, manages motions, amendments and corrals research and information needs, aiding efficiency.

The Leader of the largest Opposition Group on the Council (currently the Liberal Democrats, but in the past also Conservative), has additional roles to fill. The Leader of the Opposition has additional contact with senior staff, the Leader of the

Council, and the media. It is a unique role. Additional briefings and contact assist in the smooth-running of the Council and debates: the single point of contact is a conduit to the whole Group, reducing the number of meetings and briefings.

### **Smaller Groups**

The County Council has a history of smaller political Groups that have not met the IRP's definition for entitlement to SRAs. The IRP recommendation of 6 as the threshold for SRAs was reduced to 4 by the Council. The Council has operated for many years with sometimes several Groups, typically of two or three councillors, including a period when the UKIP Group split, along with single councillors not in membership of any Group.

Clearly, it is for the IRP to consider the requests from the current two smaller Groups on the Council. The IRP has considered a range of requests for additional SRAs in recent years and where recommended these have been accepted by the Council with budget growth accordingly. The Liberal Democrat Group has no formal view on the minimum size of a Group needed to qualify for SRAs but does consider that if the IRP is minded to recommend a lower threshold this should, on grounds of equity as with other additional SRAs created in recent years, be budget growth rather than be taken from any other SRAs.

**Cllr Keith House**  
**Leader of the Liberal Democrat Group**

27 September 2022

**Impact of proposed Opposition Group Leader/Group Spokesperson SRA calculation changes:**

**Opposition Group Leaders:**

	Current SRA	Future SRA (55% of Leader SRA = <b>£17,330</b> )
Liberal Democrat (17 seats)	£12,594	£12,810 (17/23rds)
Labour (3 seats)	£0	£2,261 (3/23rds)
Independent (3 seats)	£0	£2,261 (3/23rds)
<b>Total SRA cost</b>	<b>£12,594</b>	<b>£17,330</b>

**Opposition Group Spokespersons:**

	Current SRA	Future SRA (55% of ordinary SC Chairman SRA = <b>£6,933</b> )
<b>P&amp;R SC</b>		
Liberal Democrat (17 seats)	£5,652	£5,894 (17/20ths)
Labour (3 seats)	£0	£1,040 (3/20ths)
n.b no Ind appointment	n/a	n/a
<b>C&amp;YP SC</b>		
Liberal Democrat (17 seats)	£5,652	£5,125 (17/23rds)
Labour (3 seats)	£0	£905 (3/23rds)
Independent (3 seats)	£0	£905 (3/23rds)
<b>CC&amp;C SC</b>		
Liberal Democrat (17 seats)	£5,652	£5,894 (17/20ths)
Labour (3 seats)	£0	£1,040 (3/20ths)
n.b no Ind appointment	n/a	n/a
<b>T&amp;E SC</b>		
Liberal Democrat (17 seats)	£5,652	£5,894 (17/20ths)
Independent (3 seats)	£0	£1,040 (3/20ths)
n.b no Labour appointment	n/a	n/a
<b>HASC</b>		
Liberal Democrat (17 seats)	£5,652	£5,125 (17/23rds)
Labour (3 seats)	£0	£905 (3/23rds)

Independent (3 seats)	£0	£905 (3/23rds)
<b>Regulatory</b>		
Liberal Democrat (17 seats)	£5,652	£5,125 (17/23rds)
Labour (3 seats)	£0	£905 (3/23rds)
Independent (3 seats)	£0	£905 (3/23rds)
<b>Total SRA cost</b>	<b>£33,912</b>	<b>£41,598</b>

N.B. All allowance calculations are rounded up to the next whole £ in accordance with standard pay policy.

## **Assistant to the Executive – Adult Services and Public Health (12 month Review)**

**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.

### **Leadership development**

*In keeping with the ethos of the Department, and good practice, the Assistant to the Executive Member has sought to invest in their own political leadership development and grow their knowledge of Adults' Health and Care and Public Health functions. This includes attendance of LGA Leadership Essentials courses - Effective Cabinet Member (September 2021) and Adult Social Care Programme (November 2021).*

*The Assistant to the Executive Member will also be attending the NCASC Conference with Cllr Fairhurst in November this year.*

- 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.

### **Public Health and Wellbeing**

*The Assistant to the Executive Member supported the Executive Member in providing political leadership as the Department, and wider organisation, has continued to respond to Covid-19 outbreaks and the ongoing impact of Covid on Hampshire's communities. This has included Deputising for the Executive Member on the Local Outbreak Management Board.*

*One of the key impacts of the pandemic response and sustained periods of social isolation is loneliness. The Assistant to the Executive Member has driven innovative in responding to this challenge among Hampshire's older populations through proposing and championing a Hampshire 'chatty café style' project [Now officially called 'Chat About', and about to be launched in October 2022.]. The Assistant to the Executive Member is working with the Member Champion for Mental Health and Mental Health staff to create the necessary framework and materials and establish pilots in their respective areas, with a view to this being rolled out across Hampshire, and to develop a 'pack' to help other Councillors or community groups to establish 'Chat About' venues in their areas. Both the Assistant to and the Executive Member also met with Canon Tess, Winchester Cathedral, to explore the potential for local churches to help find volunteers to support the initiative.*

- 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*.

### **Strengthening partnerships and co-production**

*A key focus during 2021-22 has been strengthening the voice of service users, their families, carers and wider communities in the co-production of health and care services. This has been achieved through providing leadership to, and strengthening, service user led organisations.*

*The Assistant to the Executive Member is co-chair of the Hampshire Learning Disability Partnership Board (HLDPB) and as part of this role, they have steered the HLDPB towards a new format, designed and co-produced by those with learning disabilities. The structure and balance of the Board is considerably changed, strengthening the voice of people who use learning disability services. Former Local Implementation Groups (LIGs) have been disbanded and superseded by working*

groups, which have a more detailed focus on topics of relevance, such as health and care, communications, carers etc. This case study of this work can be seen via [Hampshire Learning Disability Partnership Board | Health and social care | Hampshire County Council \(hants.gov.uk\)](#)

As co-chair of the Hampshire Autism Partnership Board (HAPB), the Assistant to the Executive Member (alongside co-chair Margaret White and the Board Co-ordinator) is undertaking work to review the HAPB Autism Strategy. This follows publication of a new National Autism Strategy in July 2021. The review will be achieved via six Task and Finish groups which have been created to engage widely on, and develop, the necessary content.

- 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.

*The Assistant to the Executive Member will be attending the Conservative Conference in October and will make representations at meetings and fringes re ASC & PH issues to MPs where possible. The Assistant to the Executive Member has also asked questions of those standing for PM at recent leadership hustings about the Fair Cost of Care.*

- 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.

*HCC representative/Governor on Southern Health Foundation Trust and recently attended first Board meeting (to be formally ratified at the October Decision Day) – meeting planned with Director of Public Health to discuss this new role on Southern Health Foundation Trust, and how we can best work with them as partners to best serve our residents.]*

### **Communication and representation**

*The Assistant to the Executive Member regularly attended the Executive Member Decision Days and other key Boards, briefings and meetings alongside, or on behalf of, the Executive Member. These included regular attendance at Health and Adult Social Care Select Committee, Health and Wellbeing Board and Hampshire Safeguarding Adults Board.*

*An important aspect of the role has also been to communicate and uphold the County Council's position to key stakeholders and communities. An example of this is the visit to Winchester Beacon (homelessness and mental health support) with the Executive Member to meet and speak with residents and staff as part of the Adult Social Care Savings Programme to 2023 consultation. This visit was undertaken to understand further the service being offered and provide reassurance that feedback would inform any decisions made on savings proposals.*

## **Celebrating success**

*Visits to several of the Extra Care Units across Hampshire have also been undertaken, including Nightingale Lodge in Romsey and Spinnaker View in Gosport, to see how they are working and to talk with residents and staff. This included a visit to the new Living Well Hub attached to Nightingale, as a more recent example of how the county is providing day support to older residents and their carers. Attendance at a 'turf-cutting' event at the new Extra Care in New Milton is also planned shortly plus visits to other nursing and residential homes and the Hampshire Equipment Services hub.*

*A particularly enjoyable part of the role is to join with staff and wider stakeholders to celebrate those who have gone above and beyond in their service of individuals and the public. Both the Assistant to the Executive Member and Executive Member recently attended the 2022 Carers' Awards at the Great Hall.*

- 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.

*This report demonstrates that since its introduction, the Assistant to the Executive Member role has made a significant impact in supporting and strengthening political*



*leadership and the engagement of residents and communities in the Department's work and Member decision making. This will be increasingly important over the months ahead and in light of the significant financial and operational challenges that the Department, and wider County Council, now faces.*

*This role continues to 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.*

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## Assistant to the Executive – Children’s Services (12 month Review)

**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.

*The Assistant to the Executive Member has taken on a lead role with regards to Special Educational Needs and Disabilities (SEND), has taken on a governorship at a SEND school and has advised the Executive Lead Member (ELM) on a variety of issues relating to SEND (including deficits, Education and Health Care Plans (EHCPs) and outcomes and quality of teaching in special schools).*

*The Assistant to the Executive Member attends Cabinet and Private Cabinet, attends 1;1s with the Director of Children’s Services (DCS) and ELM, is active re Children and Young People Select Committee, Corporate Parenting Board, Children and Families Advisory Panel and the Education Advisory Panel ensuring that she is representing the Executive at all these meetings sometimes alongside, but on other occasions, representing the ELM on her broad portfolio.*

- To support the development of and maintain political links with key partner organisations such as schools, police, NHS and district councils.  
See above re governorship and schools.

