



Report to the Partnership for Urban South Hampshire Joint Committee

Date: **9 November 2010**

Report of: **Solicitor to the Council, Southampton City Council (Monitoring Officer to Push)**

Subject: **Notice of Withdrawal of Hampshire County Council and New Forest District Council from PUSH**

SUMMARY

The purpose of this report is to provide the Joint Committee, in accordance with the Joint Agreement / Constitution for PUSH, with an opportunity to start considering the implications of Hampshire County Council and New Forest District Council's withdrawal from PUSH.

RECOMMENDATIONS

- (a) That it be noted that Hampshire County Council has given notice of their intention to withdraw from PUSH with effect from 31st March 2011;
- (b) That it be noted that New Forest District Council has given conditional notice of their intention to withdraw from PUSH with effect from the same date;
- (c) That it be noted that constitutionally the remaining local authorities must consider the constitutional implications and ramifications of this, and the Joint Committee is invited to express any preliminary views in the light of these matters; and
- (d) That it be noted that the Monitoring Officer to PUSH will bring forward, at a future date, a further and more detailed report setting out specific recommendations for a revised joint arrangement, taking account of these changes.

INTRODUCTION

1. Hampshire County Council has given notice that it will cease its membership of PUSH on 31 March 2011. The resolution of the County Council's Executive of 27 September 2010 is set out as Appendix A. Subsequently the Leader of the County Council wrote to the Chairman of the Joint Committee on 30 September 2010, and that forms Appendix B.
2. New Forest District Council has given notice (Appendix C) albeit that their notice is conditional in that they are in effect reserving their right to decide.

CONSTITUTIONAL IMPLICATIONS

3. PUSH is governed by a joint agreement entered into by all the parties which establishes not only the Joint Committee and the Joint Committee's terms of reference, but also the constitution of PUSH and provides for the arrangements whereby parties may withdraw from the agreement.
4. The agreement acknowledges that the success of the partnership depends upon the mutual co-operation of all the parties, and the withdrawal of any party may have repercussions for the remaining parties.
5. Any party other than Hampshire County Council, Portsmouth City Council or Southampton City Council withdrawing from PUSH may only do so at the end of a financial year and must give six months notice in writing of withdrawal to all other parties and indemnify the remaining parties for any expenses reasonably incurred by them as a consequence of their withdrawal.
6. In respect of Hampshire County Council, Portsmouth City Council or Southampton City Council, where one of the parties gives six months notice in writing of withdrawal to all other parties, the other parties shall consider what future arrangements should apply for the discharge of the functions under this agreement, which may include agreeing to continue joint arrangements further to a new or revised joint agreement.

REVISIONS TO THE JOINT AGREEMENT

7. It is appropriate for the Joint Committee to formally note the position of Hampshire County Council and New Forest District Council, and their letters giving notice of their withdrawal are appended to this report.
8. It is also appropriate for the Joint Committee to commence the process of considering what future arrangements should apply for the discharge of functions by PUSH, including the extent to which the existing joint agreement could or should be revised.
9. It should be noted that the PUSH Executive Director and Monitoring Officer have already discussed the possibility of reviewing and updating the constitutional arrangements, including the joint agreement in relation to PUSH, not least because of the current financial situation facing the public sector and the need to ensure that all governance arrangements are as lean and as fit for purpose as possible. These further changes will, therefore, be considered in the light of that.

10. Discussions are already taking place between Portsmouth and Southampton in relation to the functions currently discharged by Hampshire County Council, including HR and the Chief Financial Officer function.

NEXT STEPS

11. It is recommended that the Monitoring Officer for PUSH should bring forward to a future meeting of the Joint Committee, a report setting out proposed changes to the constitutional arrangements for PUSH. This will be drafted over the next couple of weeks, and then shared informally between the remaining Chief Executives and Leaders of all the constituent local authorities prior to Joint Committee meeting when the revised arrangements are formally considered.

RECOMMENDATIONS

1. That it be noted that Hampshire County Council has given notice of their intention to withdraw from PUSH with effect from 31 March 2011;
2. That it be noted that New Forest District Council has given notice of their intention to withdraw from PUSH with effect from the same date (subject to certain caveats);
3. That it be noted that constitutionally the remaining local authorities must consider the constitutional implications and ramifications of this, and the Joint Committee is invited to express any preliminary views in the light of these matters; and
4. That it be noted that the Monitoring Officer to PUSH will bring forward, at a future date, a further and more detailed report setting out specific recommendations for a revised joint arrangement, taking account of these changes.

Appendices: A - [Resolution of Hampshire County Council's Executive: 27 September 2010](#)
B - [Letter from Hampshire County Council dated 30/09/10](#)
C - [Letter from New Forest District Council dated 1 October 2010](#)

Background Papers: Joint Agreement relating to PUSH

Reference Papers: None

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