

Report to the Partnership for Urban South Hampshire Joint Committee

Date: **6 October 2011**

Report of: **Director of Corporate Services, Southampton City Council
(Monitoring Officer To Push)**

Subject: **Constitutional Arrangements**

SUMMARY

The purpose of this report is to update the Joint Committee following its decision on 11 January 2011 to recommend changes to the constitutional arrangements for PUSH as to the decisions reached by the relevant local authorities and the consequences of those decisions.

RECOMMENDATIONS

1. That the Joint Committee revise their recommendation in respect of revised constitutional arrangements for PUSH to those and only those recommended in the report of 11 January 2011, namely:
 - (a) *That the Joint Committee recommends that PUSH continues with revised membership from 1 April 2011;*
 - (b) *That the Joint Committee notes that the New Forest District Council having served notice have now left the Partnership for Urban South Hampshire;*
 - (c) *That the Joint Committee, having considered what future arrangements should apply for the discharge of the functions under this Agreement recommend agreeing to continue joint arrangements further to a revised Joint Agreement attached at Appendix 1 from 1 April 2011;*
 - (d) *That dependent upon the Isle of Wight Council's decision to formally confirm its previous acceptance of the invitation to join PUSH, the Monitoring Office be given delegated authority to amend the Joint Agreement accordingly to reflect that decision;*

- (e) *That the Monitoring Officer be given delegated authority to fine tune the Joint Arrangement prior to it being entered into;*
 - (f) *That Southampton be appointed as Lead Authority for financial matters in accordance with the Joint Arrangement with effect from 1 April 2011; and*
 - (g) *That the PUSH Executive Director be given delegated authority, following consultation with the Chairman of the Joint Committee to approve any other variations in services delivered to PUSH (such as HR and IT).*
2. That the issue of the veto should be the subject of further discussions at officer level between the relevant authorities, and thereafter, assuming a suitable proposal can be recommended, should be discussed by the Leaders before a further proposal is brought forward to the Joint Committee.

INTRODUCTION

1. On 11 January 2011, PUSH considered a report (attached) from the Solicitor to the Council of Southampton City Council, who acts as Monitoring Officer to PUSH, in relation to some revisions to the constitutional arrangements.
2. The Joint Committee approved the report, but in addition recommended the removal of the right of veto contained in paragraph 8.3 of the joint agreement.
3. Paragraph 8.3 of the joint agreement states:

“Decisions shall be made by simple majority vote, but must include Hampshire, Portsmouth and Southampton to be carried”.

4. The recommendation of the Joint Committee was to delete the words *“but must include Hampshire, Portsmouth and Southampton to be carried”*.

PROCESS FOR CONSTITUTIONAL CHANGE

5. The Constitution for PUSH provides that the Joint Committee may recommend changes to the joint agreement and Constitution for PUSH, but it is ultimately a matter then for each of the constituent local authorities to approve those recommendations in order that they be implemented. If one or more of the local authorities decides not to implement them, then the matter is referred back to the Joint Committee for further consideration.

THE CURRENT POSITION

6. In relation to New Forest’s decision to withdraw from PUSH, this is already covered by the existing constitutional arrangements, their withdrawal therefore, took effect and they are both no longer a member of PUSH.
7. In relation to the Isle of Wight’s notice that they would wish to join PUSH, the IOW have not as yet passed the necessary resolution to join PUSH and, therefore, they remain, as at the point of drafting this report, not legally a member of PUSH. However, all the local authorities who have considered the matter have agreed that should the Isle of Wight make the appropriate decision, then they would be prepared to accept them as a member. However, at this stage, they are not a member of PUSH.
8. Hampshire County Council has decided that they accept the changes in membership, but do not accept the proposal to remove the veto.

NEXT STEPS

9. Constitutionally, the Joint Committee now needs to consider what it should do. The PUSH executive director and Monitoring Officer have discussed the issue and recommend that:
 - a) The changes to the membership are given effect to (assuming the IoW determine to join PUSH);
 - b) In respect of the veto, this cannot be implemented without unanimity, for the reasons already stated. Therefore, there needs to be further dialogue

between the authorities to establish whether or not this is an appropriate or correct course of action and the consequences of that. Hampshire County Council has indicated their preparedness to take part in such discussions without binding themselves to any particular future outcome.

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Appendices: A: [Copy of a report considered at the meeting of the Joint Committee in January 2011.](#)

Background Papers: None

Reference Papers: None

Enquiries:

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