*The Assistant to the Executive Member has also visited schools frequently, representing the ELM and deputises for the ELM on the Health and Wellbeing Board. As stated above the Assistant to the Executive Member represents ELM on the Corporate Parenting Board which has a strong police and health representation and has made the appropriate connections.*

- 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.*

*The Assistant to the Executive Member has attended all of these meetings, supports and feeds back to the ELM/Deputy Leader.*

- 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.

*The Assistant to the Executive Member attends the Corporate Parenting Board, has visited the County Council's children's homes and supports the County Council's Youth MPs thus contributing to the establishment and maintenance the council's relationships with children and young people.*

- 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.

*The Assistant to the Executive Member regularly deputises at Schools Forum. Opportunities to deputise at the Children's Safeguarding Board have been fewer however, the Assistant to the Executive Member is ready and able to do so not least due to her participation in every 1:1 with DCS.*

- Assist the Executive Member, Leader and wider Cabinet colleagues in making representations as appropriate on areas of regional and national policy development.

*The Assistant to the Executive Member has attended all LGA lead member meetings on behalf of Hampshire and has contributed towards collective positioning on SEND, the Education White Paper and the independent review of children's social care. She has also attended LGA leadership courses and has brought those skills to bear in holding the DCS to account.*

- 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.

*Communications are generally in the ELM name but The Assistant to the Executive Member has contributed towards the formulation and content of such comms.*

- 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

*The Assistant to the Executive Member has supported the ELM as outlined above in all of these areas and has brought a particular focus on Covid and the impact upon children in schools.*

- 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.

*See above re Health and Wellbeing Board, governorship, Corporate Parenting Board and so on.*

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.

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## Chairman of the River Hamble Harbour Board – Culture, Communities and Business Services (12 month Review)

**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;
  - The Chairman has:
    - Chaired four meetings of the executive River Hamble Harbour Board, assuring safe and efficient operations. The Board has reviewed trends in and response to incidents including casualty recovery, speeding, running aground and collisions, as well as scrutiny of reserved revenue accounts and capital reserves.
    - Approved two reports from Trinity House, confirming RHHA compliance as a Category 3 Local Lighthouse Authority.
- Assigning clear executive and operational responsibilities to an appropriately trained, qualified and experienced person, answerable for their performance;
  - The Chairman has:
    - Reviewed, approved and published updated Vision and Strategy documents for the RHHA until 2024;
    - Overseen the maintenance of a full complement of appropriately trained personnel.
- Appointing a 'Designated Person' to provide independent assurance of the Marine Safety Management System's effective operation;
  - The Chairman has:

- Appointed a new suitable Designated Person, saving the Harbour Authority £4k pa.
- Demonstrating and certifying ongoing compliance to The Code to The Regulator (the Maritime and Coastguard Agency (MCA)).
  - In receiving and approving two independent reports from the Designated Person, the Chairman has maintained certainty that the Harbour Board remains compliant with the Port Marine Safety Code as defined by the Regulator.

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.

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COUNCIL MEETING, 24 NOVEMBER 2022

REPORT OF THE  
**Chairman of Regulatory Committee**  
PART I

## **1. UPDATE TO LOCAL PROTOCOL FOR THE REGULATORY COMMITTEE**

- 1.1. The Local Protocol on Planning, Rights of Way, Commons and Village Greens Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers (“the Protocol”), sets out the responsibilities of both Members and Officers when considering matters brought to Regulatory Committee. The Protocol forms part of the County Council’s Constitution at Part 4 Appendix B.
- 1.2. At its meeting of 19 October 2022, the Regulatory Committee considered a draft update to the Protocol. The proposed changes followed a thorough review process and are summarised in the Regulatory Committee report. They include changes to the layout for clarity, a new index to aid interpretation and cross-referencing, and updates throughout the Protocol to provide additional detail, ensure compliance with current legislation, and reflect governance and best practice.
- 1.3. The Regulatory Committee supported the updated Protocol for adoption, subject to a minor revision. The full report to the Regulatory Committee can be found at the following link and is appended to this report at Appendix 1. The draft updated Protocol, incorporating the minor revision agreed by the Regulatory Committee is also appended to this report at Appendix 2.
  - [Regulatory Committee, 19 October 2022](#)

## **RECOMMENDATIONS**

That the County Council:

- a) Agrees to the adoption of the updated Local Protocol on Planning, Rights of Way, Commons and Village Greens Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers appended to this report at Appendix 2.
- b) Authorises the Monitoring Officer to make necessary updates to the County Council’s Constitution to give effect to the recommendation above.

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## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	19 <sup>th</sup> October 2022
<b>Title:</b>	Update Report on Local Protocol for Regulatory Committee
<b>Report From:</b>	Legal Services, Corporate Services

**Contact name:** James Hammond

**Tel:** 0370 779 3793

**Email:** [james.hammond@hants.gov.uk](mailto:james.hammond@hants.gov.uk)

#### **Purpose of report**

- 1 The purpose of this report is to inform Regulatory Committee members of the updated Local Protocol on Planning, Rights of Way, Commons and Village Greens Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers (“the Protocol”), the reasons for the update and the governance requirements required to bring this updated Protocol into effect. The Committee are asked to consider the amendments to the Protocol and decide whether to recommend the Protocol for adoption by full Council. If recommended the Protocol will be taken to the next full Council meeting (on the 24<sup>th</sup> of November 2022) for adoption.

#### **Recommendation**

2. That Regulatory Committee recommends adoption of the updated Protocol together with the onward governance requirements necessary to give effect to the Protocol.

#### **Contextual information**

3. Hampshire County Council’s Legal Services has recently undertaken a review of the Protocol. This is to ensure the Protocol is compliant with current legislation and to reflect good practice. The Protocol was last reviewed in February 2014.
4. The current Protocol forms part of the County Council’s Constitution and can be found at Part IV Appendix B within the Constitution.
5. The Protocol has been redrawn to provide a clearer document setting out the conduct responsibilities of both Members and Officers when considering

matters brought to Regulatory Committee. These responsibilities are set out separately for Members and Officers for easier reference. They have been updated where necessary in accordance with current legislation.

6. The proposed changes to the Protocol have been informed by discussions with the County Council's Monitoring Officer. Legal Services has also worked with officers from Economy Transport and Environment and Culture, Communities and Business Services departments that work closely with Regulatory Committee. An Equalities Impact Assessment has been completed and is annexed to the report below.
7. The Protocol now has an index to aid interpretation and permits easier cross-referencing via hyper-links to other relevant documents or parts of the Constitution when viewed electronically.
8. The intention of the updated layout of the Protocol is to better group together the content of the Protocol to make accessing the relevant procedural rules more intuitive.
9. A breakdown of all of the updates and changes to the Protocol is set out below at paragraphs 21 – 42. The more substantive updates for Members to consider are described in paragraphs 10 - 19 below.

### **Member's Training**

10. The Protocol expands the rules on Member Training. Paragraph 4.3 provides that it is a requirement for Members to have attended basic training in advance of their first sitting on Regulatory Committee.
11. There is more detail around the practicality and requirement of attending and the content of refresher training sessions at paragraphs 4.4 – 4.9.
12. The provision for periodic tours in Paragraph 4.10 removes the reference in an earlier draft of the Protocol of an 'expectation' on Members to attend
13. Paragraphs 4.11 and 4.12 include a mechanism for referral to the Chair and Monitoring Officer if a Member consistently fails to attend training. The reference to exclusion included in an earlier draft of the Protocol has been removed.

### **Amendments to Recommendation**

14. Paragraph 11.3 that concerns decisions departing from recommendation has been updated to clarify the procedure for compiling the reasons of members by the officers in the event a recommendation is not adopted.
15. The Protocol now incorporates at paragraphs 13.5 – 13.12 an express procedure for the introduction and adoption of any proposed amendments to a recommendation.

## **Site Visits**

15. Paragraph 14.1 has been updated to clarify when decisions of the Officers for a site visit will take place.
16. Paragraph 14.2 provides that Members will be encouraged to attend site visits (rather than expected to attend as previously).
17. Removal of provision in previous draft for recording of non-attendance and reference to Group Leader for consistent non-attendance at site visits.
18. Paragraph 14.3 expressly incorporates the Public Sector Equality Duty in the context of the Officers making arrangements for Members attendance at Site Visits.
19. Paragraph 14.6 clarification that prohibition of District, Borough or Parish Councillors does not apply if they are also Members of the Committee.
20. Paragraph 14.8 of the Protocol clarifies the limited role of landowners at site visits to allow admission and for any health and safety guidance required during the visit.

## **Further Updates**

21. Paragraph 2.1 (that transfers paragraph 1.3 from current Protocol) provides that reference to Members includes reference to Substitute Members. Therefore express reference to Substitute Members removed from elsewhere in Protocol
22. Paragraph 1.8 now incorporates reference to the relevant parts of the County Council's Standing Orders.
23. Paragraph 1.9 summarises general principle that only Offices and Members who observe the Protocol should take part in Regulatory Committee.
24. Paragraph 2.12 removes the request for Members who need advice on Interests to raise them three working days before the Committee Meeting
25. Paragraph 2.20 clarification on need to declare 'dual hat' interest as a Personal Interest at Committee.
26. Paragraph 4.10 removal of any reference to an expectation of Members to attend the periodic tours.
27. Paragraph 7 clarification on basis of Member appointment to Committee in accordance with Constitution and link to Member details.
28. Paragraph 8.1 – 8.3 express reference and links to schemes of authorisation and delegation for Planning and Rights of Way and further description of Committee remit.

29. Paragraph 9.2 express reference to legislative timeframe for publication of reports.
30. Paragraph 9.5 reference and link to tests for conditions attached to planning permission.
31. Paragraph 9.6 – 9.7 detail on process for publication of update reports.
32. Paragraph 9.8 additional detail on the content of reports for Rights of Way, Common and Town or Village Green matters.
33. Paragraph 10.4 removal of reference to withdrawn circular.
34. Part 11 on Committee Process now separates guidance on decision making between planning matters (paragraphs 11.1 – 11.4) and Rights of Way, Common and Town or Village Green matters (paragraphs 11.5 – 11.6).
35. Paragraph 11.4 provides more detail on process for departing from recommendation or deferring a decision.
36. Paragraph 11.8.2 to allow for Members to declare any declaration of interest after the introduction of the item.
37. Paragraph 12.1 regarding deputations includes reference to rules in County Council Standing Orders
38. Paragraph 12.4 allows for Members of adjacent authorities or authorities within the administrative area of the County Council to make a deputation to Committee.
39. Paragraph 12.7 provides link to Standing Order 40 as the basis for Members of the County Council who are not Members of the Committee to speak, removal of reference to 'local.'
40. Paragraph 13.13 and 13.14 provide for grant of delegated authority for Officers to finalise wording in consultation with the Chair and Vice Chair of reasons for a decision of Committee not to adopt a recommendation or to defer a decision.
41. Removal in Annex B on Guidelines for determining planning applications of reference to withdrawn planning circulars
42. Link to Countryside Scheme of Authorisation at new Annex D

### **Future direction**

43. During the preparation of the updated Protocol there has been discussion around the possibility of providing to Members a film of an application site, and Officers are looking into the possibility of recording site visits.



39. In order to effect the proposed changes to the Protocol, the updated Protocol must be approved by full Council as an amendment to the Constitution. Subject to Regulatory Committee recommending adoption of the Protocol a Part I report will be presented to full Council on the 24th of November 2022 to seek approval of the updated Protocol and its subsequent incorporation into the Constitution.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No

**OR**

**This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:**

The report outlines changes to the Protocol which governs the Regulatory Committee and so the report is required to inform members and promote transparency.

**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.)**

None



## Equality Impact Assessment

### What is an Equality Impact Assessment (EIA) and why does the County Council do them?

The [Public Sector Equality Duty](#) (PSED) is an obligation within the [Equality Act 2010](#) (“the Act”), which asks public authorities, like Hampshire County Council, to give ‘due regard’ to equality considerations, in particular to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

This includes assessing the impact of policies and practices on individuals and communities with a protected characteristic, as defined in the Act and some other specific groups. The County Council uses EIAs to ensure it has paid ‘due regard’ to equalities considerations when there are changes to a service or policy, a new project or certain decisions.

EIA Author	Position & Department	Contact
James Hammond	Project Legal Adviser Hampshire Legal Services	<a href="mailto:James.hammond@hants.gov.uk">James.hammond@hants.gov.uk</a> 0370 779 3793

Title:	Updated Protocol for Regulatory Committee
Related EIAs:	None
EIA for Savings Programme:	No
Description of the policy:	<p>Under legislation (the Local Authorities (Functions and Responsibilities)(England) Regulations 2000) specific functions and decisions of the County Council are reserved to the Regulatory Committee.</p> <p>To assist in the discharge of the Regulatory Committee's duty Part 4 Appendix B of the County Council's Constitution includes a Local Protocol. The aim of the Protocol is to set out procedure and provide guidance to the Regulatory Committee and its Members and Officers to help with decision making.</p>
New/changed policy	<p>The current Protocol was last reviewed in February 2014. An updated draft Protocol has been prepared that seeks to update the current Protocol in respect of changes in the law and guidance and to provide a clearer and more modern format to assist with navigating the Protocol.</p> <p>The proposed updates to the Protocol are summarised in the report to Committee at paragraphs 10 to 42.</p> <p>The draft Protocol includes updated provision in respect of the arrangements for site visits at paragraph 14 of the draft Protocol.</p>
Engagement	<p>The proposal to update the Protocol has been brought as a report to the Regulatory Committee, to seek the approval of the Members of the draft Protocol so that it may be recommended for adoption at full Council in due course.</p> <p>The draft Protocol and associated report was published and presented to Regulatory Committee and the comments and feedback of the Members have been incorporated into</p>

	<p>the draft Protocol and the updated report.</p> <p>The draft Protocol will be presented again to the Regulatory Committee on the 19<sup>th</sup> of October 2022.</p>
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## Equalities Considerations – Impact Assessment

### Age

Impact on public	Neutral
Impact on Members	Neutral
Rationale	None of the proposed changes to the Protocol of Conduct negatively impact on this protected characteristic

### Disability

Impact on public	Neutral
Impact on Members	Neutral
Rationale	<p>The draft Protocol provides examples of where a site visit to an application site may be arranged and would be of assistance to the discharge of the Members decision making responsibility.</p> <p>Where Officers consider a site visit to be appropriate paragraph 14.2 of the draft Protocol now states that Members will be ‘encouraged’ to attend the site visit.</p> <p>The intention of the updated Protocol in respect of site visits is to reflect the value of site visits to some applications before Regulatory Committee to appreciate the</p>

	<p>impact of a decision.</p> <p>Members had raised concerns that previously stating that there was an 'expectation' for members to attend site visits as well as including provision to refer Members to the Group Leader where a Member consistently failed to attend would negatively impact Members who maybe prohibited from attending a site because of a disability.</p>
Mitigation	<p>The updated Protocol addresses the potential negative impact on Members with a disability by;</p> <ul style="list-style-type: none"> <li>- removing the reference of any 'expectation' of attendance, and refers to 'encouragement' of attendance only</li> <li>- removing the reference to referral to Group Leaders where a Member consistently does not attend at site visits.</li> <li>- expressly referring (at paragraph 14.3) to the need for Officers to have due regard to a Members Protected Characteristic for a site visit with a view to enabling Members with Protected Characteristics to attend the site visit where possible.</li> </ul>

### Gender Reassignment

Impact on public	Neutral
Impact on staff/Members	Neutral

Rationale	None of the proposed changes to the Code of Conduct negatively impact on this protected characteristic
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### Pregnancy and Maternity

Impact on public	Neutral
Impact on staff/Members	Neutral
Rationale	None of the proposed changes to the Protocol negatively impact on this protected characteristic

### Race

Impact on public	Neutral
Impact on staff/Members	Neutral
Rationale	None of the proposed changes to the Protocol negatively impact on this protected characteristic

### Religion or Belief

Impact on public	Neutral
Impact on staff/Members	Neutral
Rationale	None of the proposed changes to the Protocol negatively impact on this protected characteristic

## Sex

Impact on public	Neutral
Impact on staff/Members	Neutral
Rationale	None of the proposed changes to the Protocol negatively impact on this protected characteristic

## Sexual Orientation

Impact on public	Neutral
Impact on staff/Members	Neutral
Rationale	None of the proposed changes to the Protocol negatively impact on this protected characteristic

## Marriage and Civil Partnership

Impact on public	Neutral
Impact on staff/Members	Neutral
Rationale	None of the proposed changes to the Protocol negatively impact on this protected characteristic

## Poverty

Impact on public	Neutral



Impact on staff/Members	Neutral
Rationale	None of the proposed changes to the Protocol negatively impact on this characteristic

## Rurality

Impact on public	Neutral
Impact on staff/Members	Neutral
Rationale	None of the proposed changes to the Protocol negatively impact on this characteristic

## Additional information

The proposal to update the Protocol is expected to have a neutral impact on protected characteristics of;

- age
- disability
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Following engagement with Members, measures to mitigate and address any negative impact on Members who are unable to attend at site visits has been introduced. The impact of the change to policy is considered to be neutral in view of both the removal of any reference to 'expectation' on members to attend site visits and its replacement with 'encouragement' to do so as well as the express requirement on Officers to take into account a Member's Protected Characteristic when organising a site visit to promote attendance where possible.

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# Part 4

## Appendix B

### **Local Protocol on Planning, Rights of Way, Commons and Village Greens Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers**

1. **General Matters and Role of the Committee**
2. **Members Conduct:**
  - General
  - Registration and Disclosure of Disclosable Pecuniary Interests, Personal Interests, Gifts and Hospitality
  - Declarations of Interest
  - Bias or Pre-determination
  - Pre-disposition
  - Dual Hatted Members
3. **Lobbying of and by Members and attendance at public meetings**
  - Lobbying
  - Public Meetings prior to Committee date
4. **Member Training**
5. **Officers Conduct:**
  - General
  - Officer Attendance at Public Meetings
6. **Officer Pre-Application and Pre-Decision-Making Discussions**
7. **Membership of the Committee**
8. **Items to be considered by the Committee**
9. **Officer Reports to the Committee:**
  - General
  - Planning Reports
  - Rights of Way, Village Green and Commons Registration Reports

10. **Development, modification or registration proposals submitted by Members, Officers and County Council:**
    - Member or Officer Applications
    - County Council Applications (including Reg. 3 applications)
  11. **The Committee Process:**
    - Determining Planning Matters
    - Determining Rights of Way, Town or Village Greens and Common Registration Matters
    - Meeting Structure and Order
  12. **Deputations to the Committee:**
    - Applicants, agents, interested parties other than County Council Members
    - County Council Members wishing to address the Committee
  13. **Decision Making by the Committee:**
    - General
    - Amendments to Recommendations
    - Planning - Decision making
    - Rights of Way, Town or Village Greens, Commons Registration - Decision making
  14. **Site Visits by the Committee**
  15. **Record of Committee meetings**
  16. **Complaints about the Committee**
  17. **Freedom of Information/Environmental Information requests related to the Committee**
- Annex A -Links to procedural guidance for public path orders, definitive map modification and town and village green applications**
- Annex B -Guidance for determining planning applications under the Town and Country Planning Act 1990 (TCPA) (as amended)**
  - Material Considerations
- Annex C - Scheme of delegation for planning decisions**
- Annex D – Scheme of authorisation for Countryside and Rights of Way**

**1. General Matters and Role of Committee**

- 1.1 The public is entitled to expect the highest standards of conduct and probity by all persons holding public office. There are statutory provisions and codes (for both [Members](#) and [Officers](#)) which set standards that must be followed if the public perception of the integrity of public service is to be maintained.
- 1.2 Planning Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.<sup>1</sup> The emphasis in determining applications is upon a plan-led system.
- 1.3 Town or Village Green registration applications are to be determined in accordance with the [Commons Act 2006](#), accompanying relevant legislation, government guidance, and supporting case law.
- 1.4 Rights of Way matters will be determined in accordance with relevant legislation, government guidance and supporting case law.
- 1.5 Commons Registration matters will be determined in accordance with relevant legislation, government guidance and supporting case law.
- 1.6 Whilst this local Protocol ('the Protocol') deals primarily with regulatory matters listed above, the principles apply equally to consideration of local development documents and briefs, enforcement cases and all other related matters.
- 1.7 Throughout the Protocol references to Regulatory Committee ("Committee") apply equally to all sub-committees, panels and meetings of the County Council when exercising regulatory functions.
- 1.8 This Protocol is supplemental to the relevant parts of the County Council Standing Orders the [Members' Code of Conduct](#) and [Officer's Code of Conduct](#) (and also supplemental to other relevant legislation) and provides further specific advice and guidance for Members and Officers involved in Committee matters.
- 1.9 Only Officers and Members who are prepared to observe this Protocol should be involved in the process of dealing with regulatory matters and determining planning, rights of way, town or village greens or commons registration applications.

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<sup>1</sup> Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) states: if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts (principally the Town and Country Planning Act 1990), the determination must be made in accordance with the plan unless material considerations indicate otherwise.

## 2. Members Conduct

### General

- 2.1 This Protocol applies equally to Members and Substitute Members of the Committee, as provided for in the County Council's [Constitution](#).
- 2.2 Dealing with regulatory matters places upon Members a particular need for probity and they must ensure that only relevant considerations are taken into account.
- 2.3 Members should not favour any individual or groups and must determine matters brought before the Committee in accordance with relevant policy and guidance. Whilst Members should take account of all views expressed, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.4 Members should not openly declare which way [they intend to vote in advance](#) of a Committee meeting, or give the impression that they have reached a final decision. To do so without all relevant information and views expressed at the Committee meeting would be unfair and prejudicial and may amount to predetermination.
- 2.5 Members should reach their own conclusions after full consideration of all available information at Committee, rather than follow the lead of another Member.
- 2.6 A Member should not use their position to further a private or personal interest, rather than the general public interest, or give the impression this is the case.
- 2.7 All Members are required to comply with the provisions of the [Members' Code of Conduct](#) or any successor document and the [Protocol for Member/Officer Relations](#) or any successor document.

### Registration and Disclosure of Disclosable Pecuniary Interests, Personal Interests, Gifts and Hospitality

- 2.8 Members should observe the requirements in respect of the registration and disclosure of both Disclosable Pecuniary Interests and Personal Interests set out in the [Members' Code of Conduct](#). Members who have substantial property interests, or other interests which would prevent them from voting on a regular basis, should avoid serving on the Committee.
- 2.9 Members should observe the requirements in respect of the registration of gifts and hospitality set out in [Members' Code of Conduct](#). Where hospitality is unavoidable it should be minimal and its receipt declared as soon as possible.

## Declarations of Interest

- 2.10 Members should declare an interest in any item at the beginning of a meeting or as part of the relevant agenda item for each meeting or when the interest becomes apparent. Declarations of interest shall be recorded in the Minutes of the meeting.
- 2.11 The responsibility for determining the nature of and declaring any interest lies with the individual Member
- 2.12 Where a Member is unsure of whether their interest is a Disclosable Pecuniary Interest or a Personal Interest that should be declared, the Member shall seek advice from the Legal Adviser to the Committee, or the Monitoring Officer, as soon as the issue becomes apparent.

## Bias or Pre-determination

- 2.13 Any Member of the Committee with bias or who has pre-determined<sup>2</sup> a matter should not participate at all in the decision-making process. If they do there is a strong risk that the decision will be vulnerable to challenge by way of judicial review and possibly quashed.
- 2.14 Bias can be assessed by asking two questions:
  - 2.14.1 Would a fair-minded observer, knowing the background, consider that there was a real possibility of bias arising from a particular Member being a member of the relevant decision-making body?  
and
  - 2.14.2 Would a fair-minded and informed observer consider that there was a real possibility that the Committee, or some of its members, were biased in the sense of approaching the decision with a closed mind and without impartial consideration of the relevant issues?
- 2.15 Pre-determination occurs when a Member's mind is closed to the merits of any arguments which differ from their own about a particular issue on which the Member is making a decision. It is objectively determined. Pre-determination is likely to be evidenced by previous statements by the Member either at meetings or in the Press, that they are determinedly for or against a proposal, that they have reached a decision, and nothing will change their mind.
- 2.16 Members should approach decision making with an open mind, having regard to all the material facts and remain open to the possibility that, however unlikely, they may hear arguments during debate that might change their mind about how they intend to vote. In doing so, such Member will not be held to have pre-determined an issue.

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<sup>2</sup> Section 25 of the [Localism Act 2011](#) clarifies the distinction between pre-determination and pre-disposition and applies to all Members.

## **Pre-disposition**

- 2.17 Members of the Committee are not precluded from expressing views favourable to or against matters that are likely to come before them for a decision at Committee.
- 2.18 Members should, to avoid the claim that they have pre-determined the matter, qualify any comments made (favourable or otherwise), with a statement that their views are not fixed or final and they will make their final decision taking into consideration all the information presented to them. This will include Officer Reports, deputations, questioning of deputations and Officers, and debate at the Committee meeting.

## **'Dual Hatted' Members**

- 2.19 Members of the Committee who are also members of a District, Borough or City Council or National Park Authority may be faced with taking a decision on the same matter at both tiers. Members are not precluded from making decisions at both tiers providing, at the meeting which deals with the matter first, they make it clear that any decision is being made on the basis of the information before them at that meeting, and any subsequent decision will be made on the basis of the information before that subsequent meeting. However, depending on the significance of the decision in question, Members may sometimes consider it preferable to abstain from decision making at one tier or the other.
- 2.20 Members who find themselves in the position described above are advised to declare any such involvement as a relevant Personal Interest at the relevant time during the Committee meeting.
- 2.21 Members unsure of their position should seek advice from the Legal Adviser at the Committee meeting, or the Monitoring Officer. Any final decision as to whether a Member should form part of decision making by the Committee rests with the individual Member.

## **3. Lobbying of and by Members and Member attendance at public meetings**

### **Lobbying**

- 3.1 For Members to undertake fully their constituency roles it is inevitable that they will be subject to lobbying on regulatory matters and specific applications. It is essential to maintain the integrity of both the County Council and Members and the public perception of the regulatory process when Members are lobbied. Members should not, therefore, favour or appear to favour, any person, company, group or locality.
- 3.2 Members of the Committee involved in the decision making on regulatory



matters should not:

- 3.2.1 organise support or opposition to a proposal;
  - 3.2.2 lobby other Members;
  - 3.2.3 act as an advocate; or
  - 3.2.4 put pressure on Officers for a particular recommendation.
  - 3.2.5 However, other County Councillors (who are not part of the decision making process) can make representations and address the Committee in accordance with 12.7 below.
- 3.3 Any political group meetings prior to Committee meetings should not be used to decide how Members should vote, and votes on such matters should not be taken at such political group meetings. The view of the Local Government Ombudsman is that the use of political 'whips' at group meetings in this way amounts to maladministration.
- 3.4 If Members consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer who will in turn advise the appropriate Officers (usually the Director of Economy, Transport and Environment or the Director of Culture, Communities and Business Services, as appropriate).

#### **Public Meetings prior to Committee date**

- 3.5 Members of the Committee should take great care to maintain impartiality when attending public meetings in relation to such matters. At such meetings it is preferable for no view on the merits or otherwise of a proposal or application to be given, but if a view is given the advice in paragraph 3.6 and 3.7 below should be followed.
- 3.6 Members should not openly declare which way they [intend to vote in advance](#) of the Committee meeting, or give the impression that they have reached a final decision. To do so without all relevant information and views expressed at the Committee meeting would be unfair and prejudicial, and may amount to predetermination.
- 3.7 If Members are in a position where they consider it necessary to express an opinion, they should make it clear that this is a preliminary view and that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.

#### **4. Member Training**

- 4.1 Seminars are held after the County Council elections to give guidance to all Members on the declaration of interests and any other issues in the [Members' Code of Conduct](#).
- 4.2 Members appointed to the Committee must demonstrate a commitment to being trained, both upon appointment and throughout their period of

service. All Members of the Committee will receive training in the following areas:

- 4.2.1 committee protocol and procedures;
  - 4.2.2 policy and procedure in respect of planning, rights of way, town or village greens and commons registration;
  - 4.2.3 the development plan; and
  - 4.2.4 past implemented planning decisions.
- 4.3 It is a mandatory requirement for new Members of the Committee to undertake 'Initial Committee Training' before they are able to take a seat on the Committee. Initial Committee Training will provide new Members with an induction in the relevant legislative frameworks covering the matters considered by the Committee, committee protocol and procedures and their duties as a Member of the Committee.
- 4.4 All Members must attend 'Refresher Training' sessions to be held as organised by Officers. The Refresher Training will provide all Members with a review of current legislation, recent caselaw and any anticipated future changes to legislation.
- 4.5 Where a Member is unable to attend any Refresher Training session it is the Member's responsibility to arrange alternative training pursuant to 4.9 below to ensure they are updated and maintain their competency.
- 4.6 Training will be discussed within Committee meetings and Members shall be advised of any forthcoming training events or, if appropriate, informed of any recent decisions relevant to the operation of the Committee.
- 4.7 Every four years, after the County Council elections, a special event will usually be arranged usually in early June to ensure that all Members (including returning Members) of the Committee are familiar with the operation of the Committee, this Protocol and current legislation.
- 4.8 The content of each Training Session will be determined by the Director of Economy, Transport and Environment, Director of Culture Community and Business Services, Legal Adviser, relevant Democratic and Member Services Officer or Monitoring Officer in discussion with the Chair of the Committee. Members may also make suggestions to the Officers and the Chair as to any particular areas or subjects upon which they would like training.
- 4.9 Members can request individual coaching sessions with Officers if unable to attend Training Sessions.
- 4.10 Periodic tours are arranged for Members to help develop an understanding and appreciation of the complex issues associated with planning decision making, and provide the opportunity for Members to see the permissions that they have granted in operation and to assess the impacts of the committee's decision-making process.

- 4.11 All Members of the Committee are required to maintain their competency to determine matters brought to the Committee by attending the Training Sessions offered throughout the calendar year. Those Members who fail within a two year calendar period to attend Refresher Training (or don't make alternative arrangements as noted in 4.5 above) or fail to demonstrate adequate understanding of the operation of the Committee will be reported by Officers to the Chair and the Monitoring Officer.
- 4.12 The Monitoring Officer in consultation with the Chair of the Committee will consider whether the significance of any failure of a Member to attend a sequence of training events warrants referral to the relevant Group Leader.

## 5. Officers Conduct

### General

- 5.1 Officers are employed by, and serve, the whole County Council. They advise the County Council, the Executive and its non-Executive committees, and are responsible for effective implementation of County Council decisions.
- 5.2 Officers must act in accordance with the requirements of the [Local Government and Housing Act 1989](#), and all other relevant legislation, the County Council's [Constitution](#) the County Council's [Officers' Code of Conduct](#) and the [Protocol for Member/Officer Relations](#). Officers must also act in accordance with the orders of conduct of the professional bodies to which they belong.<sup>3</sup>
- 5.3 Officers must always act impartially. The County Council will review, on a regular basis, the restrictions in relation to outside activities under the [Local Government and Housing Act 1989](#) under which private work and interests are declarable.
- 5.4 Officers should observe the requirements in respect of the acceptance and registration of gifts and hospitality set out in the [Officers Code of Conduct](#).
- 5.5 Officers should (as a general premise) not accept gifts or hospitality. If, however, a degree of hospitality is unavoidable, it should be minimal and its receipt declared as soon as possible.

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<sup>3</sup> Planning officers who are RTPI accredited must act in accordance with the [Royal Town Planning Institute's Code of Professional Conduct](#), or any successor documents. Solicitors advising the Committee will act in accordance with the principles and standards set out in the SRA Standards and Regulations and the Code of Conduct for Solicitors or any successor document.

## Officer Attendance at Public Meetings

- 5.6 Officers involved in the processing or determination of regulatory matters who, with their Chief Officer's consent, attend public meetings in connection with development proposals (i.e. pre-application) or submitted planning applications should take great care to maintain impartiality. They should concentrate on providing factual information and listening to comments and avoid giving views on the merits or otherwise of the proposal.

## 6. Pre-Application and Pre-Decision Making Discussions

- 6.1 The County Council offers a [pre-application advice service](#) for planning matters. Advice given will be consistent and based upon the relevant law and guidance, development plan and other material considerations. Any views or opinions expressed in pre-application advice are made at Officer level in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application. It does not constitute a formal response or decision of the County Council.
- 6.2 The final decision on any planning application will only take place after the County Council has consulted the local community, statutory consultees and any other interested parties as part of the formal planning application process, and taken into account the comments that they may raise.

## 7. Membership of the Committee

- 7.1 Members will be appointed to the Committee in accordance with the County Council's [Constitution](#).
- 7.2 The County Council webpages include information on all [Members of the Committee and their contact details](#).

## 8. Items to be considered by the Committee

- 8.1 Planning applications will be considered in accordance with the Director of Economy, Transport and Environment's [Scheme of Authorisation and Delegation](#).
- 8.2 Applications for registration of Rights of Way, Commons, and Town or Village Greens which in accordance with the Director of Director of Culture, Communities and Business Service's [Scheme of Authorisation and Delegation](#) require Committee consideration.
- 8.3 Consideration of local development documents and briefs, enforcement cases and all other related matters as required by the County Council's statutory role as (inter alia) a Local Planning Authority, Highway Authority,

Commons Registration Authority, and Surveying Authority (for Rights of Way).

## 9. Officer Reports to the Committee

### General

- 9.1 Reports to Committee must be accurate and cover all relevant points.
- 9.2 All reports shall be prepared and published 5 clear working days before the date of the Committee. Reports will be published on [the County Council website](#).
- 9.3 Oral reporting of new information (other than to update an existing report) will only be used on rare occasions when absolutely necessary and will be carefully minuted.

### Planning Reports

- 9.4 Where a planning application is subject to a full report, the report will refer to whether the proposal is in conformity (or not) with the relevant national and local policy (development plan) and guidance, together with all other relevant material planning considerations. Where appropriate this will include a full description of the site and any related regulatory background. The report will also summarise the consultations and representations made in respect of the application
- 9.5 All planning reports will have a written recommendation for action/decision. All reasons for approval or refusal must be justified, related to policy considerations, clear and unambiguous. All proposed conditions must meet the tests set out in [Government guidance](#).
- 9.6 Update planning reports will be prepared if there are supplementary matters which need to be reported to the Committee following the publication of the Committee reports.
- 9.7 Copies of the update reports will be available to all at the meeting and will be distributed to Members prior to the meeting. All Substitutes will be informed of their publication by the relevant Democratic and Members Services Officer if they are due to sit on the Committee.

### Rights of Way, Town or Village Green and Commons Registration Reports

- 9.8 All reports for rights of way applications, town or village green applications or commons registration must:
  - 9.8.1 accurately present all relevant information, setting out the relevant law and including any necessary legal tests;
  - 9.8.2 provide a summary of the application and its supporting evidence, the results of the investigation into the evidence and

- 9.8.3 analysis of that evidence;  
have a written statement of whether the application meets all the required legal tests, and a written recommendation, whether the evidence supports the making of an Order (in the case of rights of way) or whether it should be rejected or rights should be registered, in the case of town or village green applications.

## **10. Development, modification or registration proposals submitted by Members, Officers and County Council**

### **Member or Officer applications**

- 10.1 Serving Members and Officers should never act as agents for individuals (including a company, group or body) pursuing a planning, rights of way, town or village green or commons registration matter.
- 10.2 If Members or Officers submit their own proposal to the County Council, they should take no part in its processing. The County Council's Monitoring Officer should be informed of all such proposals as soon as they are submitted.
- 10.3 Proposals submitted by Members or Officers should be reported to the Committee in accordance with the Scheme of Delegation (see Annex C) as main items and not dealt with by Officers under delegated powers. As part of the report the case Officer (or such other person as may be appointed to take on this role) should confirm that the application has been processed normally.

### **County Council Applications (including Reg. 3<sup>4</sup> applications)**

- 10.4 Proposals for the County Council's own development (or a development involving the County Council and another party) should be treated in the same way as those by private developers and in accordance with national planning policy and associated guidance.
- 10.5 The same administrative planning process, including consultation, should be undertaken in relation to the County Council's own planning applications, and they should be determined against the same policy context (i.e. the development plan and any other material planning considerations).
- 10.6 Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the County Council if the development is permitted. It is important that the Committee is seen to be treating such applications on an equal footing with all other applications,

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<sup>4</sup> Regulation 3 of The Town and Country Planning General Regulations 1992(SI.1992/1492) (as amended)

as well as actually doing so.

## 11. The Committee Process

### Determining Planning Matters

- 11.1 The Committee has given delegated authority to the Director of Economy, Transport and Environment to determine planning applications in certain circumstances and in accordance with the [Scheme of Authorisation and Delegation](#).
- 11.2 In determining any application submitted pursuant to the [Town and Country Planning Act 1990](#) the County Council will follow the Guidelines adopted and attached in Annex B. This will be subject to change from time to time to reflect Government guidance, and changes in statutory law and case law.
- 11.3 Members of the Committee are at liberty to disagree with the recommendation made by the Officers. Where the Committee does not adopt the recommendation the reasons for not adopting the recommendation must be clearly stated to the Chair. The reasons will be compiled in writing by the officers and will be displayed to the Committee or read out by the Chair before the alternative recommendation is put to the Committee. The reasons must be justified with reference to any relevant planning policy and/or any relevant material considerations, be based on evidence, and be clear and unambiguous. Members may seek advice from the Officers on the appropriate wording of the reasons for disagreeing with the recommendation.
- 11.4 The Committee shall have the right to defer consideration of any planning matter at its discretion. The reason for deferral must relate to relevant planning considerations and shall be recorded in the minutes of the Committee meeting. Members may seek advice from the Officers on the appropriate wording of the reasons for deferral of the recommendation

### Determining Rights of Way, Town or Village Greens and Common Registration Matters

- 11.5 The Committee has given delegated authority to the Director of Culture, Communities and Business Services for the determination of Orders made under Section 53 Wildlife and Countryside Act 1981 and various Orders under the Highways Act 1980 (Annex D). However, items will still be brought to Committee if it is considered appropriate by Officers (i.e. if it is controversial).
- 11.6 The Committee shall have the right to defer any consideration of any regulatory matter at its discretion. The reason for deferral must relate to the relevant legal tests that are required to be satisfied and shall be recorded in the minutes of the meeting.

## Meeting Structure and Order

- 11.7 To enable the Chair and Vice-Chair to give an effective lead on agenda management in the Committee meeting they should attend a briefing with Officers prior to meeting.
- 11.8 The Chair will call the Committee to order and will then introduce the Committee business. Each item of business will be considered by the Committee as follows:
- 11.8.1 Chair introduces item;
  - 11.8.2 Members make any necessary declaration in accordance with 11.9 below and if necessary, leave the meeting;
  - 11.8.3 Officer updates/summarises the Report on the item as appropriate;
  - 11.8.4 Chair invites deputations to address the Committee. Members of the public speak first, then the applicant, followed by any local Member not on the Committee who wishes to be heard;
  - 11.8.5 Members of the Committee may ask questions of the deputees for purposes of clarification of fact of the deputation;
  - 11.8.6 Members of the Committee may ask the Officer questions;
  - 11.8.7 Officer clarifies matters raised as appropriate;
  - 11.8.8 Committee debates the item;
  - 11.8.9 Officer responds to issues outstanding from the debate and clarifies any matter in the Committee Report in the light of the debate;
  - 11.8.10 The Chair may, for the benefit of the Members of the Committee, clarify any issues that have arisen during consideration of the matter;
  - 11.8.11 The vote is taken, including any amendments that may have been moved and seconded by the Committee Members; and
  - 11.8.12 If the Committee fails to approve a recommendation in the Officer's report, immediately afterwards the Chair shall establish the reasons for failing to approve the recommendation (see 11.3 above). The Chair shall then move an alternative recommendation with the reasons and a vote is taken.
- 11.9 Members on the Committee who have had previous involvement in an application, or a link with the applicant (such as contact with the applicant/objectors, participation in a campaign group, or speaking at a public meeting on the application) will need to consider the requirements of [Code of Conduct for Members](#) including:-
- whether they have a Disclosable Pecuniary Interest;
  - whether they have a Personal Interest;
  - whether they are biased or have predetermined the application in the light of the guidance in Section 2.
- 11.9.1 Members that have a Disclosable Pecuniary Interest, must leave the meeting for the duration of the item.



- 11.9.2 Members that have a personal interest will need to make the appropriate declarations but may participate, depending on the nature and extent of the interest.
- 11.10 Conscious of the public arena in which regulatory decisions are made, Members will conduct the business of the Committee in a fair and sensitive manner. The debate on all applications will be confined to the merits of the item under debate.
- 11.11 Senior Legal, Rights of Way and Planning Officers should always attend meetings of the Committee to ensure that relevant procedures have been properly followed and relevant issues properly addressed.
- 11.12 When the Committee meeting has ended, the Chair will announce that the business of the meeting has concluded.

## **12. Deputations to the Committee**

### **Applicants, agents, interested parties other than County Council Members**

- 12.1 Deputations to the Committee will be permitted in accordance with the County Council's general deputation rules [Part 3 - Chapter 1 - County Council Standing Orders - May 2018 \(hants.gov.uk\)](http://hants.gov.uk) and without prejudice to the generality of the deputation rules in accordance with the following procedure:
- 12.1.1 The total time permitted for all deputations in any one Committee meeting is one hour;
- 12.1.2 Deputations may be made by the applicant; their agent; and other interested parties, including elected Members of other authorities.
- 12.1.3 Deputations will be permitted to address the Committee for up to a maximum of 10 minutes.
- 12.1.4 In the event that there are more than six deputations at any one meeting of the Committee, the time allowed for each deputation shall be reduced equally so as to ensure that the total time permitted for all deputations does not exceed one hour.
- 12.1.5 If there are a number of interested parties in respect of a particular matter before the Committee, the Chair may request that contributions be restricted to nominated spokespersons.
- 12.2 Officers shall not be permitted to make a deputation to the Committee unless:
- 12.2.1 It is being made by the Officer in their personal capacity, and not as an Officer of the County Council; or
- 12.2.2 it is being made by the Officer on behalf of the County Council in its capacity as the applicant or landowner to any matter being considered by the Committee.

- 12.3 Officers of other authorities shall not be permitted to make a deputation to the Committee unless in a personal capacity, and not as an Officer of that other authority.
- 12.4 Members from adjacent authorities or other authorities within the administrative area of the County Council are able to make a deputation to the Committee.
- 12.5 The Chair may in their absolute discretion extend the time permitted for deputations.
- 12.6 Where pursuant to 11.4 and 11.6 the Committee has deferred an item that item will be brought back to Committee any deputation in respect of that item will be permitted to address the Committee again in accordance with the above provisions<sup>5</sup>.

### **County Council Members wishing to address the Committee**

- 12.7 A County Council Member who is not a Member of the Committee may, following notice to the Chief Executive via [members.services@hants.gov.uk](mailto:members.services@hants.gov.uk), request to speak.<sup>6</sup> Such notice should be received no later than noon on the working day immediately preceding the Committee Meeting, address the Committee in their capacity as a County Council elected member for a maximum of 10 minutes. This time may be extended at the discretion of the Chair. Without prejudice to the above the Chair may permit a non-Committee Member speak where, in exceptional circumstances in the opinion of the Chair, it has not been possible for the non- Committee Member to give the required notice.
- 12.8 A County Council Member who wishes to exercise their right to address the Committee should not sit with Members of the Committee, nor should they have private conversations with or pass notes to the Committee Members, as this might give the perception of undue influence.
- 12.9 Any time spent by a County Council Member in addressing the Committee shall not be counted towards the total time permitted for deputations.

## **13. Decision Making by the Committee**

### **General**

- 13.1 In discussing, and then determining an item on the meeting agenda, the Committee will confine itself to the merits of the case.

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<sup>5</sup> As set out in the County Council's [Standing Orders](#) in the Constitution

<sup>6</sup> Members of the County Council who are not members of the Committee may address the Committee pursuant to Standing Order 40 of the County Council's [Standing Orders](#)

- 13.2 Members should not vote or take part in the Committee's discussion on an application unless they have been present to hear the entire debate, including the Officer's introduction and the depositions,
- 13.3 In all cases, the reasons for making a final decision should be clear and supported by relevant evidence. Where Committee Members wish to refuse or grant an application against Officer advice, or impose additional conditions to a permission, the reasons for refusal or the additional conditions must be clearly stated at the time the proposals are moved at the meeting and minuted accordingly.
- 13.4 Where an appeal is made against a decision that was taken contrary to the Officer recommendation, it may be necessary for external consultants to represent the County Council at the appeal hearing, if the Officer's position has been professionally compromised by a decision against their recommendation.

### **Amendments to Recommendations**

- 13.5 Any amendment to a recommendation shall be proposed during the debate, and the proposed amendment including the reasons for the amendment shall be put in writing and delivered to the Chair.
- 13.6 No amendment shall be discussed until delivered to the Chair and the Chair has accepted and read out the proposed amendment and the amendment has been seconded.
- 13.7 The proposer of an amendment may, with the consent of the seconder, alter or withdraw an amendment they have proposed.
- 13.8 During the course of determination of a planning application a Member shall not propose or second more than one amendment to the same condition, or propose or second a new condition in substantively the same terms and effect as any amended condition proposed or seconded by them or any other Member, unless and until the earlier amendment to that condition is withdrawn.
- 13.9 When necessary the Chair will rule on the appropriateness of any proposed amendments to the recommendation, having taken into account any advice from the Officer and/or Legal Adviser. Any ruling for not proceeding with an amendment will be recorded in the minutes of the meeting.
- 13.10 If more than one amendment to a recommendation is proposed and seconded the amendments shall be discussed in the order in which they were proposed and shall be voted upon in the reverse order they were proposed.
- 13.11 Proposed amendments accepted by the Chair shall be voted on immediately before the vote on the recommendation. If an amendment is

voted on and carried, then the proposed recommendation shall be treated as so amended.

- 13.12 Where an amendment is voted upon and either carried or lost the Chair shall refuse to put any other amendment that would substantially contradict, override, repeat or re-introduce the subject matter of a previous amendment.

### **Planning – Decision Making**

- 13.13 Guidelines for determining planning applications are set out under the [Part III of the Town and Country Planning Act 1990 as amended](#).
- 13.14 In the event that amendments to conditions have been agreed at Committee, Officers may request delegated authority from the Chair to agree the final wording in consultation with the Chair and the Vice Chair.
- 13.15 Officers may request delegated authority from the Chair to prepare the detailed reasons for refusal in consultation with the Chair and the Vice Chair.
- 13.16 If a resolution is passed contrary to a recommendation of the Officer's report (whether for approval or refusal) a detailed Minute of the Committee's reasons will be made and a copy placed on the application or case file.
- 13.17 If the Officer's report recommends approval of a departure from the Development Plan, the justification for this should be included in full in the report.

### **Rights of Way, Town or Village Greens, Commons Registration – Decision Making**

- 13.18 Approval should be given to make an order concerning a right of way or to register town or village green rights, where the majority of Committee Members, having heard all the evidence are satisfied, on the balance of probabilities, that such order should be made, or such rights should be registered, because all the relevant legal tests, as set out in the legislation and/or regulations, have been met.
- 13.19 An application to make an order concerning a right of way or to register town or village green rights, may be refused where the majority of Committee Members, having heard all the evidence are satisfied, on the balance of probabilities, that the application should be refused, because one or more of the relevant legal tests, as set out in the legislation and/or regulations, has not been met.

## 14. Site Visits by the Committee

- 14.1 The Officers may decide to carry out a site visit for the members at an application site and any adjoining land. Examples of when site visits might be appropriate would include:
- The proposal represents a departure from the development plan; or
  - The proposal is contrary to a specific policy, or raises wider policy issues; or
  - The proposal raises particularly unusual factors, for example, it would have a major environmental impact or could lead to loss of jobs and/or financial hardship (e.g. enforcement against an existing use; or
  - Development that has already been carried out; or
  - There is considerable local concern about a proposal, allied to relevant regulatory reasons for carrying out a visit (e.g. the physical relationship of the site to other sites in the neighbourhood).
- 14.2 The relevant Democratic and Members Services Officer will organise all site visits and all Members will be informed of the arrangements and encouraged to attend the site visits.
- 14.3 When making arrangements for site visits Officers will have due regard , among other things, to the need to take account of a Member's protected characteristic where they are aware of it.
- 14.4 The purpose of a site visit is for Members to gain knowledge of the proposal, the application site, and its relationship to adjacent areas.
- 14.5 Officers will ensure that the purpose of a site visit is set out in the accompanying site visit report. The purpose of the report will be to provide Members with background information on the site and the proposal before the site visit. The report will not constitute a full decision report and will not discuss nor make any recommendations on the merits of the proposal.
- 14.6 District, Borough or Parish Councillors (who are not also Members of the Committee) and members of the public will not be permitted to attend site visits.
- 14.7 The appropriate local County Councillors will be invited to and may attend the site visit if they wish.
- 14.8 The applicant and/or landowner will only be present to allow entry to the site and to brief Members on the appropriate health and safety guidance and will not be allowed to attend the site visit itself other than where necessary to ensure safe access on the site. The applicant and/or landowner will not discuss the application with any Members.

**15. Record of Committee meetings**

- 15.4 A full record of the Committee meeting will be prepared by the relevant Democratic and Members Services Officer. The draft minutes will be available as soon as practical on [the County Council website](#).
- 15.5 The draft minutes will be considered at the next available Committee meeting and will be signed by the Chair once agreed by the Committee. Any agreed changes or amendments to the previous Minutes will be summarised under Item 3 within the Minutes of the current meeting. No changes shall be made to the previous Minutes themselves.
- 15.6 All decisions in relation to planning applications by the Director of Economy, Transport and Environment or the Committee will be published on the County Council's [web](#) pages.

**16. Complaints about the Committee**

- 16.4 In order that any complaints about the Committee can be fully investigated, minutes of meetings will be complete and accurate. Minutes of the previous meeting will be signed by the Chair at the next meeting of the Committee

**17. Freedom of Information/Environmental Information requests related to the Committee**

- 17.4 Requests will be dealt with in accordance with the [Corporate process](#).

**ANNEX A**

**Links to procedural guidance for public path orders, definitive map modification and town and village green applications**

Guidelines for rights of way applications under section 53 of the **Wildlife and Countryside Act 1981** – Definitive Map Modification Orders can be found [here](#)

Guidelines for applications under the **Highways Act 1980** – Public Path Orders – diversions, extinguishments, dedications and creations can be found [here](#)

Guidelines for village green applications under section 15 of the **Commons Act 2006** can be found [here](#)

**ANNEX B****Guidelines for determining planning applications under the Town and Country Planning Act 1990 (TCPA) (as amended)**

(i) Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts (principally the Town and Country Planning Act 1990) the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan includes the South East Plan, Hampshire Minerals and Waste Plan – for relevant proposals – other development plan documents and ‘saved’ policies from earlier adopted plans. When an application is being determined where a District Council’s planning policies are relevant then that Council’s development plan policies will also be considered. The emphasis in determining applications is upon a plan led system.

(ii) Other material considerations include policies and proposals in emerging plans. The weight to be attached to emerging development plan document policies depends upon the stage of preparation or review, increasing as successive stages are reached. Once examined as sound, but prior to adoption, the development plan document has significant material weight. However refusal of planning permission on grounds of prematurity, where a development plan document is being prepared or is under review and not yet adopted, will not usually be justifiable. Other local development documents which are also the subject of consultation and objection will be material to the planning decision which is to be taken.

(iii) Material considerations include also national planning guidance in the form National Policy Statements, planning/Mineral/Waste Policy Statements and case law. A ministerial statement may be a material consideration.

(iv) In exceptional circumstances the personal circumstances of an applicant for planning permission may be a material consideration which may outweigh other planning considerations. Where this is the case specific and valid reasons must be given to justify an exception.

(v) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgment for the decision maker having regard to the planning evidence.

(vi) Members of the Committee must thoroughly consider any advice given



by a statutory consultee or relevant Government Department, including views expressed by Natural England, Environment Agency and highway authorities.

(vii) Members of the Committee must take into account the views of local residents when determining a planning application, but recognise that opposition to the proposal by local residents cannot be a reason in itself for refusing planning permission unless founded on valid planning reasons, which are supported by substantial evidence.

(viii) Members of the Committee must take into account earlier County Council decisions, appeal decisions in relation to the site, or other related appeal decisions.

(ix) Members of the Committee must not prevent, inhibit or delay development which could reasonably be permitted.

(x) In relation to planning conditions, Members of the Committee must avoid the imposition of conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant to planning or irrelevant to the development to be permitted

## MATERIAL CONSIDERATIONS

**Policy:**  
National  
Regional  
Local

**Views of Statutory Consultees  
and Environment Officers**

### Factors on the Ground:

<b>Material</b>	<b>Non-Material</b>
<ul style="list-style-type: none"> <li>Visual Impact</li> <li>Privacy/Overbearing</li> <li>Daylight/Sunlight</li> <li>Noise, Smell etc</li> <li>Access/Traffic</li> <li>Health and Safety</li> <li>Ecology</li> <li>Crime (and fear of)</li> <li>Economic Impact</li> <li>Planning History</li> <li>Related Decisions</li> <li>Cumulative Impact</li> <li>Personal Factors (rarely)</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant</li> <li>Land Ownership</li> <li>Private Rights (e.g., access)</li> <li>Restrictive Covenants</li> <li>Competition</li> <li>Property Value</li> <li>Loss of View</li> <li>Change from Previous Scheme</li> <li>Financial Viability</li> <li>That it will make something Lawful</li> </ul>

## ANNEX C

### Scheme of Delegation for Planning Decisions

#### County Council matters

In accordance with the provisions of Section 101 of the **Local Government Act 1972** (as amended) the Director of Economy, Transport and Environment is hereby authorised to take decisions under Part III (Control of Development) and Part VII (Enforcement) of the **Town and Country Planning Act 1990** (as amended) except when one of the following apply:

- A member of the County Council requests that the decision be made by the Regulatory Committee;
- The Director of Environment considers that the application should be determined by the Regulatory Committee;
- The applicant is a member or an officer of the County Council acting in a private capacity;
- A representation is received requesting to make a 'deputation'
- A decision may result in a financial compensation claim being made against any local authority.

#### County Council developments

In accordance with the provisions of Section 101 of the **Local Government Act 1972** (as amended) the Director of Environment is hereby authorised to take decisions under Part III (Control of Development) of the **Town and Country Planning Act 1990** (as amended) except when one of the following apply:

- A member of the County Council requests that the decision be made by the Regulatory Committee;
- The Director of Environment considers that the application should be determined by the Regulatory Committee;
- The proposal involves the County Council either as land owner or applicant and the scheme is either a major departure from policy not of a minor nature or not of a temporary nature;
- A representation is received requesting to make a 'deputation'
- A decision may result in a financial compensation claim being made against any local authority.

If it is unclear who should make the decision, the Chairman of the Regulatory Committee will be consulted on who should make the decision.

## Secondary legislation

In accordance with the provisions of Section 101 of the **Local Government Act 1972** (as amended) the Director of Economy, Transport and Environment is hereby authorised to take all decisions, determinations and assessments (as appropriate) under all planning related secondary legislation, including the **Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999** and the **Conservation (Natural Habitats Etc) Regulations 1994**.

## Monitoring

All decisions in relation to planning applications by the Director of Economy, Transport and Environment or the Regulatory Committee will be published on the County Council's web site.

<http://www3.hants.gov.uk/planning/mineralsandwaste.htm>

**ANNEX D**

**Scheme of authorisation for Countryside**

[2017-04-12 Reg Com - Scheme of Authorisation for the Countryside Service - Appendix 1.pdf \(modern.gov.co.uk\)](#)

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COUNCIL MEETING, 24 NOVEMBER 2022

REPORT OF THE  
**Health and Wellbeing Board**  
PART II

**1. CONSTITUTIONAL ARRANGEMENTS: APPOINTMENTS TO THE HEALTH AND WELLBEING BOARD FOR HAMPSHIRE**

- 1.1. The Health and Wellbeing Board for Hampshire ('HWBB') was established on 18 July 2013 by virtue of the Health and Social Care Act 2012 as a usual committee of the County Council but with more flexibility in terms of formal governance than is normally the case, such as its membership and voting rights.
- 1.2. At the Council meeting on 30 May 2014, authority was given to the Head of Law and Governance (Monitoring Officer), in consultation with the Chairman of the Health and Wellbeing Board, to amend the membership and terms of reference of the HWBB to facilitate the effective discharge of its responsibilities and to report back any changes to the next meeting of the County Council.
- 1.3. The following appointments have been made under delegated authority:
- Superintendent Clare Jenkins as the representative for Hampshire Constabulary replacing Superintendent Dave Powell
  - Laura Taylor as the deputy representative for Hampshire Chief Executives replacing Patricia Hughes

**Councillor Liz Fairhurst**  
**Chairman, Health and Wellbeing Board**

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COUNCIL MEETING, 24 NOVEMBER 2022

REPORT OF THE  
**Leader/Cabinet**  
PART II

## **1. DRIVING TOWARDS ECONOMIC STRENGTH**

- 1.1. At its meeting on 18 October, Cabinet received a report of the Chief Executive setting out the ways in which the Council is working to support the County and the sub-region's economic recovery post COVID whilst also recognising the significant impact resulting from the war in Ukraine and the cost-of-living crisis.
- 1.2. The report takes into account the current economic challenge and the County Council's response, in particular the importance of consolidating the emerging Regeneration and Growth Partnerships initiative approved by Cabinet in February 2022, which will streamline and co-ordinate support for local economic growth and regeneration.
- 1.3. The position on economic recovery and the continued development of the significant opportunities that arise from the devolution of powers, resources and funding through a County Deal is outlined. A County Deal prospectus developed with contributions from a range of stakeholders over the past 12 months is appended to the Cabinet report.
- 1.4. Cabinet resolved to:
  - i. Note the analysis of the economic impact and issues highlighted which emphasises that the County Council continues to use its scale and influence to drive towards economic strength in Hampshire, including the consolidation of regeneration and growth partnerships, and integration of the LEP's going forward.
  - ii. Endorse the County Council's continued ambition and commitment to engage with Government for a Pan-Hampshire County Deal, recognising the significant opportunity for a Deal to enable the County Council's economic ambition, catalyse significant investment and benefit the lives of residents and communities.

## **2. CORPORATE RISK MANAGEMENT**

- 2.1. At its meeting on 18 October, Cabinet received a report of the Director of Culture, Communities and Business Services detailing the robust risk management arrangements in place across the organisation and highlighting the improved risk culture underpinning the approach to effective risk management practices.

- 2.2. The Corporate Risk Management Board (RMB), with direct reporting into the Corporate Management Team, provides a robust organisation-wide lead for risk by driving the Risk Management Strategy and other initiatives forward, and improving the risk culture within departments. This supports the active management of significant strategic and operational risks, robust governance structures and staff engagement around good practice approaches to risk management. The RMB has also taken the lead on the development of the new Risk Management Strategy 2022-2025, which is appended to the report.
- 2.3. Cabinet resolved to:
- i. Note the content of the report, the risk management arrangements in place across the County Council and to approve the Hampshire County Council's Risk Management Strategy 2022-2025 in Appendix A.

Further details can be found at the link below

[Cabinet, 18th October, 2022](#)

**COUNCILLOR ROB HUMBY**  
**Chairman, Cabinet**

COUNCIL MEETING, 24 NOVEMBER 2022

**REPORT OF THE  
Executive Lead Member for Children's Services  
PART II**

1. **Henry Tyndale School Provision at the former Park Primary Children's Centre, Aldershot**
  - 1.1. On the 19 October 2022, the Executive Lead Member for Children's Services gave approval to increase the budget by £600,000 and granted spend approval to the project proposals for the Henry Tyndale Satellite Provision at the former Park Primary Children's Centre at the total cost of £1,700,000.
  - 1.2. The Henry Tyndale School currently provides education for up to 153 children aged between 2 and 19 years old with Autism Spectrum Condition and or a Severe Learning Disability or Profound and Multiple Learning Disability.
  - 1.3. The project significantly refurbishes the former Park Primary Children's Centre, to create a new satellite provision for the Henry Tyndale School for up to 35 primary aged pupils with autistic spectrum condition and or a severe learning disability. Co-located on the site of the existing Park Primary School, the project comprises internal alterations and refurbishment, an extension and improvements to parking, drop-off and access arrangements.
  - 1.4. The project is included in the Children's Services Capital Programme, approved at the Executive Lead Member for Children's Services Decision Day on 14th January 2022 with a budget of £1,100,000. Following approval of the capital programme in January 2022, the cost of the scheme has increased by £600,000 due to the increased scope of the proposals and extent of the works. This additional cost is to be funded by an increased allocation from the Children's Services Capital Programme of £450,000 with a further £150,000 allocated from the Schools Condition Allocation budget.

Further details can be found at the link(s) below:

[Executive Lead Member for Children's Services - 19 October 2022 Decision Day](#)

**COUNCILLOR ROZ CHADD  
Executive Lead Member for Children's Services**

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COUNCIL MEETING, 24 NOVEMBER 2022

REPORT OF THE  
**Executive Member for Climate Change and Sustainability**  
PART II

**1. Climate Change Annual Report**

- 1.1. On 7 November 2022, the Executive Member for Climate Change and Sustainability approved the Climate Change Annual Report, which included an update on the Hampshire county-wide baseline emissions.
- 1.2. Councillor Warwick welcomed the steady progress being made by the Authority and Hampshire's communities through initiatives to both reduce emissions and increase resilience. The energy research summarised within the report provided a baseline that will help inform the pathway to increasing both renewable energy generation and energy efficiency thereby reducing emissions in Hampshire.
- 1.3. The report also summarised progress of actions being taken across the Authority, including nature-based solutions to flooding, looking after public health, woodland creation, and generating local renewable energy.

Further details can be found at the following link (Item 8):

[Executive Member for Climate Change and Sustainability - 7 November Decision Day](#)

**COUNCILLOR JAN WARWICK**  
**Executive Member for Climate Change and Sustainability**

